



# MINUTES

## OCONEE COUNTY COUNCIL

### Regular Meeting

### September 18, 2018

**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 [Ms. Cammick came in late], Interim County Administrator Rick Martin, 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.oconeesc.com/council](http://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: Norm Cannada / Daily Journal.

### **Call to Order:**

Mr. Davis called the meeting to order at 6:01 p.m.

Before the public comment session, Mr. Davis made a statement regarding the proposed animal ordinance.

### **Public Comment Session**

Ms. Jean Jennings addressed Council regarding free public transportation.

Mr. Mark Sandifer addressed Council in opposition of the proposed animal ordinance.

Ms. Laurie Collins addressed Council in support of the proposed animal ordinance and noted she thought some of these rules were already in place.

Ms. Sherri Bailey addressed Council in support of the proposed animal ordinance and noted this has nothing to do with tethering, the Oconee Humane Society or animal control. She further noted what she assumed was common knowledge was not so common and must have laws to aid our animal protectors.

Ms. Jenni Tonkin addressed Council noting she supported what Ms. Sherri Bailey expressed. She further noted there are many animals that are not being taken care of in this County and something needs to be done about this.

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Mr. Philip Chaney addressed Council regarding the lack of services in Fair Play, the Pioneer Water System, and the failure of the sewer grant.

Mr. Scott Parris, City of Walhalla, addressed Council regarding two projects, which is the [1] Walhalla-Westminster Interconnect for the Oconee Industry & Technology Park [OITP] on Hwy 11 and [2] Oconee Joint Rural Sewer Authority.

Ms. Trish Waters, AKC Legislative liaison for the Clemson Kennel Club, addressed Council regarding the proposed animal ordinance and suggested to form a committee to include someone from animal control, a veterinarian, Humane Society, etc. to address the issues.

Ms. Lois Delaney, Treasurer of the Clemson Kennel Club, addressed Council noting there are items in the proposed animal ordinance that need to be clarified and redefined.

Ms. Lynn Fayard addressed Council noting there is a misunderstanding regarding the Humane Society in Oconee County. She clarified they are the Oconee Humane Society and have no connections to the Humane Society of the United States. She further noted they work in conjunction with the Oconee County Animal Shelter and the Oconee County Animal Control.

Ms. Cammick came in during the Public Comment session.

### **County Council Response to Public Comment**

Mr. Cain noted the proposed animal ordinance has been presented numerous times and needs to be discussed at the Law Enforcement, Public Safety, Health & Welfare Committee for vetting. He further noted the ordinance that is being presented is highly controversial and is not ready to be enacted.

Ms. Cammick noted the changes to the proposed animal ordinance were referred to Sheriff Crenshaw, Shaun Honea, Director of the Animal Shelter, and Lt. Mark Lyles. She noted they vetted the changes and discussed with Mr. Root. She asked Mr. McCall if he wanted to include on his agenda with the Law Enforcement, Public Safety, Health & Welfare Committee and he noted as long as the Sheriff agreed with the changes, it could go straight to full Council for discussion.

### **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. Davis 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. Hart, approved 5 – 0, to approve the September 11, 2018 Regular meeting minutes as presented.

## Administrator's Report & Agenda Summary

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

- Second Reading of Ordinance: 2018-14, 2018-26, 2018-28, 2018-29
- First Reading of Ordinance: 2018-30, 2018-31
- Discussion Regarding Action Items
- Unfinished Business
- First & Final Resolution: 2018-11 [following Executive Session]

## Public Hearings for the Following Ordinances

None at this meeting.

## Third Reading of the Following Ordinances

None at this meeting.

## Second Reading of the Following Ordinances

**Ordinance 2018-14** "AN ORDINANCE AMENDING ARTICLE VI OF CHAPTER 32 OF THE OCONEE COUNTY CODE OF ORDINANCES, IN CERTAIN LIMITED REGARDS AND PARTICULARS ONLY, REGARDING THE DEFINITIONS CONTAINED THEREIN, WITH PARTICULAR REFERENCE BEING MADE TO THE NAMING OF SUBDIVISIONS; AND OTHER MATTERS RELATED THERETO."

Mr. Davis made a motion, seconded by Mr. Cain, to approve **Ordinance 2018-14** for second reading.

Discussion continued to include:

- Survey standards has not changed since 2008
- Planning Commission changed the subdivision naming process
- Amend sub item B to remove last sentence

Mr. Hart made a motion, seconded by Mr. McCall, to remove last sentence under Section 32-213(b) "Accuracy of plats and attendant data shall be no less that required in said manual for Class B Suburban Land Surveys" and conform to State standards.

Discussion continued:

- State standards
- City limits
- Strike last sentence in sub item B
- "Minimum Standards Manual of the Practice of Surveying in South Carolina"

Regarding the previous motion made by Mr. Hart, seconded by Mr. McCall, it was approved 5 – 0, to remove the last sentence under Section 32-213(b) "Accuracy of plats and attendant data shall be no less that required in said manual for Class B Suburban Land Surveys" and conform to State standards.

Mr. Hart made a motion, seconded by Mr. McCall, approved 5 – 0, to approve **Ordinance 2018-14** as amended.

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**Ordinance 2018-26** “AN ORDINANCE AMENDING CHAPTER 32 OF THE OCONEE COUNTY CODE OF ORDINANCES, IN CERTAIN LIMITED REGARDS AND PARTICULARS ONLY, REGARDING LAND DEVELOPMENT AND SUBDIVISION REGULATIONS, SPECIFICALLY IN RELATION TO CLARIFYING LANGUAGE RELATING TO MINIMUM LOT SIZES; AND OTHER MATTERS RELATED THERETO.”

Mr. Davis made a motion, seconded by Mr. Cain, to approve **Ordinance 2018-26** on second reading.

Discussion continued to include:

- Liability on surveyors
- Letter from the Planning Commission [copy filed with these minutes]
- DHEC

Regarding the previous motion made by Mr. Davis, seconded by Mr. Cain, it was approved 5 – 0, to approve **Ordinance 2018-26** on second reading.

**Ordinance 2018-28** “AN ORDINANCE AUTHORIZING THE TRANSFER OF COUNTY-OWNED REAL PROPERTY LOCATED ON SOUTH OAK STREET, SENECA, SOUTH CAROLINA, COMPRISING APPROXIMATELY 4.946 ACRES, TO THE SCHOOL DISTRICT OF OCONEE COUNTY; AND OTHER MATTERS RELATED THERETO.”

Mr. Davis made a motion, seconded by Mr. Hart, approved 5 – 0, to approve **Ordinance 2018-28** on second reading.

**Ordinance 2018-29** “AN ORDINANCE TO AMEND DIVISION 12, ARTICLE IV, CHAPTER 2 OF THE OCONEE COUNTY CODE OF ORDINANCES BY ADDING AN EX OFFICIO MEMBER TO THE OCONEE COUNTY AGRICULTURAL ADVISORY BOARD; AND OTHER MATTERS RELATED THERETO.”

Mr. Davis made a motion, seconded by Mr. Hart, approved 5 – 0, to approve **Ordinance 2018-29** on second reading.

### **First Reading for the Following Ordinances**

**Ordinance 2018-30** “AN ORDINANCE TO AMEND CHAPTER 4 OF THE OCONEE COUNTY CODE OF ORDINANCES, ENTITLED THE *OCONEE COUNTY ANIMAL CONTROL ACT*; AND OTHER MATTERS RELATED THERETO.”

Mr. Hart made a motion, seconded by Mr. McCall, approved 5 – 0, to refer **Ordinance 2018-30** to the Law Enforcement, Public Safety, Health & Welfare Committee.

**Ordinance 2018-31** “AN ORDINANCE AMENDING CHAPTER 38 OF THE OCONEE COUNTY CODE OF ORDINANCES, IN CERTAIN LIMITED REGARDS AND PARTICULARS ONLY, REGARDING THE I-85 OVERLAY DISTRICT WITH PARTICULAR REFERENCE BEING MADE TO CHANGES TO THE FAIRPLAY VILLAGE SUB-DISTRICT AND FAIRPLAY VILLAGE CENTER; AND OTHER MATTERS RELATED THERETO.”

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Mr. Hart made a motion, seconded by Mr. Davis, to approve **Ordinance 2018-31** on first reading.

Mr. Adam Chapman, Oconee County Planner, addressed Council highlighting the following:

- Citizen approached the Planning Department to inquire about expanding a business inside the Fair Play overlay subdivision
- Various restrictions
- Overlay
- Expansion of an existing business
- If approved on first reading, will need to be referred to Planning Commission
- Zoning
- Report will need to be completed by Planning Commission and given to Council before third reading

Regarding the previous motion made by Mr. Hart, seconded by Mr. Davis, it was approved 5 – 0, to approve **Ordinance 2018-31** on first reading.

## **Discussion Regarding Action Items**

### **Komatsu Rigid Frame Back-Dump Truck / Quarry / \$519,031.00**

**Budget:** \$800,000.00 / **Project Cost:** \$519,031.00 / **Balance:** \$280,969.00

This purchase is for a new Komatsu HD325-8, a 40 ton off-road, rigid frame, back-dump truck for the Quarry. This truck will be a new addition and will be used in the daily operations of the Quarry to haul rock products. The Quarry currently has one Terex 40 ton truck and two Komatsu 40 ton trucks. The Quarry researched comparable Caterpillar and Terex trucks similar in size, and concluded that the Komatsu truck is the best fit for the Quarry and the least expensive. To keep maintenance and repair issues minimized and to utilize existing parts inventory, a replacement truck should only be Komatsu or Terex brand. This new truck comes with a 2000 hour/3 year warranty and will be serviced by Linder Industrial Machinery.

It is the staff's recommendation that Council approve the purchase of a 2018 Komatsu Back-Dump Truck from Linder Industrial Machinery of Greer, SC, in the amount of \$519,031.00.

Mr. Hart made a motion, seconded by Mr. McCall, approved 5 – 0, to approve the purchase of a 2018 Komatsu Back-Dump Truck from Linder Industrial Machinery of Greer, SC, in the amount of \$519,031.00.

## **FY 2018/ 19 EDA Disaster and SCRIA Funding Commitment by Oconee County for the City of Walhalla, Walhalla-Westminster Interconnection Project**

- The City of Walhalla will be submitting for EDA Disaster Recovery grant funding to enable the construction of water service infrastructure, connecting the City of Westminster and the City of Walhalla in areas adjacent to the Oconee Industry & Technology Park (OITP) (the "Project").
- EDA Disaster Recovery grant funding will be 71% of the total cost of this \$663,300 project - approximately \$ 473,600.
- SCRIA grant funding will be 18% of the total cost of this project, approx. \$ 118,400.
- Requesting the County to provide 11% of the total cost for engineering, totaling up to \$71,000. These funds will be covered in the Economic Development Fund.

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It is staff's recommendation that Council approve the expenditure of \$ 71,000, to be designated to pay for engineering costs for the City of Walhalla's Walhalla-Westminster Interconnection Project. An Ordinance to this effect will be forthcoming if Council approves this Project.

Mr. Davis made a motion, seconded by Mr. Hart, to approve the expenditure of \$ 71,000, to be designated to pay for engineering costs for the City of Walhalla's Walhalla-Westminster Interconnection Project. An Ordinance to this effect will be forthcoming if Council approves this Project.

Mr. Root addressed Council highlighting the following:

- Voted previously to fund this project as a grant match
- At that time, funds were not in the Economic Development fund
- Vote was to put the funds in for a grant match with the understanding a budget transfer was to effect this
- Funds are now in the Economic Development fund
- Motion to rescind prior action and fund for \$71,000 for engineering costs
- No further ordinances or actions are necessary

Mr. Davis made a motion, seconded by Mr. McCall, approved 5 – 0, to rescind the previous action and fund the expenditure of \$71,000 for engineering costs from the Economic Development fund with no further ordinances or actions necessary.

### **FY 2018/19 EDA Disaster and SCRIA Funding Commitment by Oconee County for the Oconee Joint Rural Sewer Authority, Sewer South Phase 2 Project**

- The Oconee Joint Rural Sewer Authority (OJRSA) will be submitting for an EDA Disaster Recovery and SCRIA grant funding to enable the construction of extending sewer service infrastructure , connecting the Golden Corner Commerce Park pump station to the Village of Fair Play, on to Exit #2/I-85 and on to Exit #1/I-85 (the "Project").
- EDA Disaster Recovery grant funding will be 71% of the total cost of this \$5,291,130 project - approximately \$ 3,742,264.
- SCRIA grant funding will be 18% of the total cost of this project, approx. \$935,566.
- Requesting the County to provide 11% of the total cost for engineering, totaling up to \$613,300. These funds will be covered in the Economic Development Fund.

It is staff's recommendation that Council approve the expenditure of \$613,300, to be designated to pay for engineering for the OJRSA's Sewer South Phase 2 Project. An Ordinance to this effect will be forthcoming if Council approves this Project.

Ms. Davis made a motion, seconded by Mr. Hart, to approve the expenditure of \$613,300, to be designated to pay for engineering for the OJRSA's Sewer South Phase 2 Project. An Ordinance to this effect will be forthcoming if Council approves this Project.

Mr. McCall asked if this action should be postponed until after Executive Session. Mr. Root noted the

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appropriate motion would be to postpone until after Executive Session and after action on Resolution 2018-11, if any, which takes a two-thirds majority.

Mr. McCall made a motion, seconded by Mr. Davis, approved 5 – 0, to postpone FY 2018/19 EDA Disaster and SCRIA Funding Commitment by Oconee County for the Oconee Joint Rural Sewer Authority, Sewer South Phase 2 Project until after Executive Session and after action on Resolution 2018-11.

### **Local ATAX Grants / Fall 2018 Cycle / \$50,200**

Beginning Local ATAX balance \$271,770

If all grants/projects approved/new balance will be: \$221,570

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.

Mr. Davis made a motion, seconded by Mr. Cain, to approve the Local ATAX Grants for the Fall 2018 Cycle in the amount of \$50,200.

Per Mr. Hart, Mr. Phil Shirley, Parks, Recreations, & Tourism [PRT] Director, addressed Council highlighting the following:

- Local ATAX Grants worksheet [copy filed with these minutes]
- 8 applicants requesting grants
- PRT Internal Projects

Regarding the previous motion made by Mr. Davis, seconded by Mr. Cain, it was approved 5 – 0, to approve the Local ATAX Grants for the Fall 2018 Cycle in the amount of \$50,200.

### **Unfinished Business**

Mr. McCall asked what the progress was on the mosquito information. Mr. Martin noted they have looked into applying for grants for recycling tires, spoke with Solid Waste Department as well as other departments regarding picking up old tires, and Planning Commission is working on a couple of items as well.

Discussion continued to include:

- Starting January 1<sup>st</sup>, tires will be taken to the Solid Waste Department
- Promote tire cleanup along with the Utica Cleanup and waive fee for tires
- Tire recycling
- Employees at the convenience center and the handicap
- Some of the information that was told to the employees was not true
- Help senior citizens and handicap if needed
- Removed all signs regarding Ordinance that will go into effect on January 1<sup>st</sup>
- Tipping fees
- Recycling glass

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- Fair Play Youth Center

### **Executive Session:**

Mr. Hart made a motion, seconded by Mr. Davis, approved 5 – 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] Receive legal advice and discuss a contractual matter regarding the Sewer South Transfer and Operation Agreement with the Oconee Joint Regional Sewer Authority.*

*[2] Receive legal advice and discuss employment matter related to hiring of County Administrator, including candidate interviews.*

Mr. Root noted the caption of item #1 under Executive Session would need to be amended to include “potential grant agreement” in the event both issues discussed.

Mr. Cain made a motion, seconded by Mr. Davis, approved 5 – 0, to amend #1 under Executive Session to state “Receive legal advice and discuss a contractual matter regarding the Sewer South Transfer and Operation Agreement **and potential grant agreement** with the Oconee Joint Regional Sewer Authority.”

Council entered Executive Session at 7:12 p.m.

Council returned from Executive Session at 8:14 p.m. on a motion made by Mr. Davis, seconded by Mr. Hart, approved 5 – 0.

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

*[#1] Mr. Cain made a motion, seconded by Mr. Davis, approved 5 – 0, to direct the County Attorney to further negotiate the Sewer South Transfer and Operation agreement as discussed.*

*[#2] Mr. Davis made a motion, seconded by Mr. Cain, approved 5 – 0, to direct County Attorney and staff to invite candidates #1, #3, #5, #8, & #9 for in person interviews.*

### **First & Final Reading for the Following Resolutions**

**Resolution 2018-11** “A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN INTERGOVERNMENTAL TRANSFER AND OPERATION AGREEMENT BETWEEN OCONEE COUNTY AND THE OCONEE JOINT REGIONAL SEWER AUTHORITY IN RELATION TO THE SEWER SYSTEM EXTENDING BETWEEN THE GOLDEN CORNER COMMERCE PARK AND THE CONERROSS CREEK SEWER TREATMENT PLANT; AND OTHER MATTERS RELATED THERETO.”

Mr. Cain made a motion, seconded by Mr. Davis, approved 5 – 0, to postpone **Resolution 2018-11** until the next meeting.

### **Discussion Regarding Action Items**

*Action Item was approved to postpone earlier in the meeting until after Executive Session*

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- Requesting the County to provide 11% of the total cost for engineering, totaling up to \$613,300. These funds will be covered in the Economic Development Fund.

It is staff's recommendation that Council approve the expenditure of \$613,300, to be designated to pay for engineering for the OJRSA's Sewer South Phase 2 Project. An Ordinance to this effect will be forthcoming if Council approves this Project.

Mr. Cain made a motion, seconded by Mr. Davis, approved 5 – 0, to approve the expenditure of \$613,300 for engineering fees from the Economic Development fund contingent upon the County reaching an agreement with the Sewer Authority on the Transfer Agreement.

### **Adjourn:**

Mr. Cain made a motion, approved unanimously, to adjourn at 8:16 p.m.

Respectfully Submitted:

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Katie D. Smith  
Clerk to Council