



MINUTES

OCONEE COUNTY COUNCIL

Regular Meeting

September 3, 2019

MEMBERS, OCONEE COUNTY COUNCIL
Mr. John Elliott, Chair Pro Tem, District I
Mr. Paul Cain, Vice Chair, District III
Mr. Julian Davis III, Chairman, District IV
Mr. Glenn Hart, District V
Mr. Wayne McCall, District II

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, 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]. In addition it was made available [*upon request*] to the newspapers, radio stations, television stations and concerned citizens.

Members of the press present: Caitlin Herrington / Daily Journal & Jimmy Watt / WGOG

Call to Order:

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

Public Comment Session

Mr. Matt Durham addressed Council regarding Oconee County's future and the Oconee Nuclear Station.

Ms. Jean Jennings addressed Council regarding the extension at the Oconee County Airport and the discussions at the Law Enforcement, Public Safety, Health & Welfare meeting regarding plastics and an assisted living facility in Oconee County that was held prior to the County Council meeting.

Sheriff Crenshaw addressed Council introducing the newest K-9 Thor, who is an explosives canine, and his handler, Master Deputy Justin Stokes.

Mr. Tony Adams addressed Council regarding the Oconee Joint Regional Sewer Authority [OJRSA] rebate to the three surrounding cities.

Mr. Jerry Barnett addressed Council regarding the Commissioning of Code Enforcement Officers for Oconee County.

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Minister Paula B. Henderson, Clerk of the Mt. Nebo Baptist Church, addressed Council regarding Mt. Nebo Church Road and the Oconee County Airport. She asked Council if there was a five year, ten year, 15 year, or 20 year plan and what are the plans for the Mt. Nebo Baptist Church.

County Council Response to Public Comment

Mr. Hart noted the definition of transparency and asked why did we wait until 10 days before we have to apply for the grant and why wasn't this brought up in June or July?

Mr. McCall asked Ms. Brock if she had spoken with anyone from the church. Ms. Brock noted she met with one gentleman at the church.

Ms. Brock noted she researched the original vote to approve the engineering and relocation services for this road, which was in August of 2018, and was approved unanimously and that the due-diligence had been completed.

Mr. McCall noted he is in support of the Oconee County Airport but the citizens of the church have a right to be heard.

Mr. Davis noted he has reviewed the backup materials and there are not any changes to the church itself and is outside of the zone that would be considered anything to do with a departure. He further noted the church has not been in any plans of buying the property, tearing down the property, etc.

Mr. Davis allowed Minister Paula B. Henderson to address Council.

Minster Henderson noted the question that was asked earlier was is there a five year, ten year, 15 year, or 20 year plan. She further noted that when planning starts, it is not just month to month but rather year to year. Additionally, she noted if planes start going over they could be in service or it could start to rock their foundation.

Lengthy discussion followed.

Per Mr. Cain, Mr. Joseph J. Barkevich, AICP with WK Dickson, addressed Council noting this is a safety project and a capacity project for expansion. When one or more aircraft come in and visit at game times, peak times, etc. they have to be parked somewhere and there is no place for them to be parked. He further noted in any five- to 20-year plan, there is no expected impact on the property of the church in any way. Discussion continued.

Moment of Silence

Mr. Davis asked for a moment of silence prior to the Invocation by the County Chaplain.

Invocation by County Council Chaplain:

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

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Pledge of Allegiance:

Mr. Elliott 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. Elliott, approved 5 – 0 to approve the August 20, 2019 Regular Minutes as presented.

Administrator's Comments

None at this meeting.

Presentation to Council

Sheriff Mike Crenshaw, Oconee County Sheriff's Office, addressed Council utilizing a PowerPoint presentation entitled "Update on Crime Data for Oconee County" [copy filed with backup materials] and gave a brief presentation.

Mr. Elliott thanked the Oconee County Sheriff's Office, Oconee County Solicitor's Office, and the other law enforcement agencies in Oconee County for all of their hard work.

Mr. McCall noted this was a good presentation and noted the pain clinics are closing and if we don't treat the people that are addicted to pain pills, they will be supporting their habit by committing crimes. He further noted that as a Council, we need to look at our spending priorities and give more support to the Sheriff's Office.

Mr. Davis noted he appreciated what the Sheriff's Office was doing and appreciate Council continuing to put raises in the budget. He further noted he appreciated the partnership with the Oconee County Solicitor's Office.

Per Mr. Davis, Mr. David Wagner, Oconee County Solicitor, addressed Council noting things are going well in Oconee County and noted it was encouraging to see trends going back down. He further noted the system working together in Oconee County is much better than what he has seen in other places.

Mr. Cain thanked Sheriff Crenshaw for all of his work and has enjoyed working with him over the past few years and hopes to continue working with him. He further noted that with the raises, it keeps people in place so we do not become a training ground for other law enforcement agencies.

Public Hearings for the Following Ordinances

Ordinance 2019-18 "AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A REAL PROPERTY LEASE AGREEMENT BETWEEN OCONEE COUNTY AS LESSOR AND TRI-COUNTY ENTREPRENEURIAL DEVELOPMENT CORPORATION AS LESSEE FOR CERTAIN REAL PROPERTY, INCLUDING CERTAIN IMPROVEMENTS THEREON, LOCATED AT 104 BROWN SQUARE DRIVE, WALHALLA, SOUTH CAROLINA; AND OTHER MATTERS RELATED THERETO."

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Mr. Davis opened the floor for Public Comment.

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

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

Mr. Davis closed the Public Hearing regarding **Ordinance 2019-18**.

Ordinance 2019-19 “AN ORDINANCE AUTHORIZING THE CONVEYANCE OF EASEMENT RIGHTS FOR THE PURPOSE OF UTILITY CONSTRUCTION AT THE OCONEE INDUSTRY AND TECHNOLOGY PARK; AND OTHER MATTERS RELATED THERETO.”

Mr. Davis opened the floor for Public Comment.

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

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

Mr. Davis closed the Public Hearing regarding **Ordinance 2019-19**.

Third Reading of the Following Ordinances

Ordinance 2019-18 [see caption above]

Mr. Elliott made a motion, seconded by Mr. Hart, approved 5 – 0, to approve **Ordinance 2019-18** on third & final reading.

Ordinance 2019-19 [see caption above]

Mr. Hart made a motion, seconded by Mr. Cain, approved 5 – 0, to approve **Ordinance 2019-19** on third & final reading.

Second Reading of the Following Ordinances

Ordinance 2019-21 “AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN AMENDED FEE AGREEMENT BETWEEN OCONEE COUNTY AND ACI PLASTICS SOUTH, LLC, INCLUDING THE INCLUSION OF ACI PROPERTIES SOUTH, LLC, AND GREENCYCLE U.S. HOLDING, INC. AS CO-SPONSORS, AND AMENDING THE FEE AGREEMENT DATED AS OF OCTOBER 1, 2014; AND OTHER MATTERS RELATED THERETO.”

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Mr. Cain made a motion, seconded by Mr. Elliott, approved 5 – 0, to postpone **Ordinance 2019-21** on second reading.

First Reading for the Following Ordinances

Ordinance 2019-20 “AN ORDINANCE AUTHORIZING AND CONSENTING TO OR RATIFYING THE ASSIGNMENT AND ASSUMPTION OF AN INTEREST IN THAT CERTAIN FEE AGREEMENT DATED AS OF MARCH 1, 2008, SUCH ASSIGNMENT FROM LIFT, LLC, AND SUCH ASSUMPTION BY LIFT TECHNOLOGIES, INC., AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN AGREEMENT MEMORIALIZING SUCH ASSIGNMENT AND ASSUMPTION, AND CONSENT OR RATIFICATION, AND AN AMENDMENT TO THE FEE AGREEMENT; AND OTHER MATTERS RELATED THERETO.”

Mr. Cain made a motion, seconded by Mr. Elliott, approved 5 – 0, to approve **Ordinance 2019-20** on first reading.

First & Final Reading of the Following Resolutions

Resolution 2019-17 “A RESOLUTION APPOINTING AND COMMISSIONING MICHAEL A. STEVENS AS A CODE ENFORCEMENT OFFICER FOR THE PROPER SECURITY, GENERAL WELFARE, AND CONVENIENCE OF OCONEE COUNTY; AND OTHER MATTERS RELATED THERETO.”

Mr. McCall made a motion, seconded by Mr. Elliott, to approve **Resolution 2019-17** on first & final reading.

Per Mr. McCall, Ms. Brock noted the Code Enforcement Officers would not be carrying a gun.

Regarding the previous motion made by Mr. McCall, seconded by Mr. Elliott, it was approved 5 – 0, to approve **Resolution 2019-17** on first & final reading.

Resolution 2019-18 “A RESOLUTION APPOINTING AND COMMISSIONING AMANDA R. ISLER AS A CODE ENFORCEMENT OFFICER (PARK RANGER) FOR THE PROPER SECURITY, GENERAL WELFARE, AND CONVENIENCE OF OCONEE COUNTY; AND OTHER MATTERS RELATED THERETO.”

Mr. Cain made a motion, seconded by Mr. Elliott, to approve **Resolution 2019-18** on first & final reading.

Per Mr. McCall, Ms. Brock noted again the Code Enforcement Officers would not be carrying a gun.

Regarding the previous motion made by Mr. Cain, seconded by Mr. Elliot, it was approved 5 – 0, to approve **Resolution 2019-18** on first & final reading.

Discussion Regarding Action Items

Request for Council’s approval to commit matching funds, not to exceed \$63,766.00 toward the Federal Aviation Administration (FAA) Airport Grant Offer for Airport

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Improvement Project (AIP) No. 3-45-0016-026-2019 and authorize the County Administrator to accept and execute the corresponding FAA Grant Offer / Oconee County Airport / Approximately \$63,766.00

The total amount of the West Terminal Apron Expansion Site Prep project is \$1,275,316.00. The FAA offers and agrees to pay ninety (90) percent of the allowable costs incurred accomplishing this Project, up to \$1,147,784.00. Oconee County's matching share of Grant 3-45-0016-026-2019 is five (5) percent of the costs of the West Terminal Apron Expansion Site Prep Project, or approximately \$63,766.00. The South Carolina Aeronautics Commission (SCAC) will match the remaining five (5) percent.

Funding for this project will be sourced from the Oconee County Capital Projects Fund (012 Fund)

It is the staff's recommendation that Council authorize County Administrator Amanda Brock to accept and execute the Federal Aviation Administration (FAA) Grant Offer for the Airport Improvement Program (AIP) Project No. 3-45-0016-026-2019 and commit approximately \$63,766.00 in matching funds.

Mr. Elliott made a motion, seconded by Mr. Cain, approved 4 – 1 [Mr. Hart opposed] to authorize County Administrator Amanda Brock to accept and execute the Federal Aviation Administration (FAA) Grant Offer for the Airport Improvement Program (AIP) Project No. 3-45-0016-026-2019 and commit approximately \$63,766.00 in matching funds.

Request for Council's approval to commit matching funds, not to exceed \$60,374.00 toward the Federal Aviation Administration (FAA) Airport Grant Offer for Airport Improvement Project (AIP) No. 3-45-0016-025-2019 and authorize the County Administrator to accept and execute the corresponding FAA Grant Offer / Oconee County Airport / Approximately \$60,374.00

The total amount of the Mt. Nebo Church Road Relocation Project will be \$1,207,469.00. The FAA offers and agrees to pay ninety (90) percent of the allowable costs incurred accomplishing this Project, up to \$1,086,721.00. Oconee County's matching share of Grant 3-45-0016-025-2019 is five (5) percent of the costs of the (Mt.) Nebo Church Road Relocation Project, or approximately \$60,374.00. The South Carolina Aeronautics Commission (SCAC) will match the remaining five (5) percent.

Funding for this project will be sourced from the Oconee County Capital Projects Fund (012 Fund)

It is the staff's recommendation that Council authorize County Administrator Amanda Brock to accept and execute the Federal Aviation Administration (FAA) Grant Offer for the Airport Improvement Program (AIP) Project No. 3-45-0016-025-2019 and commit approximately \$60,374.00 in matching funds.

Mr. Elliott made a motion, seconded by Mr. Cain, to authorize County Administrator Amanda Brock to accept and execute the Federal Aviation Administration (FAA) Grant Offer for the Airport Improvement Program (AIP) Project No. 3-45-0016-025-2019 and commit approximately \$60,374.00 in matching funds.

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Discussion continued to include:

- Removes road that is in current violation of the FAA regulation
- Provides a means of ingress and egress for the church
- Engineering that was approved in August of 2018 is what produced the drawing
- Public hearings

Regarding the previous motion made by Mr. Elliott, seconded by Mr. Cain, it was approved 4 – 1 [Mr. Hart opposed] to authorize County Administrator Amanda Brock to accept and execute the Federal Aviation Administration (FAA) Grant Offer for the Airport Improvement Program (AIP) Project No. 3-45-0016-025-2019 and commit approximately \$60,374.00 in matching funds.

Request for Council’s approval to commit matching funds, not to exceed \$105,089.18, toward the Federal Aviation Administration (FAA) Airport Grant Offer, approve the award of bid ITB 18-06 to J. Davis Construction, Inc. in the amount of \$2,101,783.46, with a contingency of \$210,178.34, and authorize the County Administrator to approve any change orders within the contingency amount, if necessary / Oconee County Airport / \$105,089.18

Budget: \$105,089.18 / Project Cost: \$105,089.18 / Balance: \$0.00
Funding will be sourced from Fund 260 – Road Maintenance Millage

This construction contract consists of furnishing all labor, materials and equipment for the demolition of Nebo Church Road, the construction of the realigned Nebo Church Road and the site preparation for the future concrete apron for the West apron at the Oconee County Regional Airport. Currently, vehicles traversing the elevated terrain on Nebo Church road pose variable part 77 (Objects affecting navigable airspace) penetration affecting aircraft arriving Runway 7 and departing Runway 25. Nebo Church Road is an obstruction as per the South Carolina Aeronautics and a liability for the County. On peak traffic days, the Oconee Airport runs out of apron space to park aircraft; thus poses the need for preparations to extend the west apron.

It is the staff’s recommendation that Council [1] approve the award of bid ITB 18-06 to J. Davis Construction, Inc., of Westminster, SC in the amount of \$2,101,783.46, with a 10% contingency of \$210,178.34 for a total award of \$2,311,961.80 and [2] authorize the County Administrator to approve any Change Orders within the contingency amount.

Mr. Davis recused himself from the vote [copy of recusal filed with these minutes]. Mr. Cain, Vice Chairman of Council, called this item for discussion and approval.

Mr. Elliott made a motion, seconded by Mr. McCall, to [1] approve the award of bid ITB 18-06 to J. Davis Construction, Inc., of Westminster, SC in the amount of \$2,101,783.46, with a 10% contingency of \$210,178.34 for a total award of \$2,311,961.80 and [2] authorize the County Administrator to approve any

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Change Orders within the contingency amount.

Discussion continued to include:

- J. Davis is a general contractor, not road construction
- Letter from engineering and consulting firm for the contract award recommendation to J. Davis Construction [copy filed in backup materials]
- Federal Government FY ends on September 30th; if they have funds left from unpaid AIP's throughout the State and there is an eligible airport for those AIP's, it is a scramble to get the grant together to get the funding to get it approved

Regarding the previous motion made by Mr. Elliott, seconded by Mr. McCall, it was approved 3 – 1 [Mr. Davis recused; Mr. Hart opposed] to [1] approve the award of bid ITB 18-06 to J. Davis Construction, Inc., of Westminster, SC in the amount of \$2,101,783.46, with a 10% contingency of \$210,178.34 for a total award of \$2,311,961.80 and [2] authorize the County Administrator to approve any Change Orders within the contingency amount.

Council Committee Reports

Mr. Cain read from a prepared statement [copy filed with backup materials] outlining the discussions held at the June 4, 2019 & August 20, 2019 Planning & Economic Development Committee.

Mr. Davis made a motion, seconded by Mr. Elliott, approved 4 – 1 [Mr. McCall abstained] to affirm the motion from the Planning & Economic Development Committee to refer to full Council for submission of an RFP for a vendor to complete an Economic Impact Study for the two opportunity zones in Oconee County.

Mr. Davis read from a prepared statement [copy filed with backup materials] outlining the discussions held at the June 4, 2019 Real Estate, Facilities, & Land Management Committee.

Mr. McCall read from a prepared statement [copy filed with backup materials] outlining the discussions held at the July 16, 2019 Law Enforcement, Public Safety, Health & Welfare Committee.

Board & Commission Appointments

No questionnaires were submitted for the 1 At Large seat.

Unfinished Business

None at this meeting.

New Business

None at this meeting.

Executive Session:

Mr. Cain made a motion, seconded by Mr. Elliott, 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] Discuss personnel matter related to complaint of citizen, Donald Sears, against the County

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Administrator.

[2] To discuss a contractual matter related to the Oconee County Property Preservation and Conservation of land.

Council entered Executive Session at 7:51 p.m.

Council returned from Executive Session at 8:30 p.m. on a motion made by Mr. Cain, seconded by Mr. Elliott, approved 5 – 0.

Mr. Davis stated that no action was taken in Executive Session.

Adjourn:

Mr. Hart made a motion, approved unanimously, to adjourn at 8:30 p.m.

Respectfully Submitted:

Katie D. Smith
Clerk to Council

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OCONEE COUNTY COUNCIL
RECUSAL FORM

Council Member Name: Julian Davis, III
(Please Print)

Council Member Signature: [Handwritten Signature]

Meeting Date: 9.3.2019

Item for Discussion/Vote: Request for Council's approval to commit matching funds, not to exceed \$105,089.18 toward the Federal Aviation Administration (FAA) Airport Grant offer, approve the award of bid

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

I have a personal/familial interest in the issue.

Other: FAMILY. NO

NO Financial Interest in business

[Handwritten Signature]
Katie Smith
Clerk to Council

ITB 18-06 to J. Davis Construction, Inc. in the amount of \$2,101,733.46, with a contingency of \$210,173.34, and authorize the County Administrator to approve any change orders within

[This form to be filed as part of the permanent record of the meeting.]

The contingency amount, if necessary



OCONEE COUNTY COUNCIL
RECUSAL FORM

Council Member Name: Wayne McCall
[Please Print]

Council Member Signature: [Handwritten Signature]

Meeting Date: 09-03-2019

Item for Discussion/Vote: Affirm the motion from the Planning & Economic Development Committee to refer to full Council for submission of an RFP for a vendor to complete an Economic Impact Study

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

I have a personal/familial interest in the issue.

Other: _____

Katie D. Smith
Katie Smith
Clerk to Council

for the two opportunity zones in Oconee County.