



# MINUTES

## OCONEE COUNTY COUNCIL

### Regular Meeting

### June 2, 2020

**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](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: Jerry Edwards, Caitlin Herrington, & Robert Benson / The Journal

### **Call to Order:**

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

### **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, Katie Smith at [ksmith@oconeesc.com](mailto:ksmith@oconeesc.com) or 864-718-1023, so that she may receive your comment and read it into the record. [No citizen contacted the Clerk to Council to provide a written comment for the Public Comment Session.]*

Mr. Jerry Barnett addressed Council noting the great job Ms. Brock did in the aftermath of the tornado and thanked her for all she did and also spoke about the makeup of the Planning Commission.

Mr. Mike Smith addressed Council regarding the lack of availability of high speed internet in the rural areas and some of the urban areas.

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

Mr. Elliott commended the deputies from the Sheriff's Office that was handing out popsicles and water at the demonstration in Seneca on June 1, 2020.

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## **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.

## **Pledge of Allegiance:**

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

## **Approval of Minutes**

Mr. Hart made a motion, seconded by Mr. Cain, approved 5 – 0, to approve the May 19, 2020 Regular Minutes as presented.

## **Administrator's Comments**

Ms. Brock updated Council regarding the following:

- Approximately 400 acres for Council consideration and approval for conservation easements in Oconee County
- Change order for the final initial ADA upgrades for High Falls and Chau Ram County Parks

## **Attorney's Comments**

Mr. Root updated Council regarding the following:

- Take amendments to Ordinance 2020-01 to have it reflect the current year's budget
- Motion to postpone 2<sup>nd</sup> reading of Ordinance 2020-01

## **South Carolina Association of Counties [SCAC]**

Mr. Timothy Winslow, Executive Director of SCAC & Mr. Josh Rhodes, Deputy Executive Director and General Counsel of SCAC, addressed Council utilizing a handout entitled "A Report For Oconee County" [copy filed with backup materials] and gave a brief presentation.

## **Discussion Regarding Action Items**

## **Discussion and actions regarding the Oconee County Rock Quarry, Quarry Operations, Quarry Pricing, and related matters**

Ms. Brock addressed Council utilizing a PowerPoint presentation and handout entitled "Oconee Rock Quarry: Then and Now" [copies of both filed with backup materials] and gave a brief presentation.

Lengthy discussion followed with various opinions expressed.

## **Public Comment Session**

*[Limited to three (3) minutes per person.]*

*Public Comment regarding the Rock Quarry will be limited to 3 minutes per person. Any additional comments*

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*may be made during the public comment session at the beginning of the meeting. If you have a comment you would like to submit, please contact our Clerk to Council, Katie Smith, at [ksmith@oconeesc.com](mailto:ksmith@oconeesc.com) or 864-718-1023 or the County Administrator, Amanda Brock, at [abrock@oconeesc.com](mailto:abrock@oconeesc.com) or 864-903-5179 so that they may receive your comment and read it into the record. [No citizen contacted the Clerk to Council to provide a written comment for the Public Comment Session.]*

Mr. Jerry Barnett addressed Council giving his past career history and noted there needs someone at the Rock Quarry to be in charge and not micromanaged.

Mr. Gary Wood addressed Council noting he did not have an issue with the employees, equipment was breaking, stockpile rock, and communication.

Mr. Richard Marcengill addressed Council noting the equipment being down, rescreening stockpile stone, did not have an issue with the employees, a surcharge for out of county trucks, and long wait times.

Mr. Randy Cobb addressed Council noting the employees were not the problem and they have helped him over the years, equipment is going to break down but it's a consistency of how long does it stay broke down, need reliability and dependability, and the warranty.

Mr. Mickey Kerr, Rock Quarry Manager, addressed Council noting County taxes do not pay the Quarry, new equipment is computerized, defending his employees and the County, governed by Federal Government and can only run for 8 hours, demand of rock, and overtime.

Mr. Tom Markovich addressed Council noting charging more money for people from outside of the County would be an error. He noted he has been doing business in the County for 42 and years and has used Oconee County stone in Anderson, Pickens, Greenville, and North Carolina.

Mr. Billy Buchanan, Rock Quarry Crew Leader, addressed Council noting this type of equipment is all over Europe and also the crushers are in use in this Country but in stationary form. He also noted if there was a catastrophic failure, they can replace a piece of it, not the whole equipment. Further, he noted they have had two major issues of down time. He noted the old equipment would make approximately 350 tons an hour and for the first four months of the year, they have made approximately 485 tons an hour.

## **BREAK**

Council took a five-minute break from 8:11 p.m. to 8:16 p.m.

Mr. Cain thanked the staff at the Rock Quarry for what they have done and continue to do with the new equipment. He further noted there are some issues but have full faith in the employees that they will be resolved. Additionally, he noted we need to be competitive on pricing if the rock is getting sold to people who do not live and operate a business in Oconee County and are coming because we have the lowest prices.

Mr. Hart noted he was receiving phone calls regarding the Rock Quarry and if the issues were getting resolved, that was the main objective.

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## OCCB FUNDING APPROVAL REQUESTS

Mr. Elliott noted there had been some questions from the public regarding where the funds come from for the Oconee Conservation Bank Board [OCCB]. He noted the funds are private donations and a lot of it came from Duke Energy when we relicensed their nuclear plant. He clarified that this was not taxpayer funds that is being used to buy land for conservation purposes.

Mr. Andrew Smith, Chairman of OCCB, addressed Council regarding the OCCB funding approval requests and gave a brief description of each property using the Sec. 2-404(b)(4) Findings form [copy filed with backup materials]. He noted the OCCB has been in existence for several years and in 2016 we received a \$600,000.00 grant from Duke Energy and have had a few small donations. He further noted they have started getting interest on the money last year and have made \$10,000 in interest and is not taxpayer money. Additionally, he noted it is for the benefit of the citizens of Oconee County and all the funds goes towards conservation and is to conserve land. Discussion continued.

### **Cliff's Timber, LLC Chapman Bridge Oconee Bell Preserve – 220 acres – Oconee County Conservation Bank Board Fee Simple Purchase**

OCCB unanimously approved on Tuesday, May 19, 2020 for Council to approve funding in the amount of \$88,000 or 10% of the appraised value, whichever is less, for a fee simple purchase to Naturaland Trust.

Mr. Hart made a motion, seconded by Mr. McCall, approved 5 – 0, to approve funding in the amount of \$88,000 or 10% of the appraised value, whichever is less, for a fee simple purchase to Naturaland Trust.

### **Morris Family Revocable Trust – 26.26 acres – Oconee County Conservation Bank Board Conservation Easement**

OCCB unanimously approved on Tuesday, May 19, 2020 for Council to approve funding in the amount of \$12,500 for a conservation easement to Upstate Forever.

Mr. Hart made a motion, seconded by Mr. Elliott, approved 5 – 0, to approve funding in the amount of \$12,500 for a conservation easement to Upstate Forever.

### **Gary Lyle – 165.89 acres – Oconee County Conservation Bank Board Conservation Easement**

OCCB unanimously approved on Tuesday, May 19, 2020 for Council to approve funding in the amount of \$45,000 or 10% of the appraised value, whichever is less, for a conservation easement to Oconee Soil & Water Conservation District.

Mr. Hart made a motion, seconded by Mr. McCall, approved 5 – 0, to approve funding in the amount of \$45,000 or 10% of the appraised value, whichever is less, for a conservation easement to Oconee Soil & Water Conservation District.

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Mr. Smith wrapped up his presentation noting the OCCB is paying approximately \$350.00 an acre to conserve property, with the land owners noting they are going to donate the remaining or getting a grant from the SC Conservation Bank or other sources. He further noted the board members are Ms. Frances Rundlett, Mr. Frank Ables, who just resigned, Mr. Ryan Keese, Ms. Emily Hitchcock, Mr. Andrew Smith, Mr. Marvin Prater, and Ms. Laura Havran.

### **Public Hearings for the Following Ordinances**

*If you are not able to attend in person and you would like to be heard during the public hearing, please contact Katie Smith at [ksmith@oconeesc.com](mailto:ksmith@oconeesc.com) or 864-718-1023 so that she may coordinate your participation by telephone.*

No citizen contacted the Clerk to Council to provide a written comment for the Public Hearing Session.

**Ordinance 2020-13** “AN ORDINANCE DIRECTING THAT THE IMPLEMENTATION OF REAL PROPERTY REASSESSMENT IN OCONEE COUNTY BE DELAYED FOR ONE (1) YEAR, AS AUTHORIZED BY STATUTE; AND OTHER MATTERS RELATED THERETO.”

Mr. Davis opened the floor for Public Comment.

Mr. Davis noted that no citizens called or sent an email to the Clerk to Council to sign up to address Council and noted 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 2020-13**.

### **Third Reading of the Following Ordinances**

**Ordinance 2020-13** *[see caption above]*

Mr. Hart made a motion, seconded by Mr. Elliott, approved 5 – 0, to approve **Ordinance 2020-13** on third & final reading.

### **Second Reading of the Following Ordinances**

**Ordinance 2020-01** “AN ORDINANCE TO ESTABLISH THE BUDGET FOR OCONEE COUNTY AND TO PROVIDE FOR THE LEVY OF TAXES FOR ORDINARY COUNTY PURPOSES, FOR THE TRI-COUNTY TECHNICAL COLLEGE SPECIAL REVENUE FUND, FOR THE EMERGENCY SERVICES PROTECTION SPECIAL REVENUE FUND, FOR THE ROAD MAINTENANCE SPECIAL REVENUE FUND, FOR THE BRIDGE AND CULVERT CAPITAL PROJECT FUND, FOR THE ECONOMIC DEVELOPMENT CAPITAL PROJECT FUND, FOR THE DEBT SERVICE FUND, FOR THE VICTIM SERVICES SPECIAL REVENUE FUNDS, FOR THE CAPITAL VEHICLE / EQUIPMENT FUND, ALL IN OCONEE COUNTY

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FOR THE FISCAL YEAR BEGINNING JULY 1, 2020 AND ENDING JUNE 30, 2021.”

Mr. Elliott made a motion, seconded by Mr. Hart, to approve **Ordinance 2020-01** on second reading.

Mr. Elliott made a motion, seconded by Mr. Cain, approved 5 – 0, to postpone 2<sup>nd</sup> reading of Ordinance 2020-01 and direct County Administrator and staff to present to Council at a future date proposed amendments to Ordinance 2020-01 which amendments will generally reflect the budget as adopted for the FY2019-2020.

**Ordinance 2020-02** “AN ORDINANCE TO ESTABLISH THE BUDGET FOR THE SCHOOL DISTRICT OF OCONEE COUNTY AND TO PROVIDE FOR THE LEVY OF TAXES FOR THE OPERATIONS OF THE SCHOOL DISTRICT OF OCONEE COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2020 AND ENDING JUNE 30, 2021.”

Mr. Elliott made a motion, seconded by Mr. Cain, to approve **Ordinance 2020-02** on second reading.

Mr. Elliott noted there will be no millage or tax increase from the County or from the School District.

Regarding the previous motion made by Mr. Elliott, seconded by Mr. Cain, it was approved 5 – 0, to approve **Ordinance 2020-02** on second reading.

**Ordinance 2020-03** “AN ORDINANCE TO PROVIDE FOR THE LEVY OF TAXES FOR THE KEOWEE FIRE SPECIAL TAX DISTRICT AND TO ESTABLISH THE BUDGET FOR THE KEOWEE FIRE SPECIAL TAX DISTRICT FOR THE FISCAL YEAR BEGINNING JULY 1, 2020 AND ENDING JUNE 30, 2021.”

Mr. Elliott made a motion, seconded by Mr. Cain, approved 5 – 0, to approve **Ordinance 2020-03** on second reading.

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

None at this meeting.

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

None at this meeting.

### **Discussion Regarding Action Items**

**PRT Commission State and Local ATAX recommendations of \$242,500 (See attached spreadsheet). The requests were unanimously approved and recommended by the PRT Commission on 05/7/20.**

- PRT Commission and PRT staff recommends \$46,500 from Local ATAX funds for the Museum Docent Program-Year 4 (\$41,500) and the South Carolina Sports Alliance (\$5,000).

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- PRT Commission and PRT staff recommends a total of \$171,000 in ATAX funds for the FY20 Visit Oconee SC Budget. It is estimated that \$150,000 will come from State ATAX funds and \$21,000 from Local ATAX funds. Exact amounts from each account will be determined upon receipt of the 4<sup>th</sup> Quarter State ATAX check in August 2020.

It is staff's recommendation of approval of ATAX recommendations from the PRT Commission.

Mr. Elliott made a motion, seconded by Mr. Hart, approved 5 – 0, to approve the ATAX recommendations from the PRT Commission.

### **Change Order # 6 to PO # 53771 Title: New Office / ADA Restrooms for Chau Ram / Oconee PRT-Chau Ram / \$86,760.00**

**Economic Development Millage Fund: \$86,760.00 / Project Cost: \$86,760.00 / Balance: \$0.00**

On October 15, 2019, Council approved Design Build / Construction services to J. Davis Construction for New Office/ ADA Restrooms for Chau Ram & Park Shelters / Storage facilities for High Falls in the amount of \$858,440.00 [plus contingency in the amount of \$44,162.00] for a total award of \$902,602.00. Council also authorized the County Administrator to sign any change orders within the contingency amount.

The Chau Ram building was originally planned to be built in-house with Facilities Maintenance handling the building and Roads and Bridges handling the site work, parking and access work. After budget approval, Facilities had to be pulled for an emergency project. The County has had three FEMA incidents occupying the Roads and Bridges division and limiting available staff. This resulted in a necessity to bid the project and has resulted in a number of change orders for items that were planned to be completed in-house.

It is the staff's recommendation that Council [1] approve the PO # 53711 Change Order Number 6 in the amount \$86,760.00.00 which makes the total purchase order amount **\$558,307.07** and [2] authorize the County Administrator to execute sign change order.

Mr. Elliott made a motion, seconded by Mr. Hart, approved 4 – 1 [Mr. Davis recused; copy of recusal form filed with minutes] to [1] approve the PO # 53711 Change Order Number 6 in the amount \$86,760.00.00 which makes the total purchase order amount **\$558,307.07** and [2] authorize the County Administrator to execute sign change order.

### **Request Council consideration and approval of a “Life After Lockup” participant for a full time employment position within Oconee County**

Ms. Brock noted the Oconee County Sheriff's Office is going on the fourth year of the Life After Lockup program and this will be the third request for a participant to become a County employee. In the past, Ms. Brock had named specific departments for the Life After Lockup participants to work in, however, if there was any change in the employee's needs or skills, the employee would be “stuck” because that is what Council had approved. This position is located within the general fund portion of county government and

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looking forward to having this participant join our team as a staff member. She further asked for the economic cost not to exceed \$45,000.00.

Mr. Davis made a motion, seconded by Mr. McCall, approved 5 – 0, to approve the “Life After Lockup” participant for a full time employment position within Oconee County with an amount not to exceed \$45,000.00.

### **Council Committee Reports**

Mr. Elliott read from a prepared statement [copy filed with backup materials] outlining the discussions held at the May 5, 2020 & May 19, 2020 Budget, Finance, & Administration Committee.

### **Board & Commission Appointments**

#### **Building Codes Appeal Board**

No questionnaires were submitted for the 1 At Large seat.

#### **Board of Zoning Appeals**

No questionnaires were submitted for the District 5 seat.

#### **Conservation Bank Board**

No questionnaires were submitted for the District 5 seat.

### **Executive Session:**

Mr. Hart made a motion, seconded by Mr. Cain, 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 contractual matter(s) related to potential property purchases for public health and safety purposes.*

Council entered Executive Session at 8:43 p.m.

Council returned from Executive Session at 9:03 p.m. on a motion made by Mr. Hart, seconded by Mr. Cain, approved 5 – 0.

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

Mr. Cain made a motion, seconded by Mr. Hart, approved 5 – 0, to direct County Administrator to proceed with negotiations as discussed on the subject parcels, some of which are for health and safety purposes.

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**Adjourn:**

Mr. Hart made a motion, approved unanimously, to adjourn at 9:04 p.m.

Respectfully Submitted:

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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: 06.02.2020

Item for Discussion/Vote: Change Order #6 to PO# 53771  
Title: New office / ADA Restrooms for  
Chan Ram / Oconee PRT- Chan Ram /  
\$ 86,700.00

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

I have a personal/familial interest in the issue.

Other: NO FINANCIAL INTEREST  
Cousin owns Business

[Handwritten Signature]  
Katie Smith  
Clerk to Council