



MINUTES

OCONEE COUNTY COUNCIL

Regular Meeting

December 07, 2021

MEMBERS, OCONEE COUNTY COUNCIL

Mr. John Elliott, Chairman, District I
Mr. Paul Cain, Vice Chairman, District III
Mr. Julian Davis III, Chairman Pro Tem, District IV
Mr. Glenn Hart, District V
Mr. Matthew Durham, 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, & Jennifer C. Adams, 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: Riley Morningstar / The Journal, Dick Mangrum / 101.7 FM WGOG

Call to Order

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

Mr. Elliott opened the meeting reminding the public they have two opportunities to speak during Council meetings, which is during the public comment session and also during the public hearing session, if scheduled. Other than those two instances, the public should remain silent during the Council meeting. Anyone making a disturbance during the meeting will be asked to leave Council Chambers for the remainder of the meeting.

Moment of Silence

Mr. Elliott asked for a moment of silence prior to the Invocation by County Council Chaplain in remembrance of Pearl Harbor.

Invocation by County Council Chaplain

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

Pledge of Allegiance

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

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Approval of Minutes

Mr. Davis made a motion, seconded by Mr. Cain, to approve the November 16, 2021 regular minutes.

Mr. Root addressed Council with an error in the November 16, 2021 minutes that needed to be corrected.

Mr. Davis made a motion, seconded by Mr. Cain, approved 5 – 0, to amend the November 16, 2021 minutes to make the correction noted by Mr. Root.

Mr. Davis made a motion, seconded by Mr. Hart, approved 5 – 0, to approve the November 16, 2021 amended minutes.

Attorney's Comments

Mr. Root addressed Council concerning ARPA funds and provided details as to what the funds are approved to be used for in relation to sewer expansion to Exit 4 of Interstate 85.

Administrator's Comments

Ms. Brock extended her appreciation to Council and citizens for their hard work and attendance over the last year.

Proclamations

PROCLAMATION 2021-17 A PROCLAMATION RECOGNIZING AND HONORING DECEMBER 18, 2021 AS NATIONAL WREATHS ACROSS AMERICA DAY

Mr. Elliott read **Proclamation 2021-17** into the record.

Mr. Hart made a motion, seconded by Mr. Davis, approved 5 – 0, to approve **Proclamation 2021-17** on the first and final reading.

A copy of the proclamation was presented to Ms. Nancy Walker, Vice-Regent for our local DAR Chapter.

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, Jennifer C. Adams at jennifercadams@oconeesc.com or 864-718-1023, so that she may receive your comment and read it into the record.

Mr. Tom Markovich addressed Council with his opposition to Resolution 2021-16, concerning impact fees.

Mr. Mickey Haney addressed Council concerning his thoughts related to transparency of the County budget.

Council Members Comments

Mr. Elliott addressed the public in relation to the County Audit by Mauldin and Jenkins, an independent, certified accounting firm, to audit the financial fiscal year, ending June 30, 2021. These findings will be reported to Council, in a Council meeting, in the next few months.

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Mr. Durham responded to Mr. Markovich and to Mr. Haney concerning their comments to Council.

Mr. Hart took the opportunity to wish everyone a Merry Christmas and a Happy New Year.

Mr. Davis responded to Mr. Markovich concerning impact fees and Mr. Haney in relation to the transparency of the County budget.

Mr. Cain wished everyone a Merry Christmas and a Happy New Year.

Mr. Elliot wished everyone a safe, Merry Christmas, and a Happy New Year.

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 hearings, please contact Jennifer C. Adams at jennifercadams@oconeesc.com or 864-718-1023 so that your participation may be coordinated. .

None scheduled for this meeting.

Third Reading of the Following Ordinances

None scheduled for this meeting.

Second Reading of the Following Ordinances

Ordinance 2021-25 AN ORDINANCE TO DEVELOP A JOINT COUNTY INDUSTRIAL/BUSINESS PARK IN CONJUNCTION WITH ANDERSON COUNTY, SUCH INDUSTRIAL/BUSINESS PARK TO BE GEOGRAPHICALLY LOCATED IN ANDERSON COUNTY AND ESTABLISHED PURSUANT TO SEC. 4-1-170 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED; TO PROVIDE FOR A WRITTEN AGREEMENT WITH ANDERSON COUNTY TO PROVIDE FOR THE EXPENSES OF THE PARK, THE PERCENTAGE OF REVENUE APPLICATION, AND THE DISTRIBUTION OF FEES IN LIEU OF *AD VALOREM* TAXATION; AND OTHER MATTERS RELATED THERETO.

Mr. Cain made a motion, seconded by Mr. Hart, approved 5 – 0, to approve **Ordinance 2021-25** on the second reading.

First Reading of the Following Ordinances

None scheduled for this meeting.

First & Final Reading of the Following Resolutions

Resolution 2021-16 A RESOLUTION DIRECTING THE OCONEE COUNTY PLANNING COMMISSION TO CONDUCT STUDIES AND RECOMMEND AN IMPACT FEE ORDINANCE, PURSUANT TO S.C. CODE § 6-1-950.

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Mr. Davis made a motion, seconded by Mr. Cain, to enter into discussion regarding **Resolution 2021-16**.

Brief discussion followed by Council members.

The motion to approve **Resolution 2021-16** on the first and final reading failed 0 – 5, with all Council members in opposition.

Discussion Regarding Action Items **Discuss 2020 Redistricting plan and next steps**

Mr. Elliott opened discussion for the Redistricting Plan.

Lengthy discussion followed by Council.

Mr. Elliott made a motion, seconded by Mr. Cain, to direct the County Attorney to produce the 2020 Redistricting Ordinance, to include the map depicting a portion of the Tamassee Precinct being shifted from District 1 to District 2.

Mr. Durham asked that the motion also include directing the County Attorney to produce additional proposed redistricting maps, including a map showing potential redrawn district lines in the West Union precinct, and creating a slightly revised version of the Tamassee area map initially requested by Mr. Elliott.

Motion approved 5 – 0.

Mr. Durham made a motion, seconded by Mr. Hart, approved 5 – 0, to notify all citizens, via mail, that may possibly be in the potentially affected redistricting areas – with such notice to include proposed map(s) and Council meeting dates related to Oconee County Redistricting 2020.

Mr. Elliott continued discussion to further include District 4 and District 5 Redistricting.

Short discussion followed by Council.

Mr. Davis made a motion, seconded by Mr. Hart, approved 5 – 0, to direct the County Attorney to include within the ordinance a map, shifting a portion of the population in the HWY 59 to Callaham Rd and West to HWY 182 from District 5 to District 4.

Public Comment Session regarding Redistricting 2020

If you are not able to attend in person and you have a comment, you may submit it by emailing jennifercadams@oconeesc.com or calling 864-718-1023, so that your comment may be read it into the record.

Mr. Elliott opened the floor to public comment.

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Ms. Jean Jennings addressed Council with questions concerning the potential shift of citizens from District 1 to District 2.

Mr. Barry Nichols address council with his opposition to the potential shift of citizens from District 1 to District 2.

Mr. Davis addressed the questions and concerns from Ms. Jennings and Mr. Nichols.

Mr. Elliott addressed the questions and concerns from Ms. Jennings and Mr. Nichols.

Mr. Elliott closed the public comment session regarding Redistricting 2020.

Discussion and Council consideration of Premium Pay for Essential Workers as defined in allowable expenditures in the American Recovery Plan Act.

Ms. Brock addressed Council regarding consideration of Premium Pay for Essential Workers as defined in allowable expenditures in the American Rescue Plan Act. Ms. Brock explained to Council that the fiscal recovery funds may be utilized to provide premium pay to eligible workers performing essential work during the Covid 19 Pandemic. Ms. Brock asked for consideration and discussion of an amount, not to exceed \$1,711,937.68, to be implemented via ordinance, to allocate funds to the frontline and other essential workers employed by Oconee County.

Mr. Hart commented that he believes all County employees should be considered essential workers.

Mr. Davis responded to Mr. Hart and extended his thanks to Ms. Brock for bringing this topic up for consideration with Council.

Ms. Brock provided additional details to Council concerning Premium Pay for Essential Workers and responded to questions asked by Council.

Mr. Davis made a motion, seconded by Mr. Cain, approved 5 – 0, to direct the County Administrator and County Attorney to present an ordinance, consistent with the presentation by the County Administrator, which will establish Premium Pay for Essential Oconee County Workers under the American Rescue Plan Act.

Council approval of acquisition of real property adjacent to the Oconee County Solid Waste Complex

[To be considered after executive session.]

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Procurement #: 21-10
Department: PRT
South Cove Recreation Building

Title: Windows and Doors
Amount: Project: \$ 49,867.99
10% Contingency: \$ 4,986.80

Total Award: \$ 54,854.79

The recreation building at South Cove County Park was built in the early 1970s. The building is in need of major renovation. Currently, the building is not insulated or cooled. Upon completion of the renovation, it is the intention that the recreation building be available year-around to hold events, conferences, educational programs, and be available for park patrons to enjoy. This portion of the renovation includes replacing the open air window slots with commercial grade windows and replacing the doors with commercial grade doors.

On November 16, 2021, formal sealed bids were opened for this project. Four (4) bidders were notified of this opportunity. Two (2) companies submitted bids, with Pro Glass Services, LLC., dba Glass Doctor of Seneca, SC, submitting the lowest bid of \$54,865.79.

It is the staff's recommendation that Council:

1) Approve the award of ITB 21-10 to Pro Glass Services, LLC., dba Glass Doctor of Seneca, SC, for Windows and Doors for South Cove Recreation Building in the amount of \$49,867.99, plus a 10% contingency amount of \$4,986.80 for any change orders that may arise, for a total award amount of \$54,854.79.

2) Authorize the County Administrator to execute documents for this project and sign any change orders within the contingency amount.

Mr. Davis made a motion, seconded by Mr. Cain, to [1] approve the award of ITB 21-10 to Pro Glass Services, LLC., dba Glass Doctor of Seneca, SC, for Windows and Doors for South Cove Recreation Building in the amount of \$49,867.99, plus a 10% contingency amount of \$4,986.80 for any change orders that may arise, for a total award amount of \$54,854.79; and [2] authorize the County Administrator to execute documents for this project and sign any change orders within the contingency amount.

During discussion Mr. Davis questioned if the HVAC system in this building was included. Mr. Phil Shirley, PRT Manager, updated Council, letting them know that a full renovation of this building was in process.

Motion approved 5 – 0.

Title: Intrado VIPER 911 System Upgrade – Sole Source

Department: Communications

Amount: \$283,627.63

This expenditure will be paid completely through 911 tariff fees collected. Additionally, the SC Budget and Control Board has agreed to reimburse the 911 fund up to 80% of the cost of this upgrade. Accounting for this reimbursement, the total investment from 911 tariff fees will be \$63,117.20.

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Oconee County operates 911 telephony for incoming voice, data, and automatic location information utilizing the Intrado VIPER solution. This purchase contains both an upgrade for existing workstations at the primary 911 Public Safety Answering Point (PSAP) in Walhalla, as well as, extension of the VIPER 911 phone system to the hot-standby backup 911 center currently under construction at the Hamilton Career and Technology Center.

If the primary 911 Public Safety Answering Point (PSAP) were to experience failure or natural disaster, rendering the law enforcement center uninhabitable, this backup center will be utilized. With the addition of the 911 back-up center, it is necessary to purchase the Intrado Viper 911 System for this location to ensure no interruption of 911 service.

SPECIAL CONSIDERATIONS OR CONCERNS:

Since the original installation, this hardware and software has been consistently maintained and upgraded by Intrado Life and Safety Solutions Corporation, of Chicago, IL. This upgrade will be integrated into the existing system; therefore, it must be purchased from the same vendor. After careful negotiation as to the scope of work and the final pricing for the upgrade, Oconee County will benefit from a significant pricing discount from Intrado Life and Safety Solutions Corporation for upgrading the current system versus replacing it with an entirely new 911 infrastructure. Procurement staff and the Emergency Communications Director recommend this purchase as a sole source.

It is the staff's recommendation that Council approve the Sole Source purchase of the VIPER 911 System upgrade and extension location to Intrado Life and Safety Solutions Corporation, of Chicago, IL in the amount of \$283,627.63.

Mr. Davis made a motion, seconded by Mr. Cain, to approve the Sole Source purchase of the VIPER 911 System upgrade and extension location to Intrado Life and Safety Solutions Corporation, of Chicago, IL in the amount of \$283,627.63.

Captain Travis Tilson addressed Council, answering all questions, with information regarding the VIPER 911 upgrade.

Motion approved 5 – 0.

Title: Two (2) Ford F-250 Pickup Trucks

Department: Facilities Maintenance

Amount: \$69,552.00

This purchase is for (2) 2022 Ford F-250 pickup trucks. The first truck is a 2-wheel drive, regular cab, long bed truck with a tommy gate. The second truck is a 4-wheel drive, crew cab, short bed truck with an Adrian single lid cross box. These trucks will be used by the department in daily maintenance operations.

The new trucks will replace a 1993 Chevrolet 2500 and a 1996 Ford F-250 that have high mileage. These trucks will be sold as surplus or replace older vehicles used in other County departments. The Fleet Maintenance Director approves this purchase

It is the staff's recommendation that Council approve the purchase of two (2) 2022 Ford F-250 pickup trucks to Vic Bailey Ford, Inc. of Spartanburg, SC, in the amount of \$69,552.00.

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Mr. Cain made a motion, seconded by Mr. Davis, to approve the purchase of two (2) 2022 Ford F-250 pickup trucks to Vic Bailey Ford, Inc. of Spartanburg, SC, in the amount of \$69,552.00.

Mr. Davis thanked staff for providing a detailed description of this AIS item.

Motion approved 5 – 0.

Title: Local ATAX Recommendations- Oconee County PRT Commission

Amount: \$172,500

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.

These reports are placed in the grant folder, which is kept active by the PRT staff until the grant is considered complete. Internal projects through Oconee PRT are also recommended through local ATAX for eligible projects to lessen the impact to the general fund when available.

Due to a mandated lengthy closure during the pandemic, Walhalla Performing Arts Center (WPAC) depleted a large amount of reserve funds to pay ongoing bills. This request will allow WPAC to continue booking deposits for events as planned for 2022 and not have to cancel shows due to lack of funding for future deposits. Approximately 65% of all attendance to WPAC are non-Oconee County attendees, providing a great economic benefit to the region. This is an eligible request for local ATAX funding.

It is the staff's recommendation that Council approve the ATAX grant recommendations per the attached spreadsheet.

Mr. Cain made a motion, seconded by Mr. Davis, approved 5 – 0, to approve the ATAX grant recommendations per the attached spreadsheet.

Procurement: ITB 21-09

**Title: Seneca Creek Boat Ramp
Site Development**

Department(s): PRT

Amount: Project: \$ 3,063,854.68

Contingency: \$ 306,385.47

Total Award: \$ 3,370,240.15

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The Seneca Creek Boat Ramp consists of site development for a 3-lane boat ramp facility including pavement, parking lot, launching dock, fishing dock, kayak dock, sidewalks, storm drainage, and associated facilities. The base bid is for all work within the limits of site development, including clearing and grubbing, erosion control, paving, and storm drainage. Estimated project completion will be December 2022.

On October 26, 2021, formal sealed bids were opened for this project. This bid was originally sent to forty-one bidders. Two (2) companies submitted bids with The Belk Company, LLC, submitting the lowest responsive and responsible bid of \$3,063,854.68.

This construction project will be funded with PRT Capital in the amount of \$1,500,000; PCB Settlement funds in the amount of \$300,000; ATAX funding in the amount of \$70,240.15; and ARPA funds in the amount of \$1,500,000.

The ARPA funding is expected to be allocated in May of 2022. Staff will return to County Council for approval of ARPA funding request once the funds have been received by the County.

It is the staff's recommendation that Council:

- 1. Approve the award of ITB 21-09, Seneca Creek Boat Ramp Site Development to The Belk Company, LLC of Anderson, SC in the amount of \$3,063,854.68, plus a 10% contingency of \$306,385.47, for a total award of \$3,370,240.15; \$1,500,000.00 of the project allocation is anticipated ARPA funding.***
- 2. Authorize the County Administrator to execute documents for this project and sign any change orders within the contingency amount.***

Mr. Davis made a motion, seconded by Mr. Cain, to [1] approve the award of ITB 21-09, Seneca Creek Boat Ramp Site Development to The Belk Company, LLC of Anderson, SC in the amount of \$3,063,854.68, plus a 10% contingency of \$306,385.47, for a total award of \$3,370,240.15; \$1,500,000.00 of the project allocation is anticipated ARPA funding; and [2] authorize the County Administrator to execute documents for this project and sign any change orders within the contingency amount.

Mr. Hart addressed Ms. Brock concerning the ARPA funds that are being requested for the Seneca Creek Boat Ramp Site Development.

Mr. Davis addressed Ms. Brock inquiring about the cost, bids, and phasing related to the Seneca Creek Boat Ramp site development.

Mr. Phil Shirley, PRT Manager, responded to Council concerning their questions about this project.

Motion approved 5 – 0.

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Title: Long Term Rental of 40 Ton Articulating Dump Truck for Hauling Cover Soil for Monthly Landfill Cover and Sediment Pond Construction and Maintenance for SC DHEC Compliance

Department(s): Solid Waste

Amount: \$200,000

Over the last two years, there has been a 50 percent increase in the tonnage at the landfill due to extreme growth and the tornado of 2020. This requires more soil to adequately provide the monthly DHEC requirement of 6 inches of soil over the entire working face which can range from 1-2 acres in size. Over the past 2 years, the Solid Waste Department has borrowed an older articulated dump truck (ADT) from the Rock Quarry when not in use or the Road Department has sent a crew with 2-3 standard dump trucks. However, these efforts are not dependable due to the needs and duties of their departments. ADT's have been rented twice to catch back up in landfill covering. Nearly 100 ADT loads of soil are required each month which is equivalent to 200-250 standard dump truck loads. The ADT can work in unfavorable conditions, can go onto the landfill face, and cuts the covering time in half which gets staff back to their normal duties. Over the last several months, the landfill has not been able to complete the covering on time due to Quarry's truck being down for repair or their need for it, Road Department crews working on other projects or normal duties, and the lack of trucks available for rent. \$200,000 was allocated for the purchase of a used ADT in the capital replacement plan but there has been very few available that are in good condition or have low hours. A formal solicit for quote for a ADT rental was sent out on 11/3/21 and due back by 11/16/21. Four companies responded, but only one company had a truck available. Linder Industrial Machinery quoted a 2019 Komatsu HM400 (40 ton) truck with 2,929 hours and is currently under rent by Oconee County. The first month rent is for \$17,692 (rental, taxes, environmental and delivery fees included). Each additional month rental will be \$16,048 (base rental, taxes, and environmental fees included) with a percentage of the base rental fee coming off the purchase price of \$316,900. The buy it now price after 6 months will be \$252,809 (taxes and fees included) and the buy it now price after 12 months will be \$171,873 (taxes and fees included), which reflect the reduction of the rental fees. This ADT is still under the original factory warranty and an extended warranty can be purchased for approximately \$9,000-\$12,000. The original purchase price of the 2019 HM400 was \$540,000 and a current new price of a 2022 HM400 is \$663,000 based on Sourcwell contract pricing.

Oconee County Solid Waste is required to cover the landfill every 30 days per state regulations and is currently under SC DHEC enforcement action.

It is the staff's recommendation that Council:

- 1. Authorize the County Administrator to sign/execute rental of Articulated Dump Truck to Linder Industrial Machinery of Greer for estimated 12 months.*
- 2. Authorize the County Administrator to transfer \$200,000 from the FY22 Capital Equipment Fund to FY22 Solid Waste Rental line item to continue renting the Komatsu HM400 Articulated Dump Truck with the potential to purchase at the end of the rental agreement.*

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Mr. Davis made a motion, seconded by Mr. Hart to [1] authorize the County Administrator to sign/execute rental of Articulated Dump Truck to Linder Industrial Machinery of Greer for estimated 12 months; and [2] authorize the County Administrator to transfer \$200,000 from the FY22 Capital Equipment Fund to FY22 Solid Waste Rental line item to continue renting the Komatsu HM400 Articulated Dump Truck with the potential to purchase at the end of the rental agreement.

Mr. Hart inquired about the transfer of funds that was requested related to the long term rental of the Articulating Dump Truck.

Ms. Brock addressed Mr. Hart and Council explaining, in detail, all concerns related to the rental and the fact that, after extensive searching, renting the articulating dump truck is the best and most affordable option.

Motion approved 5 – 0.

Council Committee Reports

None scheduled for this meeting.

Board & Commission Appointments

Building Codes Appeal Board

No nomination was made for the At-Large seat during this meeting.

Executive Session:

Mr. Davis made a motion, seconded by Mr. Hart, 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 potential litigation regarding Elevated Youth Services

[2] Discuss an Economic Development matter, Project Queso

[3] Discussion regarding acquisition of real property adjacent to the Oconee County Solid Waste Complex

[4] Discussion regarding an Economic Development matter, Project Harmony.

Council entered Executive Session at 7:34 p.m.

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

Mr. Cain made a motion, seconded by Mr. Davis, approved 5 – 0, to authorize the County Administrator to execute the letter of intent as discussed related to Project Queso.

Discussion Regarding Action Items

Council approval of acquisition of real property adjacent to the Oconee County Solid Waste Complex

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Mr. Hart made a motion, seconded by Mr. Davis, approved 5 – 0, for approval of acquisition of real property adjacent to the Oconee County Solid Waste Complex in an amount not to exceed \$200,000 plus closing costs.

Adjourn:

Mr. Hart made a motion, approved unanimously, to adjourn at 8:31 p.m.

Respectfully Submitted:

Jennifer C. Adams
Clerk to Council

Council's meetings shall be conducted pursuant to the South Carolina Freedom of Information Act, Council's Rules and the Model Rules of Parliamentary Procedure for South Carolina Counties, latest edition. This agenda may not be inclusive of all issues which Council may bring up for discussion at this meeting. Items are listed on Council's agenda to give public notice of the subjects and issues to be discussed, acted upon, received as information and/or disposed of during the meeting. Items listed on Council's agenda may be taken up, tabled, postponed, reconsidered, removed or otherwise disposed of as provided for under Council's Rules, and Model Rules of Parliamentary Procedure for South Carolina Counties, latest edition, if not specified under Council's rules.

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.