



A G E N D A

OCONEE COUNTY COUNCIL MEETING

May 16, 2023

6:00 PM

Council Chambers, Oconee County Administrative Offices
415 South Pine Street, Walhalla, SC

Call to Order

Moment of Silence

Invocation by County Council Chaplin

Pledge of Allegiance to the Flag of the United States of America

Approval of Minutes

May 2, 2023 Regular Minutes

County Attorney Comments

County Administrator Comments

Proclamations

PROCLAMATION 2023-03 A PROCLAMATION RECOGNIZING NATIONAL SAFE BOATING WEEK

Public Comment Session

[Limited to a total of forty (40) minutes, four (4) minutes per person]

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.

Council Member Comments

Public Hearings for the Following Ordinances *If you would like to be heard during either of the public hearings, please contact Clerk to Council Jennifer C. Adams at jennifercadams@oconeesc.com or 864-718-1023 so that your participation by may be coordinated.*

ORDINANCE 2023-01 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 PARKS, RECREATION, AND TOURISM CAPITAL PROJECTS FUND, FOR THE DEBT SERVICE FUND, FOR THE VICTIM SERVICES SPECIAL REVENUE FUNDS, FOR

COUNCIL MEMBERS

Matthew Durham, Chair, District II Don Mize, Vice Chair, District III
Glenn Hart, Chair Pro-Tem, District V John Elliott, District I
Julian Davis, III, District IV

THE CAPITAL VEHICLE / EQUIPMENT FUND, ALL IN OCONEE COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2023 AND ENDING JUNE 30, 2024.

ORDINANCE 2023-03 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, 2023 AND ENDING JUNE 30, 2024.

ORDINANCE 2023-05 AUTHORIZING THE EXECUTION AND DELIVERY OF AN AMENDMENT TO THE FEE-IN-LIEU OF TAX AGREEMENT BY AND BETWEEN OCONEE COUNTY, SOUTH CAROLINA, AND BORGWARNER PDS (USA) INC. (FORMERLY REFERRED TO AS “PROJECT EVPACK AFFILIATE”), DATED AS OF SEPTEMBER 19, 2017; AND OTHER RELATED MATTERS.

ORDINANCE 2023-07 AN ORDINANCE AUTHORIZING, PURSUANT TO TITLE 12, CHAPTER 44 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU OF AD VALOREM TAXES AND SPECIAL SOURCE REVENUE CREDIT AGREEMENT BY AND BETWEEN OCONEE COUNTY, SOUTH CAROLINA, AND PROJECT MADE, ACTING FOR ITSELF, ONE OR MORE CURRENT OR FUTURE AFFILIATES AND OTHER PROJECT COMPANIES (COLLECTIVELY, “COMPANY”); PROVIDING FOR A FEE-IN-LIEU OF AD VALOREM TAXES INCENTIVE; PROVIDING FOR A SPECIAL SOURCE REVENUE CREDIT; DEVELOPING A JOINT COUNTY INDUSTRIAL AND BUSINESS PARK BETWEEN OCONEE COUNTY AND PICKENS COUNTY SO AS TO DESIGNATE THE PROPERTY OF THE PROJECT AS PART OF THE PARK; AUTHORIZING THE EXECUTION AND DELIVERY OF ONE OR MORE GRANT AGREEMENTS; AUTHORIZING THE CONVEYANCE OF CERTAIN REAL ESTATE FOR PROJECT MADE; AND OTHER RELATED MATTERS.

ORDINANCE 2023-08 AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY OWNED BY OCONEE COUNTY TO MOUNT NEBO BAPTIST CHURCH, PROPERTY CONSISTING OF APPROXIMATELY .14 ACRES AND BEING A PORTION OF TAX MAP # 256-00-01-006, AND AUTHORIZING THE RECEIPT OF CERTAIN REAL PROPERTY OWNED BY MOUNT NEBO BAPTIST CHURCH, PROPERTY CONSISTING OF APPROXIMATELY .0034 ACRES AND BEING A PORTION OF TAX MAP # 256-00-04-019; AND OTHER MATTERS RELATED THERETO.

Third Reading of the Following Ordinances

ORDINANCE 2023-05 *[see caption above]*

ORDINANCE 2023-07 *[see caption above]*

ORDINANCE 2023-08 *[see caption above]*

Second Reading of the Following Ordinances

ORDINANCE 2023-01 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,

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FOR THE BRIDGE AND CULVERT CAPITAL PROJECT FUND, FOR THE ECONOMIC DEVELOPMENT CAPITAL PROJECT FUND, FOR THE PARKS, RECREATION, AND TOURISM CAPITAL PROJECTS FUND, FOR THE DEBT SERVICE FUND, FOR THE VICTIM SERVICES SPECIAL REVENUE FUNDS, FOR THE CAPITAL VEHICLE / EQUIPMENT FUND, ALL IN OCONEE COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2023 AND ENDING JUNE 30, 2024.

ORDINANCE 2023-03 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, 2023 AND ENDING JUNE 30, 2024.

ORDINANCE 2023-09 AN ORDINANCE AMENDING SECTION 32-222 OF THE OCONEE COUNTY CODE OF ORDINANCES SO THAT APPLICANTS FOR SUBDIVISIONS THAT ARE DESIGNED TO ACCESS STATE ROADS SHALL SUBMIT TO AND RECEIVE PRELIMINARY / CONDITIONAL APPROVAL FROM THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION PRIOR TO RECEIVING FINAL APPROVAL FROM THE OCONEE COUNTY PLANNING DEPARTMENT; AND OTHER MATTERS RELATED THERETO.

ORDINANCE 2023-10 AN ORDINANCE AMENDING ARTICLE IV OF CHAPTER 2 OF THE OCONEE COUNTY CODE OF ORDINANCES, BY DISSOLVING THE ARTS AND HISTORICAL COMMISSION; AND OTHER MATTERS RELATED THERETO.

ORDINANCE 2023-11 AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN ADDENDUM TO THE LEASE AGREEMENT BETWEEN OCONEE COUNTY, AS LESSOR, AND THE FOOTHILLS FARMSTEAD, AS LESSEE, IN ORDER TO ADD ADDITIONAL PROPERTY TO THE LEASE PREMISES; AND OTHER MATTERS RELATED THERETO.

First Reading of the Following Ordinances

ORDINANCE 2023-02 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, 2023 AND ENDING JUNE 30, 2024.

ORDINANCE 2023-12 AN ORDINANCE AUTHORIZING, PURSUANT TO TITLE 12, CHAPTER 44 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU OF AD VALOREM TAXES AND SPECIAL SOURCE REVENUE CREDIT AGREEMENT BY AND BETWEEN OCONEE COUNTY, SOUTH CAROLINA, AND PROJECT IRON MAN, ACTING FOR ITSELF, ONE OR MORE CURRENT OR FUTURE AFFILIATES AND OTHER PROJECT COMPANIES (COLLECTIVELY, "COMPANY"); PROVIDING FOR A FEE-IN-LIEU OF AD VALOREM TAXES INCENTIVE; PROVIDING FOR A SPECIAL SOURCE REVENUE CREDIT; DEVELOPING A JOINT COUNTY INDUSTRIAL AND BUSINESS PARK BETWEEN OCONEE COUNTY AND PICKENS COUNTY SO AS TO DESIGNATE THE PROPERTY OF THE PROJECT AS PART OF THE PARK; AND OTHER RELATED MATTERS.

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First & Final Reading for the Following Resolutions

RESOLUTION 2023-08 A RESOLUTION PROVIDING PRELIMINARY APPROVAL PURSUANT TO TITLE 12, CHAPTER 44 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, FOR THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU OF AD VALOREM TAXES AND SPECIAL SOURCE REVENUE CREDIT AGREEMENT BY AND BETWEEN OCONEE COUNTY, SOUTH CAROLINA, AND A COMPANY IDENTIFIED FOR THE TIME BEING AS PROJECT IRON MAN, ACTING FOR ITSELF, ONE OR MORE CURRENT OR FUTURE AFFILIATES, AND OTHER PROJECT COMPANIES (COLLECTIVELY, "COMPANY"); PROVIDING FOR A FEE-IN-LIEU OF AD VALOREM TAXES INCENTIVE; PROVIDING FOR A SPECIAL SOURCE REVENUE CREDIT; CREATING A JOINT COUNTY INDUSTRIAL AND BUSINESS PARK BETWEEN OCONEE COUNTY AND PICKENS COUNTY SO AS TO INCLUDE PROJECT PROPERTY IN THE PARK; AUTHORIZING THE EXECUTION AND DELIVERY OF ONE MORE GRANT AGREEMENTS; AND OTHER RELATED MATTERS.

RESOLUTION 2023-09 A RESOLUTION APPROVING THE UPDATED ANDERSON COUNTY AND OCONEE COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN; AND OTHER MATTERS RELATED THERETO.

Discussion Regarding Action Items

Discuss and authorize the County Administrator to execute a Recission of Grant Agreement in relation to a grant made by the Oconee County Conservation Bank for the purchase of property commonly referred to as the Lyles Tract.

PRT Commission State and Local ATAX Recommendations FY2024

Amount \$ 1,039,998.00

These requests were unanimously approved by the PRT Commission on 05/4/23.

PRT Commission and PRT staff recommends \$566,546 from Local ATAX for the FY24 Local ATAX Supplemental budget (attached) for routine expenditures eligible to offset general fund expenditures. Grant cycles and project specific funds will continue to be recommended at the quarterly meetings.

PRT Commission and PRT staff recommends \$326,452 from the 65% State ATAX Fund and an estimated \$147,000 from the 30% ATAX Fund for a total of \$473,452 for the FY24 Visit Oconee SC Budget. The 65% Funds are utilized for salaries to operate the Visit Oconee office and are reimbursed to the County quarterly. The 30% Funds, by state law, are specifically for tourism advertising and promotion, distributed quarterly and are market dependent.

Local ATAX balance including encumbrances as of 5.1.23 = \$572,824.86

Local ATAX FY24 Revenue projection is \$1,095,000

65% State ATAX balance as of 5.5.22 = \$425,677

65% State ATAX FY24 Revenue projection = \$330,000

It is the staff's recommendation that Council approve the ATAX recommendations from the PRT Commission.

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Title: Procurement #: RFP 22-02 Third Party Plan Review

Department(s): Planning

Amount: TBD

There is no dollar amount associated with this approval. If the applicant requests an expedited review, the fees will be the responsibility of the applicant. If the Planning Department requests a review, it will be paid from the Planning Department’s Professional budget code.

The Oconee County Planning Department has experienced an increase in building applications and anticipates future workload increases. This request is for an as-needed, qualified firm to aid the County in review of plans submitted for residential or commercial building applications. This will ensure plans are reviewed in a timely manner for applicants and to provide additional support for citizens and staff.

Request for Proposals, RFP 22-02, for Third Party Plan Review – Planning requested qualified firms to provide Plan Review Services when requested by the applicate.

RFP 22-02 was issued on November 10, 2022, and sent to nine (9) firms, five proposals were received. An Evaluation Committee consisting of County Staff, reviewed and scored the proposals and recommended Procurement and Planning move forward with fee negotiations with the top two ranked firms. Staff proceeded with negotiations and the top ranked firm was unable to provide fees as requested and in the format used by the Planning Department. Staff is recommending award to the second ranked firm, Seamon, Whiteside and Associates, Inc., contingent on approval of 2023-2024 Budget, Planning Fee Schedules.

Plan review services shall include, but not limited to, site plans, residential subdivisions, mixed use district plans, storm water plans, road plans, Industrial Park plan reviews, Architectural Review Board (ARB) reviews, and Overlay zoning district reviews.

When the Planning Department has a plan to review and the applicant wants to expedite the review, they can request a Third Party Plan Review. The fee for this expedited review will be collected, at the time of application submission and paid, by the County to the Awarded Firm on a monthly basis. If subsequent reviews are required, the fee will be collected prior to the review.

The fees are as follows:

\$1,500.00 First Two Rounds of Review

\$500.00 Subsequent Reviews (each)

There may be times when the Planning Department will need to utilize this contract and the fees associated will be the same as the fees proposed by the Awarded Firm. When the Planning Department requests a review, it will be paid from the Planning Department’s Professional budget code.

This contract will begin July 1, 2023 and end June 30, 2024. The County has the option to renew for up to four (4) one-year terms, providing the services are satisfactory.

It is the staff’s recommendation that Council:

- 1. Approve the award of RFP 22-02 for Third Party Plan Review to Seamon, Whiteside & Associates of Greenville, SC., contingent on approval of 2023-2024 Budget, Planning Fee Schedules.***
- 2. Authorize the County Administrator to execute the contract documents and to renew this contract for up to four (4) one-year renewals, providing the services provided are satisfactory.***

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Title: Two (2) New Holland Tractors with Side Mount Side Mowers

Department: Roads & Bridges

Amount: Tractor: \$151,395.98

Mower: \$ 96,868.06

Total: \$ 248,264.04

Procurement was approved by Council in Fiscal Year 2022-2023 budget process.

Funding from Capital Equipment/Vehicle Fund (325)

Budget: **\$248,264.04** Project Cost: **\$248,264.04** Balance: **\$0.00**

These New Holland Powerstar Tractors with Tiger Side Mount Side Mowers will be used by the Mowing Crew for vegetation management along the 660 miles of County maintained right-of-ways. These tractors are replacing two (2) 2011 John Deere mowing tractors (210.04 – 4,472 hours and 210.08 – 5,531 hours), which will be sold as surplus or used in other County departments. The year model of the tractor and mower will be a 2023 or 2024 depending on the actual production date.

CNH Industrial America, LLC (New Holland) currently holds a State Contract for Large Tractors, contract number 4400024245; which offers 28% off list price. This SC State Contract allows government agencies to purchase directly from the manufacturer or authorized dealers. Old Stone Tractor of Anderson, SC is an authorized New Holland dealer. Old Stone Tractor will set up, deliver and service the equipment for any warranty work required.

Tiger Corporation currently holds a Sourcewell Contract for tractor-mounted mowers, contract number 070821-TGR; which offers 18% off list price. Sourcewell allows the Tiger Side Mount Mower to be sold and installed by Tiger Corporation Authorized dealers. Old Stone Tractor of Anderson, SC is an authorized dealer for Tiger tractor mounted mowers and will install, deliver and service the Tiger Side Mount Mower for any warranty work required.

The Vehicle Maintenance Director has reviewed and approves this purchase.

It is the staff’s recommendation that Council approve the purchase of Two (2) New Holland Tractors and Two (2) Tiger Side Mount Mowers from Old Stone Tractor of Anderson, SC per SC State Contract Number 4400024245 and Sourcewell Contract Number 070821-TGR, for a total purchase price of \$248,264.04.

Council Committee Reports

Budget, Finance & Administration / Mr. Elliott May 2, 2023

Board & Commission Appointments

The Board & Commission seats listed below are co-terminus with Council District seats and will require [in the 1st quarter of 2023] appointment and/or reappointment as follows:

Agricultural Advisory Board

District IV: No questionnaires on file for this seat

Executive Session

[upon reconvening Council may take a Vote and/or take Action on matters brought up for discussion in Executive Session, if required]

- 1. Receive legal advice and discuss personnel matter related to boards and commissions.*
- 2. Discussion regarding a contractual matter related to the City of Seneca, the City of Walhalla, the City of Westminster and the Town of Salem.*

Adjourn

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