



MINUTES
OCONEE COUNTY COUNCIL MEETING
Regular Meeting
November 21, 2017

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, County Administrator Scott Moulder, 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]. 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

Ms. Cammick called the meeting to order at 6:00 p.m.

Public Comment Session

Mr. Al Shuler addressed Council regarding the sewer line in Fair Play and Project Omega.

County Council Response to Public Comment

Mr. Davis responded to Mr. Shuler's comments regarding Project Omega and noted the first reading was on November 11, 2017 and noted the sewer expansion was to increase the economic development in this area.

Mr. Moulder responded to Mr. Shuler's comments regarding the sewer expansion noting this is to be paid for by grant funds. Discussion continued.

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. McCall 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 November 7, 2017 Regular Meeting minutes as presented.

Administrator's Report & Agenda Summary

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

- Public Hearing of Ordinance: 2017-26
- Third Reading of Ordinance: 2017-26
- Second Reading of Ordinance: 2017-25
- First Reading of Ordinance: 2017-28, 29, 30, 31
- Discussion Regarding Action Items
- Board & Commission Appointments
- Old / Unfinished Business
- Council Committee Reports
- Second Reading of Ordinance *[following Executive Session]*: 2017-27

Public Hearings for the Following Ordinances:

Ordinance 2017-26 “AN ORDINANCE TO AMEND **ORDINANCE 2017-01** WHICH ESTABLISHED THE BUDGET FOR OCONEE COUNTY AND PROVIDED FOR THE LEVY OF TAXES FOR ORDINARY COUNTY PURPOSES, FOR THE TRI-COUNTY TECHNICAL COLLEGE SPECIAL REVENUE FUND, FOR THE ROAD MAINTENANCE SPECIAL REVENUE FUND, FOR THE VICTIM SERVICES SPECIAL REVENUE FUND, FOR THE BRIDGE AND CULVERT CAPITAL PROJECT FUND, AND FOR THE ECONOMIC DEVELOPMENT CAPITAL PROJECT FUND, AMONG OTHER MATTERS, ALL IN OCONEE COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2017 AND ENDING JUNE 30, 2018, IN CERTAIN LIMITED REGARDS; AND OTHER MATTERS RELATED THERETO.”

Ms. Cammick opened the floor for Public Comment.

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

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

Ms. Cammick closed the Public Hearing regarding **Ordinance 2017-26**.

Third Reading of the Following Ordinances:

Ordinance 2017-26 [Captioned above]

Mr. Davis made a motion, seconded by Mr. Hart, approved 5 – 0, to approve **Ordinance 2017-26** on third & final reading.

Second Reading of the Following Ordinances:

Ordinance 2017-25 “AN ORDINANCE AMENDING ARTICLE 8 OF CHAPTER 38 OF THE OCONEE COUNTY CODE OF ORDINANCES IN CERTAIN LIMITED REGARDS AND PARTICULARS PERTAINING TO “AMENDMENTS AND REZONING” GENERALLY AND “METHODS OF INITIAL REZONING” IN PARTICULAR; AND OTHER MATTERS RELATED THERETO.”

Mr. Davis made a motion, seconded by Mr. Hart, approved 3 – 2 [Mr. Hart & Mr. McCall opposed], to approve **Ordinance 2017-25** on second reading.

First Reading of the Following Ordinances

Ordinance 2017-28 “AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A GROUND LEASE AGREEMENT BETWEEN OCONEE COUNTY AS LESSOR AND THE FOOTHILLS FARMSTEAD AS LESSEE; AND OTHER MATTERS RELATED THERETO.”

Mr. Davis made a motion, seconded by Mr. Cain, approved 5 – 0, to approve **Ordinance 2017-28** on first reading.

Ordinance 2017-29 “AUTHORIZING OCONEE COUNTY, SOUTH CAROLINA, TO ENTER INTO AN EQUIPMENT ACQUISITION AND USE AGREEMENT FOR THE PURPOSE OF ACQUIRING CERTAIN EQUIPMENT IN AN AMOUNT NOT TO EXCEED \$6,552,500; AUTHORIZING THE COUNTY ADMINISTRATOR TO DETERMINE CERTAIN MATTERS; AND OTHER MATTERS RELATING THERETO.”

Mr. Davis made a motion, seconded by Mr. Hart, approved 5 – 0, to approve **Ordinance 2017-29** on first reading.

Ordinance 2017-30 “AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN AMENDMENT TO THE FEE AGREEMENT BETWEEN OCONEE COUNTY AND ITECH SOUTH, LLC, DATED AS OF APRIL 1, 2015, PROVIDING FOR THE INCLUSION OF EUGENE CARLTON MORRIS AND JUNE COPELAND MORRIS AS SPONSORS; AND OTHER MATTERS RELATED THERETO.”

Mr. Davis made a motion, seconded by Mr. Cain, to approve **Ordinance 2017-30** on first reading.

Ms. Cammick questioned where ITech South was located. Mr. Richard Blackwell, Oconee Economic Alliance [OEA] Director noted the location was across the street from the Oconee County Commerce Park.

Regarding the previous motion made by Mr. Davis, seconded by Mr. Cain, it was approved 5 – 0, to approve **Ordinance 2017-30** on first reading.

Ordinance 2017-31 “AN ORDINANCE AMENDING CHAPTER 38 OF THE OCONEE COUNTY CODE OF ORDINANCES, IN CERTAIN LIMITED REGARDS AND

PARTICULARS ONLY, REGARDING SETBACK LANGUAGE FOR MULTI-FAMILY HOUSING STRUCTURES; AND OTHER MATTERS RELATED THERETO.”

Mr. Davis made a motion, seconded by Mr. Cain, approved 4 – 1 [Mr. Hart opposed], to approve **Ordinance 2017-31** on first reading.

Discussion Regarding Action Items

Drilling Services for Seneca Landfill - Groundwater Remediation Pilot Study / Solid Waste \$95,672.50

Budget: **\$1,315,572.00** Project Cost: **\$95,673.00** Balance: **\$1,219,899.00**

At the September 5, 2017 Council Meeting, Council approved awards to Smith Gardner, Inc. for related engineering services and to Regenesis BioRemediation Products, Inc., to provide remediation products and their application to the Seneca Landfill for remediation as mandated by DHEC. Drilling services by an outside contractor are required for this remediation process. This bid is for drilling services for the installation of three soil borings, multiple injection wells, injection borings and one permanent groundwater monitoring well. The contractor must also drum any contaminated groundwater encountered during drilling.

On October 5, 2017 this bid was advertised and emailed to twelve bidders. On November 2, 2017, formal sealed bids were opened. Eight (8) companies originally submitted bids. One bid was a “No Bid”, two bids were rejected because of no Bid Bond and one bid was rejected because it was not signed, leaving four responsive bids. M & W Drilling, LLC, of Knoxville, TN, submitted the lowest responsive and responsible bid of \$86,975.00. A 10% contingency of \$8,697.50 has been added to this amount to allow for unforeseen drilling conditions and estimated amounts of contamination requiring disposal, bringing the award amount to \$95,672.50.

It is the staff’s recommendation that Council (1) approve the award of bid ITB 17-03, Drilling Services for the Seneca Landfill – Groundwater Remediation Pilot Study to M & W Drilling, LLC, of Knoxville, TN, in the amount of \$86,975.00, with a 10% contingency of \$8,697.50, for a total award of \$95,672.50 and (2) authorize the County Administrator to approve any Change Orders within the contingency amount.

Mr. Davis made a motion, seconded by Mr. Cain, approved 5 – 0, to approve [1] the award of bid ITB 17-03, Drilling Services for the Seneca Landfill – Groundwater Remediation Pilot Study to M & W Drilling, LLC, of Knoxville, TN, in the amount of \$86,975.00, with a 10% contingency of \$8,697.50, for a total award of \$95,672.50 and [2] authorize the County Administrator to approve any Change Orders within the contingency amount.

Roll Off Recycling Containers / Solid Waste / \$114,780.00

Budget: **\$114,780.00** Project Cost: **\$114,780.00** Balance: **\$0**

This Invitation to Bid was issued on October 10, 2017 for Roll Off Recycling Containers for the Solid Waste department. This bid is for (8) 40 yard open top containers, (6) 20 yard open top containers and (9) 20 yard enclosed containers with a 10 yard box style roof. These containers will be used in the convenience centers throughout the County for processing and hauling of recyclables.

On November 7, 2017, formal sealed bids were opened. Ten companies were originally notified of this bid opportunity. Five companies submitted bids with Nu-Life Environmental, Inc., of Easley, SC, submitting the lowest overall bid in the amount of \$114,780.00.

It is the staff’s recommendation that Council approve the award of ITB 17-04 for Roll Off Recycling Containers to Nu-Life Environmental, Inc., of Easley, SC, in the amount of \$114,780.00.

Mr. Davis made a motion, seconded by Mr. Hart, to approve Roll Off Recycling Containers in the amount of \$114,780.00.

Mr. Davis questioned the amount that was the County's part. Mr. Moulder noted \$4,280.00 was the County's portion and would be coming from the budgeting allocations from the Solid Waste department. The remaining is being paid for through grants. Discussion continued.

Regarding the previous motion made by Mr. Davis, seconded by Mr. Hart, it was approved 5 – 0, to approve the Roll Off Recycling Containers to Nu-Life Environmental, Inc., of Easley, SC, in the amount of \$114,780.00.

Board & Commission Appointments

Building Codes Appeal Board

No nominations were made.

Conservation Bank Board

No nominations were made.

Board of Zoning Appeals

No nominations were made.

Agricultural Advisory Board

Mr. Cain made a nomination, approved 5 – 0, to appoint Ms. Sandra L. Gray as the District III representative on the Agricultural Advisory Board.

Old / Unfinished Business

Mr. McCall noted he went to several convenience centers around the County and noticed there was cardboard in with household garbage and when he questioned staff; he was informed they cannot ask residents to recycle. Mr. Moulder noted there was not a policy in place at this time making residents comply. Mr. Root noted the solid waste and litter ordinance has been redrafted and are being reviewed by Mr. Swain Still, Solid Waste Director, and will be ready at the next Law Enforcement, Public Safety, Health & Welfare Committee meeting. Mr. McCall further noted he would like a sign to be placed at the convenience centers to recycle cardboard. Lengthy discussion continued.

Mr. Moulder noted he would place a sign asking residents to recycle cardboard in the appropriate bin.

New Business

None at this meeting.

Council Committee Reports

Budget, Finance & Administration

Ms. Cammick read from a prepared statement [copy filed with these minutes] outlining the discussion held at the November 14, 2017 meeting.

Real Estate, Facilities & Land Management

Mr. Davis read from a prepared statement [copy filed with these minutes] outlining the discussion held at the November 14, 2017 meeting.

Mr. Hart made a motion, seconded by Ms. Cammick, approved 5 – 0, to receive three quotes for the replacement of the unit for the new system chiller at the Oconee County Courthouse with a \$130,000 limit.

Recreation Review Task Force

Mr. Davis read from a prepared statement [copy filed with these minutes] outlining the discussion held at the October 24, 2017 meeting.

Mr. McCall recused himself from motion to enter into Executive Session regarding Project Omega due to potential economic conflict [copy of recusal form filed with these minutes].

Executive Session:

Mr. Davis made a motion, seconded by Mr. Hart, approved 4 – 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] Discussion regarding an Economic Development matter, Project Omega.

Council entered Executive Session at 6:45 p.m.

Council returned from Executive Session at 7:01 p.m. on a motion made by Mr. Davis, seconded by Mr. Hart, approved 4 – 0.

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

Mr. McCall recused himself from discussion during Executive Session regarding Project Omega due to potential economic conflict [copy of recusal form filed with these minutes].

Second Reading of the Following Ordinances [continued]

Ordinance 2017-27 “An ordinance authorizing the execution and delivery of a Memorandum of Understanding (“MOU”) by and between the Oconee Economic Alliance (“OEA”), Oconee County, and Project Omega which memorializes and authorizes certain economic development incentives for Project Omega, including the transfer by the County to the OEA of approximately twenty-two acres of County-owned real property located within the Oconee Industry and Technology Park, along with economic development funds to be determined on the basis of three appraisals for the purpose of OEA facilitating the construction of a building to house the expansion of Project Omega’s manufacturing facilities, and authorizing the acceptance by the County of ownership of Project Omega’s existing manufacturing facility for future use or resale; also authorizing the execution of all other agreements necessary to give effect to the MOU; all contingent on certain investment and the creation of jobs by Project Omega; and all other matters related thereto.”

Mr. Davis made a motion, seconded by Mr. Cain, to approve **Ordinance 2017-27** on second reading.

Lengthy discussion followed to include but not limited to:

- No issue with giving 22 acres, grading, FILOT, etc.

- Object to purchase of the existing building
- Limited funds set aside for economic development
- SC Retirement fund
- Westminster recreation program
- Salem extend water lines beyond the town limits
- Fair Play sewer project

Ms. Cammick made a motion, seconded by Mr. Hart, to amend **Ordinance 2017-27** to provide the 22 acres, grading, and FILOT but exclude the purchase of the building. The motion **failed** 2 – 2 [Mr. Davis & Mr. Cain opposed] to pass due to lack of majority.

The original motion made by Mr. Davis, seconded by Mr. Cain regarding **Ordinance 2017-27** is back on the table. The motion **failed** 2 – 2 [Ms. Cammick & Mr. Hart opposed] to pass due to lack of majority.

Mr. McCall remained recused from the vote on **Ordinance 2017-27**.

Adjourn

Mr. Davis made a motion, approved unanimously 4 – 0, to adjourn at 7:08 p.m. .

Respectfully Submitted:

Katie D. Smith
Clerk to Council