



# MINUTES

## OCONEE COUNTY COUNCIL

### Regular Meeting

### February 5, 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, Interim County Administrator Amanda F. Brock, 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](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: Caitlin Herrington / Daily Journal.

#### **Call to Order:**

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

#### **Public Comment Session**

Ms. Jean Jennings addressed Council regarding the handicap parking at Wal-Mart, the Seneca Library, and the Interim County Administrator.

Mr. Albert Shuler addressed Council congratulating them and noted this is his first meeting of the year. He further noted he is interested in the County in general and wanted to know what form of government we are working under.

Mr. Tom Markovich addressed Council regarding the sewer surplus and the Sewer Commission.

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

Mr. Hart thanked Ms. Amanda Brock for the letter she sent him regarding the grant from the South Carolina Department of Transportation [SCDOT].

#### **Moment of Silence**

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

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### **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 4 – 0 [Mr. McCall abstained; recusal form filed with these minutes], to approve the January 17, 2019 Workshop with Planning Commission meeting minutes as presented.

Mr. McCall made a motion, seconded by Mr. Hart, approved 5 – 0, to approve the January 22, 2019 Regular meeting minutes as presented.

### **Administrator's Comments**

Ms. Brock briefly updated Council regarding the following:

- Crack Seal Project at the Airport for the overlay for the runway
- Finance Department received Government Finance Officers Association [GFOA] Distinguished Budget Presentation Award for the ninth year in a row
- Department of Transportation [DOT] Grant
- Presentation from Mr. Dix with Greenville Health System [GHS] has been rescheduled until February 19, 2019

### **Proclamation 2019-01**

PROCLAMATION 2019-01 RECOGNIZING RESPONDERS WHO OPERATED AT THE HOUSE FIRE ON DR. JOHN'S ROAD IN WESTMINSTER, SC

Mr. Davis read the proclamation into the record.

Mr. Cain made a motion, seconded by Mr. Hart, approved 5 – 0, to approve **Proclamation 2019-01**.

Mr. Cobb thanked the responders for helping him on that day.

Council members presented the proclamation to the responders that were present at the meeting.

### **Presentation to Council**

- Emergency Medical Services Update / Aaron Dix, Director of Mobile Services – Greenville Health System [GHS]

This presentation is rescheduled until Tuesday, February 19, 2019.

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

None at this meeting.

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

None at this meeting.

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

**Ordinance 2019-04** “AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN ADDENDUM TO THE LEASE AGREEMENT BETWEEN OCONEE COUNTY, AS LESSOR, AND OCONEE HERITAGE CENTER, INC., NOW KNOWN AS OCONEE HISTORY MUSEUM, INC., AS LESSEE, IN RELATION TO THE PREMISES KNOWN AS THE TOBACCO BARN, LOCATED AT THE CORNER OF TUGALOO STREET AND BROAD STREET IN WALHALLA, SOUTH CAROLINA.”

Mr. McCall made a motion, seconded by Mr. Cain, approved 5 – 0, to approve **Ordinance 2019-04** on second reading.

**Ordinance 2019-06** “AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF A GENERAL OBLIGATION BOND (KEOWEE FIRE TAX DISTRICT) OF OCONEE COUNTY, SOUTH CAROLINA. IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$550,000; FIXING THE FORM AND CERTAIN DETAILS OF THE BOND; AUTHORIZING THE COUNTY ADMINISTRATOR TO DETERMINE CERTAIN MATTERS RELATING TO THE BOND; PROVIDING FOR THE PAYMENT OF THE BOND AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO.”

Mr. Cain made a motion, seconded by Mr. Elliott, approved 5 – 0, to approve **Ordinance 2019-06** on second reading.

**Ordinance 2019-07** “AN ORDINANCE TO AMEND CHAPTER 22 OF THE OCONEE COUNTY CODE OF ORDINANCES, ENTITLED PARKS, RECREATION, AND TOURISM; AND OTHER MATTERS RELATED THERETO.”

Mr. Cain made a motion, seconded by Mr. Hart, approved 5 – 0, to approve **Ordinance 2019-07** on second reading.

**Ordinance 2019-08** “AN ORDINANCE TO AMEND OCONEE COUNTY’S ROAD ENCROACHMENT PERMIT POLICY AND ENCROACHMENT PERMIT APPLICATION; AND OTHER MATTERS RELATED THERETO.”

Mr. Cain made a motion, seconded by Mr. Hart, approved 5 – 0, to approve **Ordinance 2019-08** on second reading.

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

**Ordinance 2019-09** “AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN AMENDMENT TO THE LEASE AGREEMENT BETWEEN OCONEE COUNTY, AS LESSOR, AND THE UNITED STATES OF AMERICA / U.S. DEPARTMENT OF AGRICULTURE – FARM SERVICE AGENCY, AS LESSEE, IN RELATION TO CERTAIN

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PREMISES LOCATED AT 301 WEST SOUTH BROAD STREET, WALHALLA, SOUTH CAROLINA.”

Mr. Cain made a motion, seconded by Mr. Hart, approved 5 – 0, to approve **Ordinance 2019-09** on first reading.

Per Mr. Davis, Ms. Brock noted the following regarding Ordinances 2019-10, 2019-11, and 2019-12:

- Community Development Department was created from the Building Codes Department and Planning Department
- Language was inclusive in some documents that included the discretion or approval of the building codes director or community development director
- Once the departments separated, there was no longer a community development director; it is now Building Codes Director and Planning Director

**Ordinance 2019-10** “AN ORDINANCE AMENDING CHAPTER 26 OF THE OCONEE COUNTY CODE OF ORDINANCES, BY REVISING CERTAIN TERMS CONTAINED THEREIN, IN ORDER TO PROPERLY DESCRIBE NEW DEPARTMENTS AND DEPARTMENTAL POSITIONS AND RESPONSIBILITIES RESULTING FROM COUNTY COUNCIL’S DIRECTIVE TO DIVIDE THE COMMUNITY DEVELOPMENT DEPARTMENT INTO BUILDING CODES AND PLANNING DEPARTMENTS.”

Mr. Cain made a motion, seconded by Mr. Elliott, approved 5 – 0, to approve **Ordinance 2019-10** on first reading.

**Ordinance 2019-11** “AN ORDINANCE AMENDING CHAPTER 32 OF THE OCONEE COUNTY CODE OF ORDINANCES, BY REVISING CERTAIN TERMS CONTAINED THEREIN, IN ORDER TO PROPERLY DESCRIBE NEW DEPARTMENTS AND DEPARTMENTAL POSITIONS AND RESPONSIBILITIES RESULTING FROM COUNTY COUNCIL’S DIRECTIVE TO DIVIDE THE COMMUNITY DEVELOPMENT DEPARTMENT INTO BUILDING CODES AND PLANNING DEPARTMENTS.”

Mr. Cain made a motion, seconded by Mr. Hart, approved 5 – 0, to approve **Ordinance 2019-11** on first reading.

**Ordinance 2019-12** “AN ORDINANCE AMENDING CHAPTER 38 OF THE OCONEE COUNTY CODE OF ORDINANCES, BY REVISING CERTAIN TERMS CONTAINED THEREIN, IN ORDER TO PROPERLY DESCRIBE NEW DEPARTMENTS AND DEPARTMENTAL POSITIONS AND RESPONSIBILITIES RESULTING FROM COUNTY COUNCIL’S DIRECTIVE TO DIVIDE THE COMMUNITY DEVELOPMENT DEPARTMENT INTO BUILDING CODES AND PLANNING DEPARTMENTS.”

Mr. Cain made a motion, seconded by Mr. Hart, approved 5 – 0, to approve **Ordinance 2019-12** on first reading.

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

None at this meeting.

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## **Discussion Regarding Action Items**

### **Planning Commission Review of Chapter 38-11.2 I-85 Overlay District discussion**

In 2012, some residents of Fair Play worked together to help Council create the “I-85 Overlay”. Since that time, very little development has occurred within the Overlay. In the last four months, issues with the I-85 Overlay have come to light during the permitting process for several projects. After meeting with a small group of residents and business owners of Fair Play, revising the ordinance to address certain issues, such as design and density, would be advisable. Planning Commission should engage with the residents of Fair Play to define what issues in the I-85 Overlay could be addressed and provide revised language to Council , while still focusing on the Comprehensive Plan update and the upcoming corridor plan for 123.

Mr. Hart made a motion, seconded by Mr. Cain, approved 5 – 0, to create a group to engage residents of Fair Play regarding the I-85 overlay.

Ms. Brock noted there was a letter from the Board of Zoning Appeals [BZA] [copy filed with these minutes] recommending this change be made. Mr. Davis read the letter in to the record.

Mr. Root asked if Council was directing a group to engage in this study or the Planning Commission.

Mr. Hart made a motion, seconded by Mr. Cain, approved 5 – 0, to reconsider previous motion.

Mr. Hart made a motion, seconded by Mr. Elliott, approved 5 – 0, to direct Planning Commission to engage with a local group of citizens and evaluate the Fair Play overlay consistent with the request from the Board of Zoning Appeals [BZA].

### **Consideration for approval to convert a Part Time staff position to a Full Time staff position within the Facilities Maintenance Department**

Mr. McCall made a motion, seconded by Mr. Hart, to approve to convert a Part Time staff position to a Full Time staff position within the Facilities Maintenance Department.

Discussion continued to include:

- 2 requests from Clerk of Court for the conversion of a Staff Mark employee to the full-time position for Facilities Maintenance
- Provides maintenance, custodial care, external and internal in each office and court rooms at the Courthouse, as well as the library, probation office, and Magistrate’s Court
- Request full-time employee with the amount of work that is being done by this one person
- Salary and benefit for a one year period is revenue-neutral; cost for two years is 16.24% of the salary and the cost for four years is 34% of the salary

Regarding the previous motion made by Mr. McCall, seconded by Mr. Hart, it was approved 5 – 0, to convert a Part Time staff position to a Full Time staff position within the Facilities Maintenance Department.

## **Board & Commission Appointments**

### Aeronautics Commission

Mr. Cain made a motion, seconded by Mr. McCall, approved 5 – 0, to reappoint Mr. Auby Perry as the District III representative on the Aeronautics Commission.

Mr. Elliott made a motion, seconded by Mr. Hart, approved 5 – 0, to reappoint Mr. Albert Brightwell, as the At Large representative on the Aeronautics Commission.

### Agricultural Advisory Board

Mr. Cain made a motion, seconded by Mr. Davis, approved 5 – 0, to reappoint Ms. Sandra Gray as the District III representative on the Agricultural Advisory Board.

Mr. Cain made a motion, seconded by Mr. Hart, approved 5 – 0, to appoint Ms. Kerrie Roach as the Ex-Officio representative on the Agricultural Advisory Board.

### Board of Zoning Appeals

Mr. Cain made a motion, seconded by Mr. Davis, approved 5 – 0 to reappoint Mr. William Gilster as the District III representative on the Board of Zoning Appeals.

No nominations were made for the At Large seat.

### Building Codes Appeal Board

No nominations were made.

### Arts & Historical Commission

No nominations were made.

### Conservation Bank Board

Mr. Elliott made a motion, seconded by Mr. Davis, approved 5 – 0, to appoint Andrew Smith as the District I representative on the Conservation Bank Board.

Mr. Root noted Ms. Emily Hitchcock submitted a questionnaire for the At Large seat. He further noted she is a retired attorney and is an active member of Oconee Forever, which is affiliated with Upstate Forever. Upstate Forever is a partner with the Conservation Bank Board and there may be occasions where she would need to recuse herself. Discussion continued.

Mr. Cain made a motion, seconded by Mr. Davis, approved 5 – 0, appoint Ms. Emily Hitchcock as the At Large representative for the Conservation Bank Board.

### Parks, Recreation, & Tourism Commission

Mr. Cain made a motion, seconded by Mr. Elliott, approved 5 – 0, to appoint Mr. Riley Johnson as an At Large representative on the Parks, Recreation, & Tourism Commission.

Mr. Cain made a motion, seconded by Mr. Elliott, approved 5 – 0, to appoint Mr. Trey Barnett as an At Large representative on the Parks, Recreation, & Tourism Commission.

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## **Council Committee Reports**

Mr. Cain read from a prepared statement [copy filed with these minutes] outlining the discussions held at the December 4, 2018 Planning & Economic Development Meeting.

Mr. McCall read from a prepared statement [copy filed with these minutes] outlining the discussions held at the January 22, 2019 Law Enforcement, Public Safety, Health & Welfare Meeting.

Approval to accept proposal to use FEMA Reimbursement with an amount not to exceed \$70,968 for Radio Communication Systems in Oconee County Emergency Services per unanimous recommendation by the Law Enforcement, Public Safety, Health & Welfare Committee on January 22, 2019.

Mr. McCall made a motion, seconded by Mr. Davis, approved 5 – 0, to accept proposal to use FEMA Reimbursement with an amount not to exceed \$70,968 for Radio Communication Systems in Oconee County Emergency Services per unanimous recommendation by the Law Enforcement, Public Safety, Health & Welfare Committee on January 22, 2019.

## **Unfinished Business**

Mr. Hart inquired about the animal control ordinance.

Mr. Root noted Council had spoken previously about increasing the membership on the Library Board. He noted there can be up to eleven members, with nine being on the Board at this time. Mr. Blair Hinson, Library Director, had spoken to the Board and they have requested to not have an increase in the size of the membership.

## **New Business**

None at this meeting.

## **Executive Session:**

Mr. Hart made a motion, seconded by Mr. McCall, 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] To receive legal advice and discuss a contractual matter regarding the Sewer South Transfer and Operation Agreement with the Oconee Joint Regional Sewer Authority.*

*[2] Discussion regarding an Economic Development matter, Project Aztec.*

*[3] Discussion regarding an Economic Development matter, Project Pop.*

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

*[5] Receive legal advice and discuss personnel matter related to hiring of permanent County Administrator, to include discussion of approach and process.*

*[6] Receive legal advice and discuss purchase of properties adjacent to Rock Quarry.*

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Council entered Executive Session at 6:47 p.m.

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

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

[#1] Mr. Root asked for a motion to approve the transfer and operation agreement of Sewer South Phase 1 to the Sewer Authority contingent upon [1] additional language being added to the transfer and operation agreement noting that and making clear that only operation, repair, and maintenance cost will be paid as they are incurred, also known as the pay as you go method, [2] contingent upon reverter language being added such that if the grant funds are not received and Phase 2 is not built, Phase 1 will be returned to the County, and [3] contingent upon the Sewer Authority giving the County one seat on the governing board of the Sewer Authority and that seat is to be appointed by County Council.

Mr. Root further noted the revised transfer and operation agreement will come back to County Council for final approval on February 19, 2019 if appropriate.

Mr. McCall made a motion, seconded by Mr. Elliott, approved 5 – 0, to approve the transfer and operation agreement of Sewer South Phase 1 to the Sewer Authority contingent upon [1] additional language being added to the transfer and operation agreement noting that and making clear that only operation, repair, and maintenance cost will be paid as they are incurred, also known as the pay as you go method, [2] contingent upon reverter language being added such that if the grant funds are not received and Phase 2 is not built, Phase 1 will be returned to the County, and [3] contingent upon the Sewer Authority giving the County one seat on the governing board of the Sewer Authority and that seat is to be appointed by County Council.

[#2] Mr. Root asked for a motion to direct staff to continue negotiations as discussed regarding Project Aztec.

Mr. Davis made a motion, seconded by Mr. Cain, approved 5 – 0, to direct staff to continue negotiations as discussed regarding Project Aztec.

[#5] Mr. Root asked for a motion to direct Interim County Administrator and Clerk to Council to post for the position as discussed.

Mr. Cain made a motion, seconded by Mr. Davis, approved 5 – 0, to direct Interim County Administrator and Clerk to Council to post for the position as discussed.

### **Discussion Regarding Action Items *(if necessary)***

**To authorize the Interim County Administrator to issue a letter of commitment in response to 2018 / 2019 EDA Disaster and SCRIA additional grant requirements for the Sewer South Phase 2 Project. The letter will outline the County's pledge of an additional amount not to exceed \$42,270 for Engineering / Permitting / Construction costs, such funds to come from the Economic Development Fund, contingent upon the County reaching an agreement with the OJRSA on the Transfer Agreement for Sewer**

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**South Phase 1. This sum is over and above the \$613,300 previously committed by the County for the same project under the same terms.**

Mr. Root asked for a motion to approve action item and add the contingency that the letter will state the funds will be submitted contingent upon the transfer and operation agreement being approved by both parties and the Sewer Authority granting the County one seat on its governing board to be appointed by County Council.

Mr. Cain made a motion, seconded by Mr. McCall, approved 5 – 0, to approve action item and add the contingency that the letter will state the funds will be submitted contingent upon the transfer and operation agreement being approved by both parties and the Sewer Authority granting the County one seat on its governing board to be appointed by County Council.

**To authorize the procurement of an archeological survey, as requested by the OJRSA, to support its 2018 / 2019 EDA Disaster grant application for the Sewer South Phase 2 Project.**

Mr. Root asked for a motion to approve action item subject to the conditions that the transfer and operation agreement as revised is approved by both parties and the Sewer Authority granting the County one seat on its governing board to be appointed by County Council.

Mr. Cain made a motion, seconded by Mr. Davis, approved 5 – 0, to approve action item subject to the conditions that the transfer and operation agreement as revised is approved by both parties and the Sewer Authority granting the County one seat on its governing board to be appointed by County Council.

**Adjourn:**

Mr. McCall made a motion, approved unanimously, to adjourn at 8:32 p.m.

Respectfully Submitted:

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Katie D. Smith  
Clerk to Council



OCONEE COUNTY COUNCIL  
RECUSAL FORM

Council Member Name: Wayne McCall  
[Please Print]

Council Member Signature: [Handwritten Signature]

Meeting Date: 2.5.2019

Item for Discussion/Vote: Workshop w/ Planning Commission  
Minutes for 1.17.2019

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

I have a personal/familial interest in the issue.

Other: \_\_\_\_\_

[Handwritten Signature]  
Katie Smith  
Clerk to Council