



MINUTES

OCONEE COUNTY COUNCIL

Regular Meeting

March 3, 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]. 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. Melinda Jenkins addressed Council regarding an encroachment that has been obtained for commercial development on South Crack Moore Drive. She noted this is a residential community and business will have South Crack Moore addresses and is asking for guidance to switch the entries to the main road.

Mr. Tom Markovich addressed Council regarding comments made at the prior Planning & Economic Development Committee that met on March 3, 2020.

Mr. Jerry Barnett addressed Council regarding his attendance at some of the comprehensive plan meetings.

Mr. Davis noted there was a written comment [copy filed with backup materials] submitted for inclusion in the backup materials.

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County Council Response to Public Comment

Mr. Elliott responded to Ms. Jenkins' comments noting there should be access from a main road and not a neighborhood.

Mr. Elliott further noted he received a phone call from a former classmate that works for the State of South Carolina and has bought property and will be moving to Oconee County. He noted had spoken with at least 10 different departments gathering information and noted he had a friendly, informative, and helpful conversations with the different departments.

Mr. Cain responded to Mr. Markovich's comments noting it was not the intent of Council to create two working groups and appreciates what the Planning Commission does for Oconee County.

Mr. Davis noted the Planning Commission is doing a great job and the intent is to remove some items so staff can move forward.

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:

Ms. Brock 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. Elliott, approved 5 – 0, to approve the February 11, 2020 Strategic Planning Retreat Minutes as presented.

Mr. Hart made a motion, seconded by Mr. Elliott, approved 5 – 0, to approve the February 18, 2020 Regular Minutes as presented.

Administrator's Comments

Ms. Brock briefly updated Council regarding the following:

- Strategic Planning Retreat report will be an action item to adopt report at the March 17, 2020 County Council meeting

Attorney's Comments

Mr. Root briefly updated Council regarding the following:

- Will have Public Hearing for Ordinance 2020-06 but need a motion to postpone 3rd reading
- Need a motion to postpone first reading of Ordinance 2020-07

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Mr. McCall made a motion, seconded by Mr. Hart, approved 5 – 0, to postpone 3rd reading of **Ordinance 2020-06**.

Mr. Hart made a motion, seconded by Mr. Elliott, approved 5 – 0, to postpone 1st reading of **Ordinance 2020-07**.

Presentation to Council

2018-2019 Comprehensive Annual Financial Report (CAFR) and Auditor’s Discussion and Analysis / Grant H. Davis – Mauldin & Jenkins, LLC

Mr. Davis, Mauldin & Jenkins, LLC, addressed Council utilizing handouts entitled “Comprehensive Annual Financial Report for the Fiscal Year ended June 30, 2019” and “Auditor’s Discussion & Analysis” [copy of both filed with backup materials] and gave a brief presentation.

Appalachian Council of Governments / Mr. Steve Pelissier, Executive Director

Mr. Pelissier, Executive Director of Appalachian Council of Governments, addressed Council utilizing a handout [copy filed with backup materials] and gave a brief presentation.

Public Hearings for the Following Ordinances

Ordinance 2020-05 “AN ORDINANCE ADOPTING THE OCONEE COUNTY “2020 COMPREHENSIVE PLAN.”

Mr. Davis opened the floor for Public Comment.

Dr. Steven Christensen addressed Council in favor of **Ordinance 2020-05**.

Ms. Debbie Sewell, member of the Oconee Agricultural Advisory Board, addressed Council in favor of **Ordinance 2020-05**.

Mr. Mike Smith, member of the Oconee Planning Commission, addressed Council in favor of **Ordinance 2020-05**.

Mr. Frankie Pearson, member of the Oconee Planning Commission, addressed Council in favor of **Ordinance 2020-05**.

Mr. Rex Blanton, member of the Oconee Agricultural Advisory Board, addressed Council in favor of **Ordinance 2020-05**,

Mr. Jim Schoonover addressed Council in favor of **Ordinance 2020-05**.

Mr. Jerry Barnett addressed Council in favor of **Ordinance 2020-05**.

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No additional citizens spoke at this meeting.

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 2020-05**.

Ordinance 2020-06 “AN ORDINANCE AUTHORIZING: (1) THE EXECUTION AND DELIVERY OF A FEE AGREEMENT BY AND BETWEEN OCONEE COUNTY, SOUTH CAROLINA AND PROJECT AZTEC, PROVIDING FOR A PAYMENT OF A FEE IN LIEU OF TAXES; (2) THE ISSUANCE OF SPECIAL SOURCE REVENUE CREDITS; (3) THE ISSUANCE AND DELIVERY OF A MULTI-COUNTY INDUSTRIAL PARK AGREEMENT WITH PICKENS COUNTY; (4) THE CONVEYANCE OF CERTAIN REAL PROPERTY; AND OTHER MATTERS RELATED THERETO.”

Mr. Davis opened the floor for Public Comment.

Mr. Tony Adams addressed Council asking questions regarding **Ordinance 2020-06**.

Mr. Root noted as a point of procedure, the public comment and public hearing times for the public and Council does not answer because there have been historically in other jurisdictions where the public have been trampled on by Council members arguing with the citizen. He further noted when the motion is brought forward and Council deliberates on the motion, they can incorporate any questions that has been brought by the public into their discussions. Additionally, he noted that he and Ms. Brock can be contacted outside the Council network as long as it is not attorney-client privilege.

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 2020-06**.

Third Reading of the Following Ordinances

Ordinance 2020-05 *[see caption above]*

Mr. Cain made a motion, seconded by Mr. Elliott, approved 3 – 2 [Mr. Hart & Mr. McCall opposed], to approve **Ordinance 2020-05** on third & final reading.

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Ordinance 2020-06 postponed earlier in the meeting – see Attorney’s Comments

Second Reading of the Following Ordinances

None at this meeting.

First Reading for the Following Ordinances

Ordinance 2020-07 “AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN INFRASTRUCTURE TAX CREDIT AGREEMENT BETWEEN OCONEE COUNTY, SOUTH CAROLINA AND TECHNOLOGY SOLUTIONS OF SC INC.; AND OTHER MATTERS RELATING THERETO.”

Ordinance 2020-07 was postponed earlier in the meeting – see Attorney’s comments

First & Final Reading of the Following Resolutions

Resolution 2020-03 “A RESOLUTION DECLARING OCONEE COUNTY, SOUTH CAROLINA A CONSTITUTIONAL RIGHTS PROTECTED COUNTY.”

Mr. Hart made a motion, seconded by Mr. Elliott, approved 5 – 0, to approve **Resolution 2020-03** on first & final reading.

Discussion Regarding Action Items

Design Build Services for Westminster Magistrates Office / Magistrate / \$15,000.00

Budget: \$15,000.00 / Project Cost: \$15,000.00 / Balance: \$0.00

[Phase 1 – \$10,000.00; Phase 2 – \$5,000.00]

Request for Proposals 19-03 requested qualified firms to provide Design Build Services for Westminster Magistrates Office. RFP 19-03 was issued on January 16, 2020, and sent to sixteen (16) firms. Four (4) proposals were received on February 11, 2020. An Evaluation Committee consisting of Eddie Wald, Maintenance Mechanic, Jason Neal, Assistant Director of Facilities Maintenance, Lake Julian, Director of Facilities Maintenance, Phil Shirley, Director of Parks, Recreation and Tourism, and Will Derrick, Chief Magistrate, reviewed and scored the proposals and are recommending Trehel Corporation of Clemson, SC for this award:

Design-Build is a method of project delivery in which *one* entity (Design-Builder) forges a *single* contract with the Owner to provide for Architectural Engineering design services AND construction services.

This design build project consists of four (4) phases:

Phase One: Schematic Phase

Phase Two: Design Development

Phase Three: Construction Documents

Phase Four: Construction Phase

Trehel Corporation has proposed \$10,000.00 for Phase One (1) and \$5,000.00 for Phase Two (2). The construction cost cannot be provided until Phase one (1) and two (2) are complete. Staff will return to

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request Council approval for Phase three (3) and four (4) upon completion of the first two (2) phases. Staff projects this to be June or July 2020.

It is the staff's recommendation that Council approve the Award of RFP 19-03, Design Build Services for Westminster Magistrates Office to Trehel Corporation of Clemson, SC, in the amount of \$15,000.00 for Phase One and Two.

Mr. Elliott made a motion, seconded by Mr. Hart, approved 5 – 0, to approve the Award of RFP 19-03, Design Build Services for Westminster Magistrates Office to Trehel Corporation of Clemson, SC, in the amount of \$15,000.00 for Phase One and Two.

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.

Arts & Historical Commission

No questionnaires were submitted for the District 5 seat.

Unfinished Business

- Update regarding litter related penalties and control

Mr. Root noted we can mirror what the State does and general deputies and litter enforcement officers will write uniformed tickets under the County Ordinance as well as the State. The County Ordinance as it is written now allows for community service or litter pickup to be ordered by the judge and the State mandates a minimum of eight hours. He further noted the other aspect was that the citizens that were completing community service wear identifying clothing and the legality of doing this may have cruel and unusual punishment and this is an issue other counties have faced. Discussion continued.

Ms. Brock noted she would like to begin a litter task force which would include representatives from Keep Oconee Beautiful Association [KOBA], Council districts, etc.

Mr. Davis made a motion, seconded by Mr. Elliott, approved 5 – 0, to direct staff to revise the litter ordinance and bring back to full Council.

Mr. Elliott made a motion, seconded by Mr. Cain, approved 5 – 0, to clarify a prior motion to include the corridor planning for all the primary corridors in the County and refer the issue to the Planning & Economic Development Committee for review and the Planning Commission to direct their efforts to working with staff and Administration.

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New Business

None at this meeting.

Executive Session:

Mr. Hart made a motion, seconded by Mr. Elliott, 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 litigation regarding a contractual matter.

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

Council entered Executive Session at 7:31 p.m.

Council returned from Executive Session at 7:56 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.

[#1] Mr. Davis made a motion, seconded by Mr. Cain, approved 5 – 0, to settle this matter as discussed and direct the County Administrator to sign the release.

First Reading of the Following Ordinances

Ordinance 2020-08 [title only] “AN ORDINANCE AUTHORIZING: (1) THE EXECUTION AND DELIVERY OF A DEVELOPMENT AND INFRASTRUCTURE CREDIT AGREEMENT TO PROVIDE FOR INFRASTRUCTURE CREDITS TO PROJECT TROUT; (2) THE ISSUANCE AND DELIVERY OF A MULTI-COUNTY INDUSTRIAL PARK AGREEMENT WITH PICKENS COUNTY; AND OTHER RELATED MATTERS.”

Mr. Hart made a motion, seconded by Mr. Cain, approved 5 – 0, to approve **Ordinance 2020-08** on first reading in title only.

Adjourn:

Mr. Hart made a motion, approved unanimously, to adjourn at 7:58 p.m.

Respectfully Submitted:

Katie D. Smith
Clerk to Council

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