



# MINUTES

## OCONEE COUNTY COUNCIL

### Regular Meeting

### August 18, 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](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 / The Journal

### **Call to Order**

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

### **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, Katie Smith at [ksmith@oconeesc.com](mailto:ksmith@oconeesc.com) or 864-718-1023, so that she may receive your comment and read it into the record.*

Ms. Gwen McPhail, Chair of Planning Commission and Frankie Pearson, Vice-Chair of Planning Commission, addressed Council and read from a prepared statement [copy filed with backup materials] thanking Mr. McCall for his “service to the citizens of Oconee County as a member of County Council for the past twelve years”.

Mr. Travis Nix, Towe Towing and Crane Service Manager, addressed Council regarding the junkyard/scrap yard discussion through the Planning Commission.

Ms. Erin Farmer addressed Council in support of the Oconee County SC Commission on African American Affairs.

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Mr. Davis read a written comment from Ms. Gale Taft [copy of comment filed with backup materials] in opposition of the letter of support for qualified immunity.

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

Mr. McCall thanked Ms. McPhail and Mr. Pearson for the public comment regarding his years of service. He further noted that citizens have called to complain about use of cell phones during Council meetings.

Mr. Hart agreed with Mr. McCall's comments regarding the use of cell phones.

Mr. Davis noted technology can be used in a lot of different ways. He noted his iPad has the agenda and backup materials for each meeting and his cell phone has notes and keeps the time during the public comment session.

Mr. Cain noted he has received multiple emails regarding storage buildings that are set to be built on Hwy. 130. He noted work will continue to progress on this property. He further noted this is in a control free area and Oconee County Council has no control over this.

### **Moment of Silence**

Mr. Davis asked for a moment of silence prior to the Invocation by the County Chaplain and asked to remember the passing of Council member Reg Dexter and thanked him for his service and further asked to remember his family.

### **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. Cain made a motion, seconded by Mr. Elliott, approved 5 – 0, to approve the July 21, 2020 Regular Minutes as presented.

### **Administrator's Comments**

Ms. Brock asked for the agenda to be amended to remove the Refurbish 973C Caterpillar Track Loader under Action Items and remove discussion regarding an Economic Development matter, Project Three Points under Executive Session as these items are no longer needed to be discussed.

Mr. Davis made a motion, seconded by Mr. Cain, approved 5 – 0, to amend the agenda to remove the Refurbish 973C Caterpillar Track Loader under Action Items and remove discussion regarding an Economic Development matter, Project Three Points under Executive Session.

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## Attorney's Comments

Mr. Root updated Council regarding Ordinance 2020-09 and noted there were multiple amendments during the 2<sup>nd</sup> reading of the ordinance and he would be proposing additional amendments at the appropriate time [copy of amendments filed with backup materials entitled "2020-09: Potential Amendments for 8.18.2020].

## Presentation to Council

- Create an Oconee County SC Commission on Native American Affairs

Mr. Luther Lyle addressed Council utilizing a handout [copy filed with backup materials] and gave a brief presentation regarding creating an Oconee County SC Commission on Native American Affairs.

## Proclamation 2020-05

- **Proclamation 2020-05** Recognizing the 100<sup>th</sup> Anniversary of the 19<sup>th</sup> Amendment and the efforts of the Women's suffrage movement to guarantee the right for all women to vote

Mr. Elliott read **Proclamation 2020-05** into the record.

Mr. Cain made a motion, seconded by Mr. Hart, approved 5 – 0, to approve **Ordinance 2020-05**.

## Proclamation 2020-06

- **Proclamation 2020-06** Proclaiming the Week of August 9<sup>th</sup> through August 15<sup>th</sup> as Rosa Clark Medical Center Awareness Week in Oconee County in Coordination with National Health Center Awareness Week

Mr. Cain made a motion, seconded by Mr. Elliott, approved 5 – 0, to approve **Ordinance 2020-06**.

## 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 hearing, please contact Katie Smith at [ksmith@oconeesc.com](mailto:ksmith@oconeesc.com) or 864-718-1023 so that she may coordinate your participation by telephone.*

Mr. Root noted there were six amendments made at the last meeting and has additional potential changes to the sign ordinance that would make it less restrictive and more clear. Mr. Root read the potential amendments from the document entitled "2020-09: Potential Amendments for 8.18.2020 [copy filed in backup materials].

**Ordinance 2020-09** "AN ORDINANCE AMENDING THE "SIGN CONTROL ORDINANCE OF OCONEE COUNTY, SOUTH CAROLINA."

Mr. Davis opened the floor for Public Comment.

Mr. Joey Lemmons addressed Council regarding concerns that his company has four billboard structures in

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the County and as technology changes, the need changes as well. He asked if he has a structure that they want to put an LED sign, is this permissible?

Mr. Root noted the amendments make it clearer and the square footage wouldn't be changed.

Mr. Trey Lemmons addressed Council utilizing a handout [copy filed with backup materials] regarding safety of billboards.

Mr. Davis read a written comment from Mr. Tony Adams [copy filed with backup materials] opposing Ordinance 2020-09.

Mr. Frankie Pearson addressed Council utilizing a handout entitled "SC Legislature, Chapter 25, Title 57 – Highways, Bridges, and Ferries / Outdoor Advertising" [copy filed with backup materials].

Mr. Jerry Barnett addressed Council in opposition of Ordinance 2020-09.

Noting that no other citizens signed up to address Council, 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 2020-09**.

**Ordinance 2020-10** "AN ORDINANCE AMENDING THE ENFORCEMENT AND PENALTY PROVISIONS OF THE "LITTER CONTROL ORDINANCE OF OCONEE COUNTY, SOUTH CAROLINA."

Mr. Davis opened the floor for Public Comment.

Noting that no citizens signed up to address Council; 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 2020-10**.

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

**Ordinance 2020-09** [see caption above]

Mr. Cain made a motion, seconded by Mr. Elliott, to approve **Ordinance 2020-09** on third & final reading.

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Mr. Davis made a motion, seconded by Mr. Cain, approved 3 – 2 [Mr. Hart & Mr. McCall opposed] to amend Ordinance 2020-09 as stated on the document entitled “2020-09: Potential Amendments for 8.18.2020” and replace the word “change” to “increase” in Sec. 32-520(7) and in Sec. 32-521(14)(b).

Mr. Davis called for the vote of **Ordinance 2020-09** as amended. The motion passed 3 – 2 [Mr. Hart & Mr. McCall opposed] on third & final reading.

**Ordinance 2020-10** *[see caption above]*

Mr. Cain made a motion, seconded by Mr. Elliott, approved 5 – 0, to approve **Ordinance 2020-10** on third & final reading.

**Second Reading of the Following Ordinances**

None at this meeting.

**First Reading for the Following Ordinances**

None at this meeting.

**First and Only Reading for the Following Ordinances**

**Ordinance 2020-14(E)** “AN EMERGENCY ORDINANCE REQUIRING INDIVIDUALS TO WEAR FACE COVERINGS IN CERTAIN FACILITIES OWNED OR OPERATED BY OCONEE COUNTY; AND OTHER MATTERS RELATED THERETO.”

Mr. Cain made a motion, seconded by Mr. Elliott, approved 5 – 0, to approve **Ordinance 2020-14(E)** on first & only reading.

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

**Resolution 2020-05** “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.”

Mr. Elliott made a motion, seconded by Mr. Davis, approved 5 – 0, to approve **Resolution 2020-05** on first & final reading.

**Resolution 2020-06** “A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A DIVE TEAM AGREEMENT BETWEEN THE OCONEE COUNTY EMERGENCY SERVICES DEPARTMENT AND THE OCONEE COUNTY SHERIFF’S OFFICE.”

Mr. Cain made a motion, seconded by Mr. Elliott, approved 5 – 0, to approve **Resolution 2020-06** on first & final reading.

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**Discussion Regarding Action Items**

**Refurbish 973C Caterpillar Track Loader / Solid Waste /**

**Estimated Amount \$238,201.21**

**Contingency: \$30,000.00**

**\$268,201.21**

**Budget: \$1,196,728 / Project Cost: \$268,201.21 / Balance: \$928,526.79**

*Funding from Capital Equipment and Vehicle Capital Project Fund*

Solid Waste has a 2007 973C Caterpillar Track Loader that is used in the landfill to move material and haul debris. This piece of equipment continues to have breakdown issues; which is a result of many years / hours of wear and tear and is in need of replacement or refurbishing. Due to the cost of a new track loader vs. refurbish, the recommendation of the Vehicle Maintenance Director is to refurbish the track loader. Blanchard CAT will rebuild all of the mechanical parts on the machine; including new bearings and seals, and will include a 36 month / 5,000-hour powertrain warranty. Staff is requesting a contingency of \$30,000.00 to cover any unforeseen issues that arise during the refurbish. It is estimated that the refurbish repair of the track loader will take approximately 6 months.

It is the staff's recommendation that Council [1] approve the refurbish of the 973C Caterpillar track loader in the estimated amount of \$238,201.21 plus \$30,000.00 contingency for a total amount of \$268,201.21 to Blanchard CAT of Columbia, SC. and [2] authorize the County Administrator to approve and sign any change orders within the contingency amount.

The Refurbish 973C Caterpillar Track Loader Action Item was removed from the agenda earlier in the meeting – see Administrator's comments

**Dozer Rental for Landfill Change Order #2 - PO 53915 / Solid Waste /  
\$89,130.00**

**Budget: \$89,130 / Project Cost: \$89,130 / Balance: \$ 0.00**

*Funding from General Fund Solid Waste Department*

In a previous Action Item for Refurbish of a 2007 Caterpillar 973 Track Loader, staff explained the down time of this machine is estimated to be six (6) months. Solid Waste uses this piece of equipment in the landfill to move material and haul debris and cannot be without equipment while under repair.

On June 15, 2020 the 2007 Caterpillar 973 Dozer was sent to Blanchard CAT for diagnostics and repair pricing. Purchase order number 53915 was issued to Flint Equipment of Simpsonville, SC in the amount of \$18,973.00 for one (1) month rental of a 2018 John Deere 1050K Dozer to keep the landfill operating. Change Order # 1 to PO 53915 was issued on July 22, 2020 in the amount of \$14,855.00 for a second month rental; current purchase order total is \$33,828.00.

The repair / refurbish is estimated to take +/- six (6) months. Rental of the 2018 John Deer 1050K Dozer will

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be required during the repair. Staff is requesting Council approval for an estimated six (6) additional months' rental at \$14,855.00 per month. The total request for Change Order #2 is \$89,130.00 making the purchase order total \$122,958.00.

It is the staff's recommendation that Council [1] approve Change Order # 2 PO 53915 to Flint Equipment of Simpsonville, SC for the rental extension of the 1050K Dozer in the amount of \$89,130.00. This will bring the total amount of the PO to \$122,958.00 and [2] authorize the County Administrator to sign / execute the change order.

Mr. McCall made a motion, seconded by Mr. Elliott, to approve [1] approve Change Order # 2 PO 53915 to Flint Equipment of Simpsonville, SC for the rental extension of the 1050K Dozer in the amount of \$89,130.00. This will bring the total amount of the PO to \$122,958.00 and [2] authorize the County Administrator to sign / execute the change order.

Ms. Brock noted they may not need the six months that we are requesting for the rental on this piece of equipment but wanted to get approved in case the full extension was needed.

Regarding the previous motion made by Mr. McCall, seconded by Mr. Elliott, it was approved 5 – 0, to [1] approve Change Order # 2 PO 53915 to Flint Equipment of Simpsonville, SC for the rental extension of the 1050K Dozer in the amount of \$89,130.00. This will bring the total amount of the PO to \$122,958.00 and [2] authorize the County Administrator to sign / execute the change order.

### **Letter of Support to Oconee County Legislative Delegation**

Request for Council to approve a letter of support to be sent to Oconee County Legislative Delegation regarding the opioid overdose epidemic in Oconee County.

Mr. McCall made a motion, seconded by Mr. Cain, approved 5 – 0, for a letter of support to be sent to Oconee County Legislative Delegation regarding the opioid overdose epidemic in Oconee County.

### **Letter of Support to US Congressmen**

Request for Council to approve a letter of support to be sent to the US Congressmen to preserve qualified immunity.

Mr. McCall made a motion, seconded by Mr. Cain, approved 5 – 0, for a letter of support to be sent to the US Congressmen to preserve qualified immunity.

### **Council approval to transfer \$15,000 from the General Operational Fund to the Capital Projects Fund for a land acquisition per Council approval on July 21, 2020**

Mr. Cain made a motion, seconded by Mr. Elliott, approved 5 – 0, to approve a transfer \$15,000 from the General Operational Fund to the Capital Projects Fund for a land acquisition per Council approval on July 21, 2020.

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## **Council Committee Reports**

### Law Enforcement, Public Safety, Health & Welfare Committee

Mr. Davis read from a prepared statement [copy filed with backup materials] outlining discussions held at the July 21, 2020 Law Enforcement, Public Safety, Health & Welfare Committee.

### Planning & Economic Development Committee

Mr. Cain read from a prepared statement [copy filed with backup materials] outlining discussions held at the July 21, 2020 Planning & Economic Development Committee.

## **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.

### Conservation Bank Board

No questionnaires were submitted for the District 5 or 1 At Large seat.

### Arts & Historical Commission

No questionnaires were submitted for the District 4 seat.

## **Executive Session:**

Mr. Cain 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 contractual matter, and related potential contractual matter, with respect to the disposition of certain County-owned property.*

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

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

*~~[4] Discussion regarding an Economic Development matter, Project Three Points.~~*

*[5] Receive legal advice and discuss potential purchase of various property interests in relation to the extension of sewer infrastructure to I-85.*

Executive Session item #4 was removed from the agenda earlier in the meeting – see Administrator’s comments.

Council entered Executive Session at 7:28 p.m.

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Council returned from Executive Session at 8:23 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.

Mr. Elliott made a motion, seconded by Mr. Cain, approved 5 – 0, to authorize the County Administrator and the County Attorney to negotiate and to represent a willingness to pursue the transfer as discussed.

Mr. Cain made a motion, seconded by Mr. Elliott, approved 5 – 0, to authorize the County Administrator to spend up to \$80,000 for costs related to the acquisition of necessary property interests for the extension of sewer infrastructure to and around Interstate 85.

**Adjourn:**

Mr. Hart made a motion, approved unanimously, to adjourn at 8:25 p.m.

Respectfully Submitted:

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Katie D. Smith  
Clerk to Council

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