



# MINUTES

## OCONEE COUNTY COUNCIL

### Regular Meeting

### November 17, 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: Riley Morningstar / 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.*

Mr. Frankie Pearson addressed Council noting he was still concerned with lack of officers at the Oconee County Sheriff's Office. He noted there are funds available and anything that Council can do or will do would be appreciated.

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

Mr. Cain wished everyone a Happy Thanksgiving and to stay safe and enjoy the holiday. He further noted he was thankful he gets to serve this County and serve with the other members of Council and staff.

### **Moment of Silence**

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

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## **Invocation by County Council Chaplain**

Mr. Root, County Council Chaplain, gave the invocation.

## **Pledge of Allegiance**

Ms. Amanda 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 October 20, 2020 Regular Minutes as presented.

## **Administrator's Comments**

Ms. Brock noted in speaking with Mr. Elliott, members of the community in District 1 was appreciative of the road department and arbor crew and general services that the County provides through public services. She further noted she and her staff appreciate Council and their gratefulness and the support that they provide to the County.

## **Attorney's Comments**

Mr. Root noted Proclamation 2020-11 would need to be postponed until a representative from the school could be in attendance and asked for a motion to postpone.

Mr. Hart made a motion, seconded by Mr. Elliott, approved 5 – 0, to postpone Proclamation 2020-11 until representatives from Seneca High School can attend.

## **Proclamation 2020-10**

**Proclamation 2020-10** A PROCLAMATION RECOGNIZING NOVEMBER 16, 2020 – NOVEMBER 20, 2020 AS AMERICAN EDUCATION WEEK

Mr. Davis read Proclamation 2020-10 into the record.

Mr. Hart made a motion, seconded by Mr. Cain, approved 5 – 0, to approve **Proclamation 2020-10** on first & final reading.

Mr. Steve Hanvey, School District of Oconee County [SDOC] Associate Superintendent of Administration, came forward and accepted **Proclamation 2020-10**.

Mr. Hanvey thanked Council on behalf of SDOC and the employees for the support they provide every year and on a daily basis.

## **Proclamation 2020-11**

**Proclamation 2020-11** Honoring the Seneca High School Girls' Cross-Country Team as State Champions

Proclamation 2020-11 was postponed earlier in the meeting – see Attorney's Comments

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## **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.*

None at this meeting.

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

None at this meeting

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

**Ordinance 2020-20** “AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN AMENDED AND RESTATED FEE IN LIEU OF TAX AGREEMENT BETWEEN OCONEE COUNTY, SOUTH CAROLINA AND BASF CORPORATION; THE GRANTING OF A SPECIAL SOURCE CREDIT; AND OTHER MATTERS RELATING THERETO INCLUDING, WITHOUT LIMITATION, PAYMENT OF A FEE IN LIEU OF TAXES.”

Mr. Hart made a motion, seconded by Mr. Cain, approved 5 – 0, to approve **Ordinance 2020-20** on second reading.

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

**Ordinance 2020-21** “AN ORDINANCE AUTHORIZING AND APPROVING (1) THE DEVELOPMENT OF A NEW JOINT COUNTY INDUSTRIAL AND BUSINESS PARK (FRIENDSHIP COURT PROPERTY) PURSUANT TO SECTION 4-1-170 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, IN CONJUNCTION WITH ANDERSON COUNTY (THE "PARK") SUCH PARK TO BE GEOGRAPHICALLY LOCATED IN ANDERSON COUNTY AND TO INCLUDE THE AFOREMENTIONED PROJECT; (2) THE EXECUTION AND DELIVERY OF A WRITTEN PARK AGREEMENT WITH ANDERSON COUNTY AS TO THE REQUIREMENT OF PAYMENTS OF FEE IN LIEU OF *AD VALOREM* TAXES WITH RESPECT TO PARK PROPERTY AND THE SHARING OF THE REVENUES AND EXPENSES OF THE PARK; (3) THE DISTRIBUTION OF REVENUES FROM THE PARK TO THE COUNTIES AND RELEVANT TAXING ENTITIES; AND (4) OTHER MATTERS RELATED THERETO.”

Mr. Cain made a motion, seconded by Mr. Elliott, to approve **Ordinance 2020-21** on first reading.

Mr. Cain noted Oconee County is not investing in Anderson County and this is what the state requires regarding a multi-county industrial park agreement.

Regarding the previous motion made by Mr. Cain, seconded by Mr. Elliott, it was approved 5 – 0, to approve **Ordinance 2020-21** on first reading.

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

**Resolution 2020-08** “A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN EASEMENT AGREEMENT WITH THE UNITED STATES DEPARTMENT OF THE ARMY / SECRETARY OF THE ARMY FOR A PUBLIC ROAD OR STREET LOCATED ON THE HARTWELL LAKE PROJECT; EASEMENT NO. DACW21-2-20-0049.”

Mr. Hart made a motion, seconded by Mr. Cain, approved 5 – 0, to approve **Resolution 2020-08** on first & final reading.

## **Discussion Regarding Action Items**

### **Change Order # 1 PO 53362 / Solid Waste / \$33,062.00**

**Budget:** \$33,062.00 / **Project Cost:** \$33,062.00 / **Balance:** \$0.00

Smith Gardner has been the On Call Engineering Firm for Oconee County Solid Waste since February 2012 – Beginning with RFQ 11-10 which expired February of 2017. RFP 16-09 was issued and Awarded / Approved by County Council to Smith Gardner, Inc., for Engineering Services for Solid Waste on January 17, 2017.

On December 4, 2018 Council approved the award to Smith Gardner for Engineering Services for Preparations of the DHEC Permit Application Package for expansion of the County’s Class Two landfill, in the Amount of \$93,850.05.

DHEC reviewed the Major Permit Modification Application and responded with comments requiring revisions to the engineered construction plans, revisions to the Stormwater plan and responses to numerous comments. This requested change order is for Smith and Gardner to make required changes, respond to DHEC comments and resubmission of documents to DHEC.

It is the staff’s recommendation that Council [1] approve Change Order #1 to PO 53362 in the Amount of \$13,062.00 which brings the purchase order total to \$106,912.05, and [2] authorize the County Administrator to approve additional changes and / or additional documentation required after DHEC review up to \$20,000.00.

Mr. Cain made a motion, seconded by Mr. Elliott, approved 5 – 0, to [1] approve Change Order #1 to PO 53362 in the Amount of \$13,062.00 which brings the purchase order total to \$106,912.05, and [2] authorize the County Administrator to approve additional changes and / or additional documentation required after DHEC review up to \$20,000.00.

### **Change Order #2 PO 54032 / Economic Development / Amount: \$55,214.28**

**Budget:** \$55,214.28 / **Project Cost:** \$55,214.28 / **Balance:** \$0.00

*[Economic Development Fund]*

On June 2, 2020 Council Approved the Award of ITB 19-09 Seneca Rail Park Infrastructure to Cedar Farms & Construction, Inc in the amount of \$627,351.25 (Construction \$570,319.32 and 10% Contingency \$57,031.93). During construction an additional 350 CY of trench rock removal was required and resulted in

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Change Order #1. Change Order # 1 was in the amount of \$ 56,525.00 and was covered by the approved contingency.

We are requesting Council Approval for Change Order #2 which is a result of changes and additions required to complete the project. These changes are for:



The Seneca Rail Park Infrastructure Project consists of: connection to existing 12-in water main; Construction of 384-LF of new 12-inch water main including steel cased bore under Shiloh Road and Railroad; Construction of 2,680-LF of 10-inch gravity sewer including ten (10) manholes; Connect gravity sewer to existing OJRSA manhole. All associated work required to install the above-described infrastructure.

It is the staff's recommendation that Council approve Change Order # 2 PO # 54032 in the amount of \$55,214.28 making the total purchase order amount \$ 682,565.53.

Mr. Cain made a motion, seconded by Mr. Elliott, to approve Change Order # 2 PO # 54032 in the amount of \$55,214.28 making the total purchase order amount \$ 682,565.53.

Discussion continued to include:

- Concerns regarding removing bigger items and replacing with smaller items on equipment
- Diameter of the pipe shrinking is due to the amount of rock that needs to be removed from the trenching
- Limitations of the ground, not an engineering source
- Recommendation from City of Seneca and Sewer Authority
- Contingency
- If approved as stated, this matter can be brought up at the December 1<sup>st</sup> meeting
- Bring letter back stating Council concerns

Ms. Caggiano addressed Council and noted Goodwyn, Mills, & Cawood [GMC] has helped to monitor this construction progress and the engineering record for the sewer authority and are aware of the issues. Discussion continued.

Regarding the previous motion made by Mr. Cain, seconded by Mr. Elliott, it was approved 5 – 0, to approve Change Order # 2 PO # 54032 in the amount of \$55,214.28 making the total purchase order amount \$ 682,565.53.

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## **John Deere 1050K Crawler Dozer with Trash Rack / Solid Waste / \$627,401.50**

This purchase is for a 2018 John Deere 1050K Crawler Dozer. Due to the landfill going vertical, pushing waste uphill is very tenuous and stressful on landfill compactors. Landfill compactors are designed to spread and compact waste but not push waste uphill or for long distances. Over the past several years the landfill has started receiving extreme amounts of waste, much of which is large bulky waste such as tree stumps. The dozer is designed to push very heavy loads and will extend the life of compactor.

Solid Waste is currently renting this piece of equipment and Flint Equipment is allowing the amount paid (\$70,000.00) for the rental to be applied to the purchase.

John Deere Financial has offered the option to lease this equipment at a 1.45% interest rate. John Deere Financial will lease the equipment and Flint Equipment Company will service the equipment for any warranty work required. There will be two payments to John Deere Financial and a \$1.05 buyout at the end of the lease.

It is the staff's recommendation that Council [1] approve the lease purchase of a 2018 John Deere 1050K Crawler Dozer from John Deere Financial in the amount of \$627,401.50, which includes equipment price (\$579,176.40), sales tax (\$35,513.29) and interest (\$12,711.81) and [2] authorize the County Administrator to execute the Lease Purchase Agreement in substantially the same form as attached hereto (or with such material changes as benefit the County, upon advice of the County Attorney), along with such other documents necessary to effect this purchase.

Mr. Cain made a motion, seconded by Mr. Elliott, to [1] approve the lease purchase of a 2018 John Deere 1050K Crawler Dozer from John Deere Financial in the amount of \$627,401.50, which includes equipment price (\$579,176.40), sales tax (\$35,513.29) and interest (\$12,711.81) and [2] authorize the County Administrator to execute the Lease Purchase Agreement in substantially the same form as attached hereto (or with such material changes as benefit the County, upon advice of the County Attorney), along with such other documents necessary to effect this purchase.

Discussion continued to include:

- Same dozer on website for \$200,000 less than quoted
- John Deere repair parts are difficult to get; look at a different company
- Procurement is looking at all kinds of different equipment based on the specs needed at the landfill
- Came through the Procurement, Solid Waste, & Vehicle Maintenance departments
- 5-year warranty

Mr. Dwayne Peay, Vehicle Maintenance Director, addressed Council and noted the piece of equipment that was \$200,000 less is located in the lower part of Florida along the coastline. He noted the biggest concern with this piece of equipment was being in a salty and sandy environment. He further noted that in that type of environment, the undercarriage only lasts around twenty-five hundred hours to three thousand hours. Discussion continued.

Mr. Swain Still addressed Council and noted that under this warranty, if the machine goes down and will be

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down for an extended period of time, they will bring a comparable machine to run at no charge until they get the other machine fixed and brought back.

Regarding the previous motion made by Mr. Cain, seconded by Mr. Elliott, it was approved 5 – 0, to [1] approve the lease purchase of a 2018 John Deere 1050K Crawler Dozer from John Deere Financial in the amount of \$627,401.50, which includes equipment price (\$579,176.40), sales tax (\$35,513.29) and interest (\$12,711.81) and [2] authorize the County Administrator to execute the Lease Purchase Agreement in substantially the same form as attached hereto (or with such material changes as benefit the County, upon advice of the County Attorney), along with such other documents necessary to effect this purchase.

## **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.

### **Agricultural Advisory Board**

No questionnaires were submitted for the District 4 seat.

### **Library Board**

No questionnaires were submitted for the 1 At Large seat.

Mr. Hart made a motion, seconded by Mr. McCall, approved 5 – 0, to convene for Executive Session for the following purposes: [1] Receive legal advice and discuss personnel matter, as well as related potential litigation issues, all regarding Oconee County Emergency Services and associated entities, [2] Receive legal advice and discuss contractual matter related to the Rock Quarry, [3] Discussion regarding an Economic Development matter, Project Rise, [4] Discussion regarding an Economic Development matter, Project Mr. Ed and [5] invite Councilman elect Mr. Matthew Durham to attend the discussion on items 2, 3, & 4, not including any legal discussion.

## **Executive Session:**

Mr. Hart made a motion, seconded by Mr. Cain, 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 (including invitation for Councilman elect Mr. Matthew Durham to attend the discussion on items 2, 3, & 4, not including any legal discussion):

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*[1] Receive legal advice and discuss personnel matter, as well as related potential litigation issues, all regarding Oconee County Emergency Services and associated entities.*

*[2] Receive legal advice and discuss contractual matter related to the Rock Quarry.*

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

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

Council entered Executive Session at 6:37 p.m.

Council returned from Executive Session at 8:01 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.

The County Attorney gave background information related to a portion of the discussion on Item 1 for Executive Session, and then he asked whether there was a motion to waive the Freedom of Information Act exemption applicable to the subject document and to direct the County Attorney to produce a redacted version of the document. No such motion was made.

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

**Adjourn:**

Mr. Hart made a motion, approved unanimously, to adjourn at 8:01 p.m.

Respectfully Submitted:

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Katie D. Smith  
Clerk to Council

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