



# MINUTES

## OCONEE COUNTY COUNCIL

### Regular Meeting

### July 20, 2021

#### MEMBERS, OCONEE COUNTY COUNCIL

Mr. John Elliott, Chairman, District I  
Mr. Paul Cain, Vice Chairman, District III  
Mr. Julian Davis III, Chairman Pro Tem, District IV  
Mr. Glenn Hart, District V  
Mr. Matthew Durham, District II

Oconee County Council met at 6:00 PM in Council Chambers, 415 South Pine Street, Walhalla, SC with all Council Members [except Mr. Cain], 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. Elliott called the meeting to order at 6:00 p.m.

Mr. Elliott opened the meeting reminding the public they have two opportunities to speak during Council meetings, which is during the public comment session and also during the public hearing session, if scheduled. Other than those two instances, the public should remain silent during the Council meeting. Anyone making a disturbance during the meeting will be asked to leave Council Chambers for the remainder of the meeting.

#### **Moment of Silence**

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

#### **Invocation by County Council Chaplain**

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

#### **Pledge of Allegiance**

Mr. Davis led the Pledge of Allegiance to the Flag of the United States of America.

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## **Approval of Minutes**

Mr. Davis made a motion, seconded by Mr. Hart, approved 4 – 0, to approve the June 15, 2021 Regular Minutes as presented.

Mr. Davis made a motion, seconded by Mr. Hart, approved 4 – 0, to approve the June 22, 2021 Special Minutes as presented.

## **Attorney's Comments**

Mr. Root addressed Council with the following items:

- Survey for Ordinance 2021-16 will be included in the backup materials at the next Council meeting

## **Administrator's Comments**

Ms. Brock addressed Council with the following items:

- Typographical error under W.K. Dickson Work Authorization #5 Action Item & W.K. Dickson Work Authorization #6 Action Item; items have been corrected and are in red print on page 4 of the agenda

## **Presentation to Council**

Mr. John Lummus, President & CEO for Upstate SC Alliance, addressed Council utilizing a PowerPoint presentation entitled "Upstate Economic Development Update" [copy filed with backup materials] and gave a brief presentation.

## **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. Tony Adams addressed Council regarding the FY2021-2022 budget, including line items and spending.

Mr. Luke Moore addressed Council regarding his actions at the last Council meeting with the omission of the moment of silence, invocation, and Pledge of Allegiance on the agenda. He apologized to Council and noted he now knows it was not an intentional omission and a "spit in my face".

Mr. Perry Smith addressed Council regarding Resolution 2021-01 from the February 2, 2021 Council meeting, social media, and a journal posting.

The Clerk to Council received one [1] email [copy filed with backup materials] from Chief Joey Bryant, Pickett Post Fire Department. Mr. Elliott read the comment into the record.

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

Mr. Davis responded to Mr. Smith's comments.

Mr. Durham responded to all citizen's comments that spoke during the Public Comment session.

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Mr. Hart asked why the price of copies has been raised from \$0.25 to \$0.50 and why recording a plat has been raised from \$10 to \$25?

### **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 hearings, please contact Katie Smith at or 864-718-1023 so that she may coordinate your participation by telephone.*

*[None Scheduled.]*

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

*[None Scheduled.]*

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

**Ordinance 2021-14** “AN ORDINANCE TO APPROPRIATE AND AUTHORIZE THE EXPENDITURE OF A PORTION OF LOCAL CORONAVIRUS FISCAL RECOVERY FUNDING THAT HAS BEEN ALLOCATED TO OCONEE COUNTY UNDER THE AMERICAN RESCUE PLAN ACT OF 2021 (“ARPA”), AS FOLLOWS: (1) APPROPRIATING TWO MILLION AND 00/100 (\$2,000,000.00) DOLLARS OF COUNTY ARPA FUNDING FOR PURPOSES OF NECESSARY WATER INFRASTRUCTURE IMPROVEMENTS FOR THE TOWN OF SALEM (“SALEM WATER INFRASTRUCTURE PROJECT”); (2) AUTHORIZING THE EXPENDITURE, SUBJECT TO CERTAIN TERMS AND CONDITIONS, OF UP TO TWO MILLION AND 00/100 (\$2,000,000.00) DOLLARS OF SUCH APPROPRIATED FUNDS FOR THE SALEM WATER INFRASTRUCTURE PROJECT; AND (3) OTHER MATTERS DIRECTLY RELATED THERETO.”

*As directed by Council on June 1, 2021*

Mr. Davis made a motion, seconded by Mr. Hart, approved 4 – 0, to approve **Ordinance 2021-14** on second reading.

**Ordinance 2021-15** “AN ORDINANCE TO APPROPRIATE AND AUTHORIZE THE EXPENDITURE OF A PORTION OF LOCAL CORONAVIRUS FISCAL RECOVERY FUNDING THAT HAS BEEN ALLOCATED TO OCONEE COUNTY UNDER THE AMERICAN RESCUE PLAN ACT OF 2021 (“ARPA”), AS FOLLOWS: (1) APPROPRIATING ONE MILLION, THREE HUNDRED THOUSAND AND 00/100 (\$1,300,000.00) DOLLARS OF COUNTY ARPA FUNDING FOR PURPOSES OF NECESSARY WATER INFRASTRUCTURE IMPROVEMENTS FOR THE CITY OF WESTMINSTER (“WESTMINSTER WATER INFRASTRUCTURE PROJECT”); (2) AUTHORIZING THE EXPENDITURE, SUBJECT TO CERTAIN TERMS AND CONDITIONS, OF UP TO ONE MILLION, THREE HUNDRED THOUSAND AND 00/100 (\$1,300,000.00) DOLLARS OF SUCH APPROPRIATED FUNDS FOR THE WESTMINSTER WATER INFRASTRUCTURE PROJECT; AND (3) OTHER MATTERS DIRECTLY RELATED THERETO.”

*General Government matter*

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Mr. Davis made a motion, seconded by Mr. Hart, to approve **Ordinance 2021-15** on second reading.

Mr. Kevin Bronson, City of Westminster Administrator and Mr. Leigh Baker, City of Westminster Utility Director, addressed Council utilizing a PowerPoint presentation entitled “City of Westminster, Request to Oconee County for \$1.3 million Allocation from its American Rescue Plan Funds” [copy filed with backup materials] and gave a brief presentation.

Regarding the previous motion made by Mr. Davis, seconded by Mr. Hart, it was approved 4 – 0, to approve **Ordinance 2021-15** on second reading.

### **First Reading of the Following Ordinances**

**Ordinance 2021-16** “AN ORDINANCE AUTHORIZING THE CONVEYANCE OF EASEMENT RIGHTS TO THE OCONEE JOINT REGIONAL SEWER AUTHORITY FOR THE PURPOSE OF SEWER INFRASTRUCTURE CONSTRUCTION AND MAINTENANCE AT THE GOLDEN CORNER COMMERCE PARK; AND OTHER MATTERS RELATED THERETO.”

Mr. Davis made a motion, seconded by Mr. Hart, approved 4 – 0, to approve **Ordinance 2021-16** on first reading.

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

*First & Final Reading of Resolution 2021-08 is scheduled after Executive Session*

### **Discussion Regarding Action Items**

#### **2021 Edward Byrne Memorial JAG Grant Notification**

Oconee County Sheriff’s Department may receive an allocation of \$13,382.00 from the Bureau of Justice Assistance. The grant program requires the notification of intent be made available for the County Council and public to review and comment on the proposed use of funds. The Sheriff’s Department plans to use the funds from this program to purchase 5 tasers.

Mr. Durham made a motion, seconded by Mr. Hart, approved 4 – 0, to approve the 2021 Edward Byrne Memorial JAG Grant Notification.

#### **2017 Hyundai HX480L Excavator / Rock Quarry / \$184,386.00**

**Budget:** \$567,000.00 / **Project Cost:** \$184,386.00 / **Balance:** \$ 382,614.00

This purchase is for a Used 2017 Hyundai HX480L Excavator with approximately 3,013 hours as of July 8, 2021. This equipment is currently rented and in use at the Rock Quarry, so the hours increase daily. This equipment is primarily used for aiding in the manufacturing and loading of all rip rap and boulder products (6 products total).

It is the staff’s recommendation that Council [1] approve the purchase of a 2017 Hyundai HX480L Excavator from National Equipment Dealers, LLC dba as May-RHI, LLC in the amount of \$184,386.00 and [2] approve the trade-in for the machines / equipment listed above.

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Mr. Hart made a motion, seconded by Mr. Davis, approved 4 – 0, to [1] approve the purchase of a 2017 Hyundai HX480L Excavator from National Equipment Dealers, LLC dba as May-RHI, LLC in the amount of \$184,386.00 and [2] approve the trade-in for the machines / equipment listed above.

**Change Order #1, PO # 53793 W.K. Dickson Work Authorization # 3 Amendment No. 1 / Airport / Amount: FAA 90% \$ 127,431.90**

State 5% \$ 7,079.55  
County 5% \$ 7,079.55

**Total Change Order: \$141,591.00**

**Original PO Amount: \$137,000.00**

**Purchase Order Total: \$278,591.00**

**Budget: \$141,591.00 / Project Cost: \$141,591.00 / Balance: \$0.00**

On January 21, 2020 County Council Approved Work Authorization # 3 which includes professional services for construction administration (CA) and construction observation (CO) for the relocation of Nebo Church Road. In the amount of 137,000.00 (FAA 90%: \$123,300.00, State 5%: \$6,850.00 and County: \$6,850.00).

- Due to weather related (tornado) work stoppages and weather impact days, changes in construction scope due to concealed conditions such as buried rubble utility coordination and utility relocation, and difficulties associated with the COVID-19 pandemic, additional Construction Phase Professional Services are required in order to complete the project.

It is the staff's recommendation that Council [1] approve Change Order #1, PO# 53793 Work Authorization #3 Amendment No.1, in the amount of \$141,591.00, purchase order total \$278,591.00 to W.K Dickson & Co., Inc. for professional services for construction administration (CA) and construction observation (CO) for the relocation of Nebo Church Road and [2] authorize the County Administrator to approve and execute any additional change orders to purchase order #53793, as long as approval from the FAA has been obtained and matching funds are available.

Mr. Davis made a motion, seconded by Mr. Elliott, approved 3 – 1 [Mr. Hart opposed], to [1] approve Change Order #1, PO# 53793 Work Authorization #3 Amendment No.1, in the amount of \$141,591.00, purchase order total \$278,591.00 to W.K Dickson & Co., Inc. for professional services for construction administration (CA) and construction observation (CO) for the relocation of Nebo Church Road and [2] authorize the County Administrator to approve and execute any additional change orders to purchase order #53793, as long as approval from the FAA has been obtained and matching funds are available.

**Change Order #1, PO #53794 W.K. Dickson Work Authorization # 5 Amendment No. 1 /**

**Airport / Amount: FAA 90% \$ 40,057.20**

State 5% \$ 2,225.40

County 5% \$ 2,225.40

**Total Change Order: \$44,508.00**

**Original PO Amount: \$222,000.00**

**Purchase Order Total: \$266,508.00**

**Budget: \$44,508.00 / Project Cost: \$44,508.00 / Balance: \$0.00**

Work Authorization # 5 includes professional services for construction administration (CA) and construction observation (CO) for the Expansion of the West Terminal Apron (Site Prep).

- Due to weather related (tornado) work stoppages and weather impact days, changes in construction scope due to concealed conditions such as buried rubble utility coordination and utility relocation, and difficulties associated with the COVID-19 pandemic additional Construction Phase Professional Services are required in

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order to complete the project.

It is the staff's recommendation that Council [1] approve Change Order #1, PO# 53794 Work Authorization #5 Amendment No.1, in the amount of \$44,508.00, purchase order total \$266,508.00 to W.K Dickson & Co., Inc. for professional services for construction administration (CA) and construction observation (CO) for expansion of the West Terminal Apron site prep and [2] authorize the County Administrator to approve and execute any additional change orders to purchase order #53794, as long as approval from the FAA has been obtained and matching funds are available.

Mr. Davis made a motion, seconded by Mr. Elliott, approved 3 – 1 [Mr. Hart opposed], to [1] approve Change Order #1, PO# 53794 Work Authorization #5 Amendment No.1, in the amount of \$44,508.00, purchase order total \$266,508.00 to W.K Dickson & Co., Inc. for professional services for construction administration (CA) and construction observation (CO) for expansion of the West Terminal Apron site prep and [2] authorize the County Administrator to approve and execute any additional change orders to purchase order #53794, as long as approval from the FAA has been obtained and matching funds are available.

**Change Order #1, PO # 53838 W.K. Dickson Work Authorization # 6 Amendment No. 1 /**

<b>Airport / Amount:</b>	FAA	90%	\$ 152,651.70
	State	5%	\$ 8,480.65
	County	5%	\$ 8,480.65
<b>Total Change Order:</b>			<b>\$169,613.00</b>
<b>Original PO Amount:</b>			<b>\$98,700.00</b>
<b>Purchase Order Total:</b>			<b>\$268,313.00</b>

**Budget:** \$169,613.00 / **Project Cost:** \$169,613.00 / **Balance:** \$0.00

W.K Dickson Work Authorization #6 includes professional services for construction administration (CA) and construction observation (CO) for West Apron Expansion Paving.

- Due to weather related (tornado) work stoppages and weather impact days, changes in construction scope due to concealed conditions such as buried rubble utility coordination and utility relocation, and difficulties associated with the COVID-19 pandemic additional Construction Phase Professional Services are required in order to complete the project.

It is the staff's recommendation that Council [1] approve Change Order #1, PO# 53838 Work Authorization #6 Amendment No.1, in the amount of \$169,613.00, purchase order total \$268,313.00 to W.K Dickson & Co., Inc. for professional services for construction administration (CA) and construction observation (CO) for West Apron expansion paving and [2] authorize the County Administrator to approve and execute any additional change orders to purchase order #53838, as long as approval from the FAA has been obtained and matching funds are available.

Mr. Davis made a motion, seconded by Mr. Elliott, approved 3 – 1 [Mr. Hart opposed] to [1] approve Change Order #1, PO# 53838 Work Authorization #6 Amendment No.1, in the amount of \$169,613.00, purchase order total \$268,313.00 to W.K Dickson & Co., Inc. for professional services for construction administration (CA) and construction observation (CO) for West Apron expansion paving and [2] authorize the County Administrator to approve and execute any additional change orders to purchase order #53838, as long as approval from the FAA has been obtained and matching funds are available.

**Council approval of funding allocation to the Fair Oak Youth Center in the amount of \$17,500 for the development of a comprehensive Strategic Master Plan for the Fair Play**

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## **Community in preparation of growth and development in the Southern portion of Oconee County, primarily due to the expansion of wastewater infrastructure**

Mr. Hart made a motion, seconded by Mr. Davis, to approve funding allocation to the Fair Oak Youth Center in the amount of \$17,500 for the development of a comprehensive Strategic Master Plan for the Fair Play Community in preparation of growth and development in the Southern portion of Oconee County, primarily due to the expansion of wastewater infrastructure.

Ms. Brock addressed Council noting the Fair Oak Youth Center [FOYC] is located at the former Oakway Intermediate School. FOYC is the primary owner of the former Fair Oak School in Fair Play. She noted Fair Play is in desperate need and will continue to be as we work through the basin studies and the sewer expansion. Future plans for the Fair Play community is to have an outside professional resource that can provide potential and possible land identification so the basin studies can more accurately reflect the likelihood of gallons per day needed or excess pumps needed, etc., simultaneously providing the community a tool in which they can utilize to plan the future of the community because they are not incorporated and currently are not zoned as such.

Regarding the previous motion made by Mr. Hart, seconded by Mr. Davis, it was approved 4 – 0, to approve funding allocation to the Fair Oak Youth Center in the amount of \$17,500 for the development of a comprehensive Strategic Master Plan for the Fair Play Community in preparation of growth and development in the Southern portion of Oconee County, primarily due to the expansion of wastewater infrastructure.

### **Quarry Closing at 12:00pm on Fridays for Maintenance**

With the high level of demand for products from the Quarry, it is difficult to keep up with our maintenance schedule while producing enough material to meet customer demands. Closing at 12pm on Fridays would allow staff to perform any required maintenance and inspections to keep the new plant running properly. This routine maintenance schedule should help prevent unexpected downtime due to breakdowns. This would also allow staff who routinely stays past closing time to perform maintenance and be able leave work on time more often, thus reducing overtime expenditures.

It is staff's recommendation of the closure of the Quarry at noon on Fridays to perform maintenance.

Mr. Davis made a motion, seconded by Mr. Elliott, to approve the closure of the Quarry at noon on Fridays to perform maintenance.

Discussion continued to include but not limited to:

- Brainstorming with staff and leadership at the Quarry
- Staff shortages, current demand being at a consistent all-time high, record breaking sales on an almost daily basis
- Little room to protect the investment of the plant that was purchased in December of 2019
- Being able to stop the action of the machine running itself in order to complete maintenance that is required to be within the parameters of the warranty

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- Close does not mean stop selling stockpile; will not produce rock at the time of closure to perform regular and/or preventative maintenance
- Reached out to approximately 300 customers
- Will have down time; it's just a matter of trying to plan and stay ahead
- Overtime
- Additional staff
- Instead of a specific time that the Quarry closes down or the crusher closes down, there has to be a better method that staff can come up
- Necessary that the Quarry have time allotted for maintenance

Regarding the previous motion made by Mr. Davis, seconded by Mr. Elliott, the motion **failed** 1 – 3 [Mr. Davis, Mr. Hart, & Mr. Durham opposed], to approve the closure of the Quarry at noon on Fridays to perform maintenance.

## **Board & Commission Appointments**

### **Building Codes Appeal Board**

No nomination was made for the At-Large seat during this meeting.

### **Executive Session:**

Mr. Hart made a motion, seconded by Mr. Durham, 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] Receive legal advice and discuss personnel matter and related potential litigation.*

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

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

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

*[5] Discussion regarding an Economic Development matter, Project Street Car.*

*[6] Discussion regarding an Economic Development matter, Project Remy.*

*[7] Discussion regarding an Economic Development matter, Project Matlock.*

*[8] Discussion regarding an Economic Development matter, Project West Clemson.*

*[9] Receive legal advice and discuss opioid litigation.*

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Council entered Executive Session at 7:46 p.m.

Council returned from Executive Session at 9:26 p.m. on a motion made by Mr. Hart, seconded by Mr. Durham, approved 4 – 0.

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

Mr. Davis made a motion, seconded by Mr. Hart, approved 4 – 0, to direct the County Attorney and County Administrator to draft a demand letter and send as discussed regarding the personnel matter and related potential litigation.

Mr. Hart made a motion, seconded by Mr. Davis, approved 4 – 0, to commence negotiations as discussed regarding Project Thread.

Mr. Davis made a motion, seconded by Mr. Hart, approved 4 – 0, to direct the County Attorney to convey Council’s preference for proposal #2 from the letter from the litigation attorneys.

**First & Final Reading of the Following Resolutions [cont’d]**

**Resolution 2021-08** “A RESOLUTION CONSENTING TO AND ACKNOWLEDGING NOTICE OF THE ASSIGNMENT BY ACI PLASTICS SOUTH, LLC, ACI PROPERTIES SOUTH, LLC, AND PREZERO US, INC. (F/K/A GREENCYCLE US HOLDINGS, INC.) TO PREZERO US SERVICES, LLC OF A FEE IN LIEU OF AD VALOREM TAXES AGREEMENT, AND OTHER MATTERS RELATED THERETO.”

Mr. Davis made a motion, seconded by Mr. Hart, approved 4 – 0, to approve **Resolution 2021-08** on first & final reading.

**Adjourn:**

Mr. Hart made a motion, approved unanimously, to adjourn at 9:28 p.m.

Respectfully Submitted:

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Katie D. Smith  
Clerk to Council

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