



MINUTES

OCONEE COUNTY COUNCIL

Regular Meeting

January 17, 2023

MEMBERS, OCONEE COUNTY COUNCIL

Mr. John Elliott, Chairman, District I
Mr. Julian Davis III, Chairman Pro Tem, District IV
Mr. Don Mize, District III
Mr. Glenn Hart, District V
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, & Jennifer C. Adams, 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: Riley Morningstar / The Journal

Call to Order

Mr. Elliott called the meeting to order at 6:12 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. Root 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. Mize 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 January 3, 2023 regular meeting minutes as presented.

Attorney's Comments

Mr. Root addressed Council noting the following items:

1. In reference to **Ordinance 2022-32**, in the Public Infrastructure Reimbursement Agreement, section 4.2 (b)(iii), the blank has been filled to now state 20%.
2. Three additional questionnaires have been received since the publishing of the agenda that are now in consideration for nomination to a board/commission at tonight's meeting.
3. Overview of "Nay" votes as it relates to Council and Parliamentary Procedure.

Administrator's Comments

Ms. Brock informed Council that the last paragraph in the Agenda Action Item entitled, "Oconee County PRT Commission – Local ATAX Recommendations", was mistakenly included within the description and does not pertain to the request at this meeting.

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, Jennifer C. Adams at jennifercadams@oconeesc.com or 864-718-1023, so that she may receive your comment and read it into the record.

Mr. Ted Bisterfeld addressed Council with his concerns related to the Sewer South Project.

Ms. Abby Brower addressed Council utilizing a handout [copy filed in backup] related to a gun range that is located near her property in Salem, SC, noting the distress this gun range is causing her.

Ms. Bower was granted two extra minutes speaking time on a motion made by Mr. Elliott, seconded by Mr. Davis, approved 4 – 0.

Ms. Debbie Glazer addressed Council with her concerns [copy of her statement filed in backup] related to the gun range located on East Stamp Creek Rd. in Salem, SC, noting her concerns about safety, gun noise, and property value within the vicinity of this gun range.

Mr. Tom Wood addressed Council utilizing a handout [copy filed in backup] with his concerns about safety around the vicinity of the gun range located on East Stamp Creek Rd. in Salem, SC.

Mr. Wood was granted two extra minutes speaking time on a motion made by Mr. Elliott, seconded by Mr. Davis, approved 4 – 0.

Ms. Octavia Childress addressed Council with concerns related to the gun range located on East Stamp Creek Rd. in Salem, noting she is afraid to go out in her pasture for fear that she will get shot and that the noise from this range is causing distress to her animals.

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Mr. Elliott read one public comment into record from Mr. Forrest Moore of Salem, SC that voiced his concerns over the gun range located on East Stamp Creek Rd.

Council Members Comments

Mr. Elliott expressed his views on the topic of the gun range located in Salem, SC, noting in his opinion DHEC should shut the range down due to the possibility of lead from spent bullets contaminating the drinking water of Lake Keowee.

Mr. Hart addressed Mr. Bisterfeld and his comments related to the Sewer South Project and noted that he would not recuse himself from voting for this project because his property in that area would not benefit from sewer placement.

Mr. Davis noted to Mr. Hart that he actually did recuse himself from voting for projects that involved J. Davis, Inc. and offered his thoughts related to the gun range and zoning.

Third Reading of the Following Ordinances

None scheduled for this meeting.

Second Reading of the Following Ordinances

ORDINANCE 2022-32 AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A PUBLIC INFRASTRUCTURE REIMBURSEMENT AGREEMENT BETWEEN OCONEE COUNTY, SOUTH CAROLINA (“COUNTY”) AND [PROJECT GREENPAW], WITH RESPECT TO CERTAIN PROPERTY IN THE COUNTY, WHEREBY SUCH PROPERTY WILL BE SUBJECT TO CERTAIN PAYMENTS IN LIEU OF TAXES, INCLUDING THE PROVISION OF CERTAIN SPECIAL SOURCE REVENUE CREDITS TO REIMBURSE [PROJECT GREENPAW] FOR CERTAIN INFRASTRUCTURE COSTS INCURRED; AUTHORIZING THE EXECUTION AND DELIVERY THEREOF; AUTHORIZING THE PLACEMENT OF CERTAIN PROPERTY WITHIN THE BOUNDARIES OF A MULTICOUNTY INDUSTRIAL OR BUSINESS PARK OR THE CREATION OF A NEW MULTICOUNTY INDUSTRIAL OR BUSINESS PARK; AND OTHER MATTERS RELATING THERETO.

Mr. Davis made a motion, seconded by Mr. Hart, approved 4 – 0, to approve **Ordinance 2022-32** on second reading.

First Reading of the Following Ordinances

None at this meeting.

First and Final Reading for the Following Resolutions

None at this meeting.

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Discussion Regarding Action Items

(One action item to be considered after Executive Session.)

Discuss and authorize the County Administrator to execute Notice of Termination of Incentive Agreements as to PreZero US Services, LLC.

Mr. Root provided details to Council related to the above request.

Mr. Davis made a motion, seconded by Mr. Hart, approved 4 – 0, to authorize County Administrator to execute Notice of Termination of Incentive Agreements as to PreZero US Services, LLC.

Oconee County PRT Commission – Local ATAX Recommendations - \$290,353.00

A portion of Local ATAX revenues received by Oconee County are made available for ATAX grants through Ordinance 2011-12. ATAX grants are to be tourism related grants that meet the ATAX guidelines specified by local and State mandates. Grants are recommended by the PRT Commission based on tourism impact of the project and approved by County Council. All external ATAX grant recipients are required to turn in intermediate reports every 60 days to the progress of the grant and a final report upon completion of the grant.

These reports are placed in the grant folder, which is kept active by the PRT staff until the grant is considered complete. Internal projects through Oconee PRT are also recommended through local ATAX for eligible projects to lessen the impact to the general fund when available.

~~Due to a mandated lengthy closure during the pandemic, Walhalla Performing Arts Center (WPAC) depleted a large amount of reserve funds to pay ongoing bills. This request will allow WPAC to continue booking deposits for events as planned for 2022 and not have to cancel shows due to lack of funding for future deposits. Approximately 65% of all attendance to WPAC are non-Oconee County attendees, providing a great economic benefit to the region. This is an eligible request for local ATAX funding.~~

Local ATAX available balance as of December 1, 2022:	\$570,443.12
If all grants/projects approved/new balance will be:	\$280,090.12

It is staff's recommendation that Council approve local ATAX recommendation per the attached spreadsheet.

Mr. Davis made a motion, seconded by Mr. Hart, approved 4 – 0, to approve the local ATAX recommendations as presented.

**Title: Change Order #1 PO 54878 CXT Incorporated
PRT**

Department(s):

Amount: Original Purchase Order:	\$382,596.68
Change Order 1:	\$ 43,812.50
Contingency:	<u>\$ 36,094.03</u>
Total:	\$462,503.21

Procurement was approved by Council in Fiscal Year 2022-2023 budget process.

Budget: \$ 462,503.21 Project Cost: \$ 462,503.21 Balance: \$ 0.00

On December 7, 2021 Council approved the Award for Seneca Creek Boat Ramp Site Development Project and on June 21, 2022 Council approved the award for the purchase of an ADA Restroom which is part of the Seneca Creek Boat Ramp Project. The pre-cast concrete ADA restroom is designed for long term sustainability and low maintenance costs. This Change Order request is for the site prep, plumbing and electrical utilities for the installation of the CXT ADA Restroom. Staff is also requesting the Contingency (\$36,094.03) for the project remain to cover any unforeseen items that

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may arise.

This project will be funded with PRT Capital and PRT ATAX funding.

It is the staff's recommendation that Council:

- 1. Approve Change Order 1 to PO 54878 to CXT, Inc. of Spokane, WA in the amount of \$43,812.50 for a total purchase order amount of \$426,409.18.***
- 2. Authorize the County Administrator to execute documents for this change order and sign any additional change orders within the contingency amount.***

Mr. Davis made a motion, seconded by Mr. Hart, approved 4 – 0, to approve Change Order 1 to PO 54878 to CXT, Inc. of Spokane, WA in the amount of \$43,812.50 for a total purchase order amount of \$426,409.18 and to authorize the County Administrator to execute documents for this change order and sign any additional change orders within the contingency amount.

Title: 2012 Komatsu WA600 Rebuild

Department: Rock Quarry

Amount: \$ 376,217.00

Contingency 10%: \$ 37,621.70

Total: \$ 413,838.70

Procurement pending approval of the FY 2022-2023 budget.

Budget: \$ 413,838.70 Project Cost: \$ 413,838.70 Balance: \$ 0.00

This expense is for a half-life rebuild of the 2012 Komatsu WA600 Pit Loader (asset number 335.09).

The Quarry utilizes this Komatsu WA600 pit loader to support daily operations. The pit loader is due for a rebuild based on the hours (17,293). Quarry Staff recommends the half-life rebuild, as downtime and the cost of maintenance for this machine is on the rise. This truck is essential for the Quarry to keep up with rock production.

The cost of a new Komatsu WA600 is \$1,047,311.00 and has a life expectancy of approximately 10 years. A half-life rebuild should provide a similar lifespan. The estimated cost for the rebuild is \$376,217.00. Staff is requesting a 10% contingency, in the amount of \$37,621.70, for unforeseen items that may arise during the rebuild.

Linder Machinery is the surface mining Komatsu Dealer, Repair and Service Center for our area. The rebuild includes a one (1) year, unlimited hour full-warranty and the remanufactured assurance program includes a prorated, four (4) year, 10,000-hour warranty.

It is the staff's recommendation that Council:

- 1. Approve the half-life rebuild of the 2012 Komatsu WA600 to Linder Industrial Machinery of Greer, SC, in the amount of \$376,217.00 and a 10% contingency amount of \$37,621.70; for a total award of \$413,838.70.***
- 2. Authorize the County Administrator to approve any change orders within the contingency amount.***
- 3. Authorize the County Administrator to transfer sufficient funds within the Rock Quarry's budget to the correct budget codes.***

Mr. Davis made a motion, seconded by Mr. Hart to (1) approve the half-life rebuild of the 2012 Komatsu WA600 to Linder Industrial Machinery of Greer, SC, in the amount of \$376,217.00 and a 10% contingency amount of \$37,621.70; for a total award of \$413,838.70, (2) authorize the County Administrator to approve any change orders within the contingency amount, and (3) authorize the County Administrator to transfer sufficient funds within the Rock Quarry's budget to the correct budget codes.

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Mr. Thom Moxley, Director of the Oconee County Rock Quarry, was able to provide answers to Mr. Mize's' questions related to the above request.

Motion approved 4 – 0.

Council Committee Reports

None scheduled for this meeting.

Board & Commission Appointments

Planning Commission

Mr. Elliott made a nomination to re-appoint Ms. Teresa Spicer as the District I representative on the Planning Commission.

Ms. Spicer received two votes [Mr. Davis and Mr. Elliott].

Neither Mr. Hart nor Mr. Mize voted for the candidate.

No majority being had, the nomination failed.

Mr. Hart made a nomination to appoint Ms. Kay Knapp as the District I representative on the Planning Commission.

Mr. Root, County Attorney, noted that the Planning Commission regulations state that nominations must be made by the respective member of County Council from each district or in other terms, Council members may only nominate someone from within their district to represent their district.

Mr. Elliott restated his nomination for Ms. Spicer and called for a vote.

Ms. Spicer again received two votes [Mr. Davis and Mr. Elliott].

Mr. Davis requested a call for “nay” votes.

Ms. Spicer received two votes [Mr. Davis and Mr. Elliott] to re-appoint her as the District I representative on the Planning Commission and two votes against the nomination [Mr. Hart and Mr. Mize].

No majority being had, the nomination failed.

Ms. Spicer will continue to serve as the District I representative on the Planning Commission until a majority vote is obtained for a qualified candidate.

Nominations for the District III seat on the Planning Commission have been postponed until the February 7, 2023 Council meeting.

Mr. Elliott nominated Mr. Pat Williams to serve as the At-Large representative on the Planning Commission.

Mr. Hart nominated Mr. Mickey Haney to serve as the At-Large representative on the Planning Commission.

Mr. Williams received two votes [Mr. Davis and Mr. Elliott] to re-appoint him as the At-Large representative on the Planning Commission and two votes against the nomination [Mr. Hart and Mr. Mize].

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Mr. Haney received two votes [Mr. Hart and Mr. Mize] to appoint him as the At-Large representative on the Planning Commission and two votes against the nomination [Mr. Davis and Mr. Elliott].

No majority being had, the nomination failed.

Mr. Williams will continue to serve as the At-Large representative on the Planning Commission until a majority vote is obtained for a qualified candidate.

Aeronautics Commission

Mr. Mize made a nomination, approved 4 – 0, to re-appoint Mr. Auby Perry as the District III representative on the Aeronautics Commission.

Mr. Elliott made a nomination to re-appoint Mr. Albert Brightwell to serve as the At-Large representative on the Aeronautics Commission.

Mr. Hart made a nomination to appoint Mr. Bobby Fendley to serve as the At-Large representative on the Aeronautics Commission.

Mr. Brightwell received two votes [Mr. Davis and Mr. Elliott] to re-appoint him as the At-Large representative on the Aeronautics Commission and two votes against the nomination [Mr. Hart and Mr. Mize].

Mr. Fendley received two votes [Mr. Davis and Mr. Elliott] to appoint him as the At-Large representative on the Aeronautics Commission and one vote against the nomination [Mr. Elliott].

Mr. Davis requested more information on Mr. Fendley from Mr. Hart.

Mr. Davis requested that Mr. Elliott, Council Chair, call for another vote for Mr. Fendley.

Mr. Fendley received 3 votes [Mr. Davis, Mr. Hart, and Mr. Mize] to serve as the At-Large representative on the Aeronautics Commission and one vote against the nomination [Mr. Elliott].

A majority vote was obtained, 3 – 1, to appoint Mr. Fendley to serve as the At-Large representative on the Aeronautics Commission.

Agricultural Advisory Board

Mr. Elliott made a nomination, approved 4 – 0, to re-appoint Ms. Kim Alexander to serve as the District I representative on the Agricultural Advisory Board.

Mr. Mize made a nomination, approved 4 – 0, to re-appoint Mr. Rex Blanton to serve as the District III representative on the Agricultural Advisory Board.

Mr. Elliott made a nomination, approved 4 – 0, to re-appoint Mr. Chris Talley to serve as the Ex-Officio representative on the Agricultural Advisory Board.

Library Board

Mr. Elliott nominated Mr. Cliff Powell to serve as an At-Large representative on the Library Board.

Mr. Davis nominated Mr. Nick McKinney to serve as an At-Large representative on the Library Board.

Mr. Davis nominated Ms. Tara Weekes to serve as an At-Large representative on the Library Board.

Mr. Powell's nomination by Mr. Elliott received a 4 – 0 approval from Council to serve as an At-Large representative on the Library Board.

Mr. McKinney's nomination by Mr. Davis received a 4 – 0 approval from Council to serve as an At-Large representative on the Library Board.

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Ms. Weekes' nomination by Mr. Davis received a 4 – 0 approval from Council to serve as an At-Large representative on the Library Board.

Executive Session:

Mr. Davis made a motion, seconded by Mr. Elliott, enter into Executive Sessions for the following purposes, as allowed for § 30-4-70(a) of the South Carolina Code of Laws:

- 1. Discuss and receive legal advice regarding a contractual matter related to the Oconee Joint Regional Sewer Authority.*
- 2. Discussion regarding an Economic Development matter, Project Dual.*

Council entered into Executive Session at 7:08 p.m.

Council returned from Executive Session at 7:43 p.m. on a motion made by Mr. Hart, seconded by Mr. Elliott, approved 4 – 0.

Discussion Regarding Action Items

Discuss and authorize the County Administrator to request grant amendment(s) from the Oconee Joint Regional Sewer Authority to the United States Economic Development Administration and the South Carolina Rural Infrastructure Authority, to include a request for additional funding commitment (not to exceed \$2,500,000) for wastewater infrastructure expansion related to the Sewer South project.

Mr. Elliott made a motion, seconded by Mr. Hart, to authorize the County Administrator to request grant amendment(s) from the Oconee Joint Regional Sewer Authority (OJRSA) to the United States Economic Development Administration (EDA) and the South Carolina Rural Infrastructure Authority (RIA), to include a request for an amendment not to exceed \$2,500,000 from the awarding agencies, that will include a \$2,500,000 County match, contingent on the grant award to the OJRSA, and then return to Council for affirmation of the award and finalization of the County expenditure commitment.

Mr. Davis expressed his concerns related to the above motion, noting that while he is in favor getting sewer to exit's 1, 2, and 4, he is not in support of the projected cost at this time, therefore he will not be voting in favor of this request.

Motion approved 3 – 1[Mr. Davis].

Adjourn:

Mr. Hart made a motion, approved unanimously, to adjourn at 7:47 p.m.

Respectfully Submitted:

Jennifer C. Adams
Clerk to Council

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