

**A G E N D A**

**OCONEE COUNTY COUNCIL MEETING**

**TUESDAY, APRIL 21, 1998**

**3:00 PM**

1. Call to Order
2. Invocation
3. Approval of Minutes
4. Public Hearing to Receive Written and/or Oral Comments in Connection with the Issuance by the Issuer of its Hospital Revenue Bonds, Series 1998 (the "Bonds") in an Aggregate Principal Amount not to Exceed \$10,500,000
5. Approval of Resolution 98-8, "A RESOLUTION IN SUPPORT OF THE ISSUANCE BY THE SOUTH CAROLINA JOBS-ECONOMIC DEVELOPMENT AUTHORITY OF ITS HOSPITAL REVENUE BONDS (OCONEE MEMORIAL HOSPITAL, INCORPORATED) SERIES 1998, PURSUANT TO THE PROVISIONS OF TITLE 41, CHAPTER 43, OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$10,500,000
6. Third & Final Reading of Ordinance 98-3, "AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE AGREEMENT BETWEEN OCONEE COUNTY, SOUTH CAROLINA, AS LESSOR, AND PARKWAY PRODUCTS, INC., AS LESSEE; AND OTHER MATTERS RELATING THERETO INCLUDING, WITHOUT LIMITATION, PAYMENT OF A FEE IN LIEU OF TAXES"
7. Third & Final Reading of Ordinance 98-4, "AN ORDINANCE TO DEVELOP A JOINTLY OWNED AND OPERATED INDUSTRIAL/BUSINESS PARK IN CONJUNCTION WITH PICKENS COUNTY, SUCH INDUSTRIAL/BUSINESS PARK TO BE GEOGRAPHICALLY LOCATED IN OCONEE COUNTY AND ESTABLISHED PURSUANT TO SOUTH CAROLINA CODE OF LAWS OF 1976, 4-1-170, ET SEQUITUR, AS AMENDED; TO PROVIDE FOR A WRITTEN AGREEMENT WITH PICKENS COUNTY PROVIDING FOR THE EXPENSES OF THE PARK, THE PERCENTAGE OF REVENUE APPLICATION, AND THE DISTRIBUTION OF FEES IN LIEU OF AD VALOREM TAX TO THE COUNTIES AND RELEVANT TAXING ENTITIES; AND, TO PROVIDE THAT JOBS TAX CREDITS ALLOWED BY LAW BE PROVIDED FOR INDUSTRIES LOCATING IN SAID PARK, AND TO PERMIT A USER FEE IN LIEU OF AD VALOREM TAXATION" as amended

## A G E N D A

Oconee County Council Meeting

Tuesday, April 21, 1998 - 3:00 pm

Page 2

8. Presentation of Ordinance to Regulate Adult Entertainment Clubs in Oconee County - Mr. Tommy Abbott, Chairman, Planning Commission
9. Consideration of Request to Purchase Communications Equipment - Mr. Marty Lee, Chief, Seneca Police Department & Mr. Steve Pruitt, Chief Deputy, Sheriff's Department
10. Consideration of Request to Apply for a Grant to go Toward a Flow Monitoring Station - Mr. Robert Winchester - Superintendent, Sewer Commission
11. Second Reading of Ordinance 98-2, "NOISE CONTROL ORDINANCE"
12. Consideration of Equipment Lease Agreement By and Between Oconee County and the South Carolina Forestry Commission for a 1985 Chevrolet Truck -Mr. Dewitt Mize, Rural Fire Marshal
13. Presentation of Information Concerning Property Near the Seneca Landfill - Mr. Charles Crooks
14. Consideration of Bids for the Sale & Disposal of White Goods - Mr. Jack Hirst, Solid Waste Director & Ms. Marianne Dillard, Purchasing Director
15. Consideration of Bids for Two Trucks for the Road Department - Mr. Hoyt Orr, Road Foreman & Ms. Marianne Dillard, Purchasing Agent
16. Consideration of Bids for Arched Pipe - Mr. Hoyt Orr, Road Foreman, Mr. Jon Caime, County Engineer & Ms. Marianne Dillard, Purchasing Agent
17. Old Business
18. New Business
19. Adjourn

Prior to the regular Council Meeting at 3:00 pm there will be an open meeting April 21, 1998 at 2:30 pm in Council Chambers, 208 Booker Drive, Walhalla, SC for the public to express their concerns to Council. Anyone wishing to speak will need to sign in and give the subject on which they wish to express their concerns.

**A G E N D A**

Oconee County Council Meeting  
Tuesday, April 21, 1998 - 3:00 pm  
Page 3

There will be a meeting of the Oconee County Law Enforcement Committee Tuesday, April 21, 1998 at 1:00 pm in Council Chambers, 208 Booker Drive, Walhalla, SC for the purpose of discussing Ordinance 98-2, "NOISE CONTROL ORDINANCE"

There will be an organizational meeting of the Oconee County Housing & Revitalization Committee Tuesday, April 21, 1998 at 1:30 pm in Council Chambers, 208 Booker Drive, Walhalla, SC.

There will be a meeting of the Oconee County Budget & Finance Committee Wednesday, April 22, 1998 at 8:30 am in Council Chambers, 208 Booker Drive, Walhalla, SC for the purpose of discussing the departmental budget requests for fiscal year 1998-99.

There will be a meeting of the Oconee County ATAX Committee Wednesday, April 29, 1998 at 1:30 pm in Council Chambers, 208 Booker Drive, Walhalla, SC.

**MEMBERS, OCONEE COUNTY COUNCIL**

District I - VACANT  
Mr. Harry R. Hamilton, District III  
Mr. Charles R. "Chuck" Timms, District IV  
Mr. J. Harold Thomas, District II  
Mrs. Ann H. Hughes, District IV

**MINUTES, OCONEE COUNTY COUNCIL MEETING**

The regular meeting of the Oconee County Council was held Tuesday, April 21, 1998 at 3:00 pm in Council Chambers with all Council Members and the County Attorney present.

Members of The press notified (by mail):  
Journal Tribune, Keowee Courier, Westminster News, Anderson Independent, Greenville News, WGOG Radio, WSNW Radio, WCCP Radio, WPEK Radio, The Times Upstate, Northland Cablevision, WYFF TV, WSPA TV & WLOS TV.

**Press**

Members of the press present: Brian Fulkerson - Journal/Tribune & Ashton Hester - Keowee Courier.

The meeting was called to order by Supervisor -Chairman Orr who welcomed the guests and media.

**Call to Order**

The invocation was given by Rev. Fred Astin.

**Invocation**

Mr. Thomas made a motion, seconded by Mrs. Hughes, approved 4 - 0 that the minutes of the regular meeting held April 7, 1998 be adopted as printed.

**Minutes**

First on the agenda was a public hearing to receive written and/or oral comments in connection with the issuance of Hospital Revenue Bonds in the amount of \$10,500,000.

**Public Hearing**

Mr. W. H. Hudson, President, Oconee Memorial Hospital, & Mr. Reggie O'Shield, Bond Counsel, informed Council these bonds would be used primarily for renovations and capital improvements. They also assured Council there would be no significant increase in rates to pay for these bonds.

There was no one present with written and/or oral comments regarding the issuance of these bonds.

Mr. Thomas made a motion, seconded by Mrs. Hughes, approved 4 - 0 that Resolution 98-8, "A RESOLUTION IN SUPPORT OF THE ISSUANCE BY THE SOUTH CAROLINA JOBS-ECONOMIC DEVELOPMENT AUTHORITY OF ITS HOSPITAL REVENUE BONDS (OCONEE MEMORIAL HOSPITAL, INCORPORATED) SERIES 1998, PURSUANT TO THE PROVISIONS OF TITLE 41, CHAPTER 43, OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$10,500,000" be adopted on first and final reading.

**Res. 98-8**

Mr. Thomas made a motion, seconded by Mr. Timms, approved 4 - 0 that Ordinance 98-3, "AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE AGREEMENT BETWEEN OCONEE COUNTY, SOUTH CAROLINA, AS LESSOR, AND PARKWAY PRODUCTS, INC., AS LESSEE; AND OTHER MATTERS RELATING THERETO INCLUDING, WITHOUT LIMITATION, PAYMENT OF A FEE IN LIEU OF TAXES" be adopted on third and final reading.

Ord. 98-3

Mr. Thomas made a motion, seconded by Mr. Hamilton, that Ordinance 98-4, "AN ORDINANCE TO DEVELOP A JOINTLY OWNED AND OPERATED INDUSTRIAL/BUSINESS PARK IN CONJUNCTION WITH PICKENS COUNTY, SUCH INDUSTRIAL/BUSINESS PARK TO BE GEOGRAPHICALLY LOCATED IN OCONEE COUNTY AND ESTABLISHED PURSUANT TO SOUTH CAROLINA CODE OF LAWS OF 1976, 4-1-170, ET SEQUITUR, AS AMENDED; TO PROVIDE FOR WRITTEN AGREEMENT WITH PICKENS COUNTY PROVIDING FOR THE EXPENSES OF THE PARK, THE PERCENTAGE OF REVENUE APPLICATION, AND THE DISTRIBUTION OF FEES IN LIEU OF AD VALOREM TAX TO THE COUNTIES AND RELEVANT TAXING ENTITIES; AND, TO PROVIDE THAT JOBS TAX CREDITS ALLOWED BY LAW BE PROVIDED FOR INDUSTRIES LOCATING IN SAID PARK, AND TO PERMIT A USER FEE IN LIEU OF AD VALOREM TAXATION" as amended be adopted on third and final reading.

Ord. 98-4

Mr. Hamilton then made a motion, seconded by Mr. Thomas, approved 4 - 0 that the ordinance be amended as delineated by Bond Counsel. (See attached letter)

The motion, as amended, was then adopted 4 - 0.

Mr. Tommy Abbott, Chairman, Planning Commission, presented Ordinance 98-5, "AN ORDINANCE TO REGULATE SEXUALLY ORIENTED BUSINESSES WITHIN THE UNINCORPORATED AREAS OF OCONEE COUNTY" to Council for consideration.

Ord. 98-5

After a brief discussion, Mr. Thomas made a motion, seconded by Mr. Timms, approved 4 - 0 that Ord. 98-5 be adopted on first reading in title only.

Upon request of Mr. Steve Pruitt, Chief Deputy and Mr. Marty Lee, Assistant Police Chief, City of Seneca, Mr. Hamilton made a motion, seconded by Mr. Timms, approved 4 - 0 that approximately \$3,500 of the 911 funds held by Bell South be used to relocate the 911 equipment in the City of Seneca.

911 Equip.

Upon recommendation of Mr. Robert Winchester, Sewer Commission Superintendent, & Mr. Robert Gaillard, Economic Development Director, Mr. Hamilton made a motion, seconded by Mrs. Hughes, approved 4 - 0 that the county apply for an Industrial Development Grant in an amount of \$101,200 to go toward a flow monitoring station.

Flow  
Monitor  
Grant

Mr. Hamilton, Chairman, Law Enforcement, Safety, Health, Welfare & Services Committee, informed Council it was the recommendation of the committee that Ordinance 98-2, "OCONEE COUNTY NOISE CONTROL ORDINANCE" be adopted on second reading. This recommendation was adopted 4 - 0.

**Ord. 98-2**

Council then scheduled a public hearing to receive written and/or oral comments regarding above mentioned ordinance May 19, 1998 at 3:00 pm in Council Chambers.

**Public  
Hearing  
Ord. 98-2**

Upon request of Mr. Dewitt Mize, Rural Fire Marshal, Mr. Hamilton made a motion, seconded by Mrs. Hughes, approved 4 - 0 that the attached agreement by and between Oconee County and the South Carolina Forestry Commission for a 1985 Chevrolet truck, serial number 1GCGD34J3FF447113, for the Friendship Fire Department be adopted. The county will maintain the vehicle.

**Rural  
Fire**

Upon recommendation of Mr. Jack Hirst, Solid Waste Director & Ms. Marianne Dillard, Purchasing Agent, Mr. Thomas made as motion, seconded by Mrs. Hughes, approved 4 - 0 that the bid of Cumbaa Enterprises, Inc. for the sale of white goods at a cost of \$25.09 per ton be adopted. Cumbaa was the only successful bidder. (See attached bid sheet)

**Solid  
Waste**

Upon recommendation of Mr. Hoyt Orr, Road Foreman, & Ms. Marianne Dillard, Purchasing Agent, Mr. Timms made a motion, seconded by Mr. Hamilton, approved 4 - 0 that the bid for two (2) trucks for the road department be awarded to Vic Baily Ford at a cost of \$44,046. (See attached bid sheet)

**Road Dept  
(Trucks)**

Upon recommendation of Mr. Hoyt Orr, Road Foreman, Mr. Jon Caime, County Engineer, & Ms. Marianne Dillard, Purchasing Agent, Mr. Thomas made a motion, seconded by Mr. Timms, approved 4 - 0 that the bid for arch pipe for Watson Road be awarded to Zorn Company, Inc. who was low bid at \$72,777. (See attached bid sheet)

**(Arch  
Pipe)**

There was a brief discussion regarding the Tall Oak Trail roadway and the roadways in Greenbriar Subdivision.

**Roadways**

The Roads & Transportation Committee scheduled a committee meeting Tuesday, May 5, 1998 at 5:30 pm in Council Chambers for the purpose of discussing roadway problems.

**Committee  
Meet**

Upon request of Mrs. Phyllis Lombard, Finance Director, Mr. Timms made a motion, seconded by Mr. Hamilton, approved 4 - 0 that \$6,000 be taken from contingency and placed in line item 010 007 00110 00710 to cover overtime requests for the remainder of the 1997-98 fiscal year.

**Overtime  
(Cont'cy)**

Mr. Timms made a motion, seconded by Mrs. Hughes, approved 4 - 0 that Ms. Vikki Allen's resignation as a member of the Oconee County Planning Commission be regretfully accepted and she be sent a letter of appreciation.

**Planning  
Appt.  
Resig.**

Mrs. Hughes made a motion, seconded by Mr. Hamilton, approved 3 - 1 (Mr. Timms voting against) that the county not accept a Local Planning Assistance Program grant (Newry Sewer project) and apply at a later time if the system was assigned to Oconee County.

Council scheduled a special meeting Thursday, April 23, 1998 at 5:30 pm for the purpose of considering bids for the construction of a transfer station.

**Special  
Meeting**

Mr. Timms made a motion, seconded by Mr. Hamilton, approved 4 - 0 that Council go into executive session for the purpose of discussing contractual matters and pending litigation.

**Executive  
Session**

When open session resumed, Mr. Hamilton made a motion, seconded by Mr. Thomas, approved 4 - 0 that upon recommendation of the Purchasing Agent and the county insurance consultants that Oconee County terminate its contract with Carolina Benefit Administrators as Third Party Administrator for the county group health program and enter into a contract with Consolidated Benefits, Inc.. for this service effective, July 1, 1998 for fiscal year 1998-99, to include run out claims services for ninety (90) days. The fee for run-out claims service is an estimated \$8,727.42. Further, that the county accept the renewal contract from Integrity Underwriters for an estimated cost of \$1,991,173.47 in accordance with the handout provided by the County's insurance consultant. (See attached information)

**Open  
Session  
(Ins.)**

Mr. Hamilton made a motion, that the county accept the recommendation of Insurance Brokerage Service to move retirees, aged sixty-five (65) and over from the current coverage to a medicare supplement plan in accordance with the materials provided by said consultants. This motion includes that, in the event, a retiree exceeds the annual maximum of \$3,000 on the prescription benefit, any excess will be funded through the self-funded plan such that the retirees will suffer no loss based on any policy limitation due to change in supplement plans.

**(Ins./  
Retirees)**

Mrs. Hughes made a motion, seconded by Mr. Thomas, approved 4 - 0 that based upon the recommendation of Insurance Brokerage Services, the county provide a three (3) tiered life insurance policy for county employees, effective July 1, 1998 in accordance with the handout provided by IBS.

**(Life  
Ins.)**

Council received a briefing regarding the draft consent order on the Construction & Demolition Landfill. Mrs. Hughes made a motion, seconded by Mr. Thomas, approved 4 - 0 that the administration be authorized to proceed to negotiate a consent order with DHEC which would include language that clarified that the county has applied for a lateral expansion, but has not yet received a lateral expansion permit and which would allow the county to continue to operate based on the application for the permit which has been submitted to DHEC and in addition, which would provide for sufficient notice of sixty (60) days in the event the department determines not to issue the permit modification and which would provide that the county would reserve its right to appeal any decision of the department to deny the permit modification request.

(Land-  
fill)

Mr. Thomas made a motion, seconded by Mr. Hamilton, approved 4 - 0 that upon receipt of appropriate documents that the funds held in the escrow account by the SC Appalachian Council of Governments in connection with the Regional Solid Waste Resource/Recovery Project be transferred to the State Treasurer's Office, provided, that upon deposit of these escrowed funds that no fund be disbursed without consent of all three (3) counties or by order of a court of competent jurisdiction.

(Escrow  
Acct)

Adjourn: 6:30 pm

Adjourn

Submitted By:

*Opal O. Green*  
Opal O. Green  
Council Clerk

Reviewed By:  
Harrison E. Orr  
Supervisor-Chairman  
Oconee County Council

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held by the South Carolina Jobs-Economic Development Authority (the "Issuer") and the County Council of Oconee County, South Carolina (the "County"), on Tuesday, April 21, 1998, at 3:00 p.m. in Council Chambers 208 Booker Drive, Walhalla, South Carolina, in connection with the issuance by the Issuer of its Hospital Revenue Bonds, Series 1998 (the "Bonds") in an aggregate principal amount not to exceed \$10,500,000.

The proceeds of the Bonds will be used to make certain of the proceeds of the Bonds available to Oconee Memorial Hospital, Incorporated (the "Hospital") by way of a loan for the purpose of undertaking certain renovations to the ground and first floors of the existing Hospital consisting of certain renovations to the ground and first floors of the existing Hospital consisting of Accounting, Administration, Business Office, Human Resources, Employee Health, Information Services, materials Management, Pharmacy, Patient Care Administration, Respiratory Care and Support Services and the acquisition of necessary equipment and furnishings for the renovated area (collectively, the "Project"), to reimburse the Hospital for certain prior routine capital expenditures for equipment related to the Hospital facilities, and to defray the costs of issuance of the Bonds.

Oconee Memorial Hospital, Incorporated will continue to own the Project which is located on land leased from Oconee County. The operator of the Project will be Oconee Memorial Hospital, Incorporated which will manage the Project. The Hospital will unconditionally covenant to make payments sufficient to pay the principal and interest on the Bonds. The Bonds will be payable solely and exclusively out of payments to be made by the Hospital.

The Bonds do not represent a general obligation of the State of South Carolina, the Issuer, Oconee County, or any other such agency or political subdivision of the State of South Carolina within the meaning of any state constitutional provision or statutory limitation or constitute or give rise to any pecuniary liability of such agency or political subdivision or a charge against their general credit or taxing powers. The Hospital has no taxing authority.

The public is invited to attend the hearing at the address set forth above and/or submit written comments on the issuance of the Bonds and the financing of the above project to the Jobs-Economic Development Authority, 1201 Main Street, Suite 1750, Columbia, South Carolina and to the Oconee County Council at 208 Booker Drive, Walhalla, South Carolina 29691.

SOUTH CAROLINA JOBS-ECONOMIC  
DEVELOPMENT AUTHORITY  
Elliott E. Franks, III, Executive Director

OCONEE COUNTY, SOUTH CAROLINA  
Opal O. Green, Clerk to County Council

**RESOLUTION**

**IN SUPPORT OF THE ISSUANCE BY THE SOUTH CAROLINA JOBS-ECONOMIC DEVELOPMENT AUTHORITY OF ITS HOSPITAL REVENUE BONDS (OCONEE MEMORIAL HOSPITAL, INCORPORATED) SERIES 1998, PURSUANT TO THE PROVISIONS OF TITLE 41, CHAPTER 43, OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$10,500,000.**

**WHEREAS,** the South Carolina Jobs-Economic Development Authority (the "Authority") is authorized and empowered under and pursuant to the provisions of Title 41, Chapter 43, of the Code of Laws of South Carolina, 1976, as amended (the "Act"), to utilize any of its program funds to establish loan programs for the purpose of reducing the cost of capital to business enterprises which meet the eligibility requirements of Section 41-43-150 of the Act and for other purposes described in Section 41-43-160 of the Act and thus provide maximum opportunities for the creation and retention of jobs and improvement of the standard of living of the citizens of the State of South Carolina; and

**WHEREAS,** the Authority is further authorized by Section 41-43-110 of the Act to issue revenue bonds payable by the Authority solely from a revenue producing source and secured by a pledge of said revenues to defray the cost of medical facilities where such assistance will help relieve a shortage of doctors, specialists or medical services in the area where the project is located; and

**WHEREAS,** the Authority and Oconee Memorial Hospital, Incorporated (the "Institution") entered into an Inducement Agreement (the "Inducement Agreement"), pursuant to which and in order to implement the public purposes enumerated in the Act, and in furtherance thereof to comply with the undertakings of the Authority pursuant to the Inducement Agreement, the Authority proposes, subject to such approval by the State Budget and Control Board of South Carolina and Oconee County as may be required by law, to issue not exceeding \$10,500,000 aggregate principal amount of Hospital Revenue Bonds (Oconee Memorial Hospital, Incorporated) Series 1998 (the "Bonds"), under and pursuant to Section 41-43-110 of the Act, the proceeds of which will be used for the purpose of undertaking certain renovations to the ground and first floors of the existing Hospital consisting of Accounting, Administration, Business Office, Human Resources, Employee Health, Information Services, Materials Management, Pharmacy, Patient Care Administration, Respiratory Care and Support Services and the acquisition of necessary equipment and furnishings for the renovated area (collectively, the "Project"), to reimburse the Hospital for certain prior routine capital expenditures for equipment related to the Hospital facilities, and to defray the costs of issuance of the Bonds; and

**WHEREAS,** the Institution is projecting that the assistance of the Authority by the issuance of the Bonds will result in the creation or maintenance of employment of those engaged in the construction of the Project, and by maintaining employment for the equivalent of up to 838 people and providing additional employment for approximately 8 people from Oconee

County and the surrounding areas when the Project is placed in full operation and will stimulate the economy of Oconee County and surrounding areas by increased payrolls, capital investment and tax revenues; and

WHEREAS, the County Council of Oconee County and the Authority have on this date jointly held a public hearing, duly noticed by publication in newspapers having general circulation in Oconee County, not less than 15 days prior to the date hereof, at which all interested persons have been given a reasonable opportunity to express their views.

NOW, THEREFORE, BE IT RESOLVED by the County Council of Oconee County, South Carolina, as follows:

Section 1. It is hereby found, determined and declared that the Project is anticipated to benefit the general public welfare of Oconee County by providing services, employment or other public benefits not otherwise provided locally.

Section 2. The County Council of Oconee County supports the Authority in its determination to issue the Bonds to defray the costs related to the Project.

Section 3. All orders and resolutions and parts thereof in conflict herewith are to the extent of such conflict hereby repealed, and this resolution shall take effect and be in full force from and after its adoption.

Adopted this 21st day of April, 1998.

OCONEE COUNTY, SOUTH CAROLINA

By: \_\_\_\_\_  
Supervisor/Chairman

ATTEST:

\_\_\_\_\_  
Clerk to County Council

## ORDINANCE

### AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE AGREEMENT BETWEEN OCONEE COUNTY, SOUTH CAROLINA, AS LESSOR, AND PARKWAY PRODUCTS, INC., AS LESSEE; AND OTHER MATTERS RELATING THERETO INCLUDING, WITHOUT LIMITATION, PAYMENT OF A FEE IN LIEU OF TAXES

WHEREAS, Oconee County, South Carolina (the "County"), acting by and through its County Council (the "County Council"), is authorized and empowered under and pursuant to the provisions of Title 4, Chapter 12, Code of Laws of South Carolina, 1976, as amended (the "Act"), to acquire, or cause to be acquired, properties (which such properties constitute "projects" as defined in the Act) and to enter into agreements with any industry to construct, operate, maintain and improve such projects; to enter into or allow financing agreements with respect to such projects; and, to accept any grants for such projects through which powers the industrial development of the State of South Carolina and will be promoted and trade developed by inducing manufacturing and commercial enterprises to locate and remain in the State of South Carolina and thus utilize and employ the manpower, agricultural products and natural resources of the State and benefit the general public welfare of Oconee County by providing services, employment, recreation or other public benefits not otherwise provided locally; and

WHEREAS, the County is authorized by the Act to execute a lease agreement, as defined in the Act, with respect to such project; and

WHEREAS, Parkway Products, Inc., a corporation organized and existing under the laws of the State of Ohio (the "Company"), has requested the County to participate in executing an Inducement Agreement and Millage Rate Agreement, and a Lease Agreement (Parkway Products, Inc. Project) pursuant to the Act for the purpose of authorizing and of acquiring, by construction and purchase, certain land, a building or buildings, and machinery, apparatus, and equipment, for the purpose of manufacturing custom-molded plastic and elastomeric components (the "Project"), all as more fully set forth in the Lease Agreement attached hereto; and

WHEREAS, the County has determined that the Project would benefit the general public welfare of Oconee County by providing service, employment, recreation or other public benefits not otherwise provided locally; and, that the Project gives rise to no pecuniary liability of the County or incorporated municipality or a charge against the general credit or taxing power of either; and, that the purposes to be accomplished by the Project, i.e., economic development, creation of jobs, and addition to the tax base of the County, are proper governmental and public purposes; and, that the inducement of the location or expansion of the Project within the County and State is of paramount importance; and, that the benefits of the Project will be greater than the costs; and

WHEREAS, the County has determined on the basis of the information supplied to it by the Company that the Project would be a "project" as that term is defined in the Act and that the Project would subserve the purposes of the Act; and

WHEREAS, the County Council has previously determined to enter into and execute the aforesaid Inducement Agreement and Millage Rate Agreement, and a Lease Agreement and to that end has, by its Resolution adopted on March 3, 1998, authorized the execution of an Inducement Agreement, which included a Millage Rate Agreement, and, by separate County Council Ordinance, a Lease Agreement containing a fee-in-lieu of tax agreement; and

WHEREAS, the County Council has caused to be prepared and presented to this meeting the form of the Lease Agreement by and between the County and the Company which includes the Agreement for payment of a Fee-in-Lieu of Tax; and

WHEREAS, it appears that the instrument above referred to, which is now before this meeting, is in appropriate form and is an appropriate instrument to be executed and delivered by the County for the purposes intended;

NOW, THEREFORE, BE IT ORDAINED by Oconee County, South Carolina, as follows:

Section 1. In order to promote industry, develop trade and utilize and employ the manpower, agricultural products and natural resources of the State of South Carolina by assisting the Company to locate an industrial facility in the State of South Carolina, the acquisition by the County and the subsequent lease to the Company of land, a building or buildings, and various machinery, apparatus, and equipment, all as a part of the Project to be utilized for the purpose manufacturing of custom-molded plastic and elastomeric components is hereby authorized, ratified and approved.

Section 2. It is hereby found, determined and declared by the County Council, as follows:

(a) The Project and the payments in lieu of taxes set forth herein are beneficial to the County;

(b) Subject to the terms of the Lease Agreement and the requirements of the Act, the real and personal property contained in the Project shall receive an assessment rate of 6% and the millage rate used to compute the fee in lieu of tax shall be fixed for the term of the Lease Agreement at the millage rate in effect for each of the taxing districts as of June 30, 1997.

(c) The Project will benefit the general public welfare of Oconee County by providing service, employment, recreation or other public benefits not otherwise provided locally;

(d) The Project gives rise to no pecuniary liability of the County or incorporated municipality or a charge against the general credit or taxing power of either;

(e) The purposes to be accomplished by the Project, i.e., economic development, creation of jobs, and addition to the tax base of the County, are proper governmental and public purposes;

(f) The inducement of the location or expansion of the Project within the County and State is of paramount importance; and,

(g) The benefits of the Project will be greater than the costs.

(h) The Project will be in excess of \$5,000,000.

Section 3. The form, terms and provisions of the Lease presented to this meeting and filed with the Clerk of the County Council be and they are hereby approved and all of the terms, provisions and conditions thereof are hereby incorporated herein by reference as if the Lease were set out in this Ordinance in its entirety. The Supervisor/Chairman of the County Council and the Clerk of the County Council be and they are hereby authorized, empowered and directed to execute, acknowledge and deliver the Lease Agreement in the name and on behalf of the County, and thereupon to cause the Lease Agreement to be delivered to the Company and cause the Lease Agreement to be recorded in the Office of the Register of Mesne Conveyances for Oconee County. The Lease Agreement is to be in substantially the form now before this meeting and hereby approved, or with such minor changes therein as shall be approved by the officials of the County executing the same, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of Lease Agreement now before this meeting.

Section 4. The Supervisor/Chairman of the County Council and the Clerk of the County Council, for and on behalf of the County, are hereby each authorized and directed to do any and all things necessary to effect the execution and delivery of the Lease and the performance of all obligations of the County under and pursuant to the Lease.

Section 5. The provisions of this Ordinance are hereby declared to be separable and if any section, phrase or provisions shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions hereunder.

Section 6. All orders, resolutions, ordinances and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this Ordinance shall take effect and in full force from and after its passage and approval.

Passed and approved this \_\_\_ day of \_\_\_\_\_, 1998.

OCONEE COUNTY, SOUTH CAROLINA

By: \_\_\_\_\_  
Harrison E. Orr, Supervisor/Chairman,  
County Council of Oconee County, South  
Carolina

ATTEST:

\_\_\_\_\_  
Opal O. Green, Clerk, County Council  
Oconee County, South Carolina

|                 |                |
|-----------------|----------------|
| First Reading:  | March 17, 1998 |
| Second Reading: | April 7, 1998  |
| Public Hearing: | April 7, 1998  |
| Third Reading:  | April 21, 1998 |

ORDINANCE NO.

AN ORDINANCE TO DEVELOP A JOINTLY OWNED AND OPERATED INDUSTRIAL/BUSINESS PARK IN CONJUNCTION WITH PICKENS COUNTY, SUCH INDUSTRIAL/BUSINESS PARK TO BE GEOGRAPHICALLY LOCATED IN OCONEE COUNTY AND ESTABLISHED PURSUANT TO SOUTH CAROLINA CODE OF LAWS OF 1976 §4-1-170, ET SEQUITUR, AS AMENDED; TO PROVIDE FOR A WRITTEN AGREEMENT WITH PICKENS COUNTY PROVIDING FOR THE EXPENSES OF THE PARK, THE PERCENTAGE OF REVENUE APPLICATION, AND THE DISTRIBUTION OF FEES IN LIEU OF AD VALOREM TAX TO THE COUNTIES AND RELEVANT TAXING ENTITIES; AND, TO PROVIDE THAT JOBS TAX CREDITS ALLOWED BY LAW BE PROVIDED FOR INDUSTRIES LOCATING IN SAID PARK, AND TO PERMIT A USER FEE IN LIEU OF AD VALOREM TAXATION.

WHEREAS, Oconee County and Pickens County (jointly the "Counties") are authorized under Article VIII, Section 13 of the South Carolina Constitution to jointly develop an industrial or business park within the geographical boundaries of one or more of the member counties; and

WHEREAS, in order to promote the economic welfare of the citizens of the Counties by providing employment and other benefits to the citizens of the Counties, Oconee County proposes to enter into an agreement with Pickens County to develop jointly an industrial and business park as provided by Article VIII, Section 13 of the South Carolina Constitution and in accordance with Section 4-1-170 of the Code of Laws of South Carolina, 1976, as amended, (the "Act").

NOW, THEREFORE, BE IT ORDAINED BY THE OCONEE COUNTY COUNCIL:

SECTION I: Oconee County (the "County") is hereby authorized to execute and deliver a written agreement to develop jointly an industrial and business park (the "Park") with Pickens County. The Park is to be located within the boundaries of Oconee County. The form of the joint industrial park agreement (the "Agreement") is attached hereto and all terms of the Agreement are hereby incorporated herein. The form, terms and provisions of the Agreement presented to this meeting and filed with the Clerk of the County Council be and they are hereby approved and all of the terms, provisions and conditions thereof are hereby incorporated herein by reference as if the Agreement were set out in this Ordinance in its entirety. The Supervisor/Chairman of County Council and the Clerk to County Council be and they are hereby authorized, empowered and directed to execute, acknowledge and deliver the Agreement in the name and on behalf of the County. The Agreement is to be in substantially the form now before this meeting and hereby approved, or with such minor changes therein as shall be approved by the officials of the County executing the same, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of Agreement now before this meeting.

SECTION II. The maximum tax credits allowable by South Carolina Code of Laws of 1976 Section 12-7-1220, as amended, will apply to any business enterprise locating in the Park.

SECTION III. Any business enterprise locating in the Park shall pay a fee-in-lieu of ad valorem taxes as provided for in the Agreement, Article VIII Section 13 of the South Carolina Constitution and the Act. The user fee paid in lieu of ad valorem taxes shall be paid to the county treasurer for the county in which the premises is located. That portion of the fees from the Park premises located in Oconee County and allocated pursuant to the Agreement to Pickens County shall be paid by the Oconee County Treasurer to the Pickens County Treasurer within five business days following the end of the calendar quarter of receipt for distribution, which distribution shall be made in accordance with the Agreement. Payments shall be made by a business or industrial enterprise on or before the due date for taxes for a particular year. Penalties for late payment will be at the same rate and at the same times as for late tax payment. Any late payment beyond said date will accrue interest at the rate of statutory judgment interest. The Counties, acting by and through the county tax collector for the county where the premises is located, shall maintain all liens and rights to foreclose upon liens provided for counties in the collection of ad valorem taxes.

SECTION IV. The administration, development, promotion, and operation of the Park shall be the responsibility of Oconee County.

SECTION V. In order to avoid any conflict of laws or ordinances between the Counties, the Oconee County ordinances will be the reference for such regulations or laws in connection with the Park premises. Nothing herein shall be taken to supersede any state or federal law or regulation. Oconee County, in which the premises is located, is specifically authorized to adopt restrictive covenants and land use requirements for the Park at that County's sole discretion.

SECTION VI. The Sheriff's Department for Oconee County will have initial jurisdiction to make arrests and exercise all authority and power within the boundaries of the Park premises. Fire, sewer, water and EMS service will be provided by the service district or other political unit within whose jurisdiction the Park premises are located.

SECTION VII. Should any section of this Ordinance be, for any reason, held void or invalid, it shall not affect the validity of any other section hereof which is not itself void or invalid.

SECTION VIII. The Agreement may not be terminated except by concurrent ordinances of Pickens County Council and Oconee County Council. In any event, this Ordinance shall terminate twenty-five (25) years from the date of its execution by both parties.

SECTION IX. Oconee County hereby designates that the distribution of the fee-in-lieu of ad valorem taxes pursuant to the Agreement received by Oconee County from the Oconee portion of the Park premises be paid to each of the taxing entities in Oconee County which levy

an ad valorem property tax in any of the areas comprising the Oconee portion of the Park in the same percentage as is equal to that taxing entity's percentage of the millage rate being levied in the then current tax year for property tax purposes, provided that Oconee County may, from time to time, by ordinance, amend the distribution of the fee-in-lieu of tax payments to all taxing entities. A portion of the fee in lieu of ad valorem taxes which Oconee County receives pursuant to the Agreement for Park premises may be, from time to time and by ordinance of Oconee County Council or its successor, designated for the payment of Special Source Revenue Bond. Designated payments for a special source bond shall be made prior to the distribution of the remaining fee in lieu of ad valorem taxed to the various taxing entities.

SECTION X. This Ordinance shall be effective after third and final reading and publication.

OCONEE COUNTY COUNCIL

By: \_\_\_\_\_  
Harrison E. Orr, Supervisor/Chairman,  
County Council of Oconee County, South  
Carolina

ATTEST:

\_\_\_\_\_  
Opal O. Green, Clerk, County Council  
Oconee County, South Carolina

First Reading:        March 17, 1998  
Second Reading:     April 7, 1998  
Public Hearing:        April 7, 1998  
Third Reading:        April 21, 1998

ORDINANCE NO. \_\_\_\_\_

STATE OF SOUTH CAROLINA)  
COUNTY OF OCONEE)

**AN ORDINANCE TO REGULATE  
SEXUALLY ORIENTED BUSINESSES  
WITHIN THE UNINCORPORATED  
AREAS OF OCONEE COUNTY**

|              |  |
|--------------|--|
| Article I:   | Preamble   |
| 100          | - Purpose and Intent   |
| 110          | - Findings of Fact   |
| Article II:  | Permitting Requirements for the Establishment of Sexually Oriented<br>Businesses Within the Unincorporated Areas of Oconee County  |
| 200          | - Purpose and Intent   |
| 210          | - Enabling Authority   |
| 220          | - Permit Requirements  |
| 230          | - Issuance of Sexually Oriented Business Permit  |
| 240          | - Administration and Display of Sexually Oriented Business Permits   |
| 250          | - Appeals of Designation as a Sexually Oriented Business, Denial of a<br>Sexually Oriented Business Permit, Suspension or Revocation of a<br>Sexually Oriented Business Permit |
| 260          | - Transfer of a Sexually Oriented Business Permit  |
| 270          | - Permit Requirements of Sexually Oriented Businesses Operating at the<br>Time This Ordinance is Adopted   |
| Article III: | Location of Sexually Oriented Businesses   |
| 300          | - Purpose and Intent   |
| 310          | - Enabling Authority   |
| 320          | - Consistency With Comprehensive Plan  |
| 330          | - Applicability  |
| 340          | - Locational Requirements  |
| 350          | - Sexually Oriented Businesses as a Nonconforming Use  |
| Article IV:  | Enforcement  |
| 400          | - Penalties - Injunction   |
| 410          | - Ordinance Validity   |
| 420          | - Preservation of Constitutional Rights  |
| 430          | - Oconee County Board of Appeals   |
| Article V:   | Definitions  |
| Article VI:  | Legal Status Provisions  |
| 600          | - Enactment  |
| 610          | - Scope  |
| 620          | - Severability   |

**AN ORDINANCE TO REGULATE  
SEXUALLY ORIENTED BUSINESSES  
WITHIN THE UNINCORPORATED  
AREAS OF OCONEE COUNTY**

**ARTICLE I: PREAMBLE**

100 Purpose and Intent

It is the purpose of this ordinance to regulate sexually oriented businesses in order to promote the health, safety, and general welfare of the citizens of Oconee County, and to establish reasonable and uniform regulations to prevent the deleterious locating and concentration of sexually oriented businesses within the County. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative material, including sexually oriented material. Similarly, it is not the intent or effect of this ordinance to restrict or deny access by adults to sexually oriented materials or expressions that are protected by the First Amendment to the Constitution of the United States of America, or to deny access by the distributor and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent or effect of this ordinance to condone or legitimize any act which is otherwise prohibited and punishable by law.

110 Findings of Fact

- 110.01 There exists potential for the establishment of sexually oriented businesses in Oconee County and it is in the interest of the public health, safety, and welfare, of the citizens of Oconee County to provide for minimum standards and regulations for sexually oriented businesses, as well as for the health, safety, and general welfare of the owners, operators, employees, and patrons of such businesses.
- 110.02 Sexually oriented businesses generate secondary effects which are detrimental to the public health, safety, and welfare. Additionally, sexually oriented businesses are frequently used for unlawful sexual activities, including public sexual indecency, prostitution, and sexual encounters of a casual nature. Such businesses are of particular concern to the community when they are located in close proximity to each other, or close to residences, schools, churches, parks, or playgrounds.
- 110.03 The concern over sexually transmitted diseases is an additional legitimate concern for the County, which demands reasonable regulation of sexually oriented businesses in order to protect the health and well being of citizens.
- 110.04 Live entertainment at sexually oriented businesses sometimes involves a considerable amount of bodily contact between patrons and semi-nude or nude employees and dancers, including physical contact such as hugging, kissing, and sexual fondling of employees or patrons. Many sexually oriented businesses

have "couch" or "straddle" dancing, in which employees do such things as sit in a patron's lap, place their sexual organs against a patron while physical contact is maintained, or gyrate in a manner so as to simulate sexual intercourse. Such activity can be defined as obscene and illegal in accordance with South Carolina Official Code of Laws, Title IV, Chapter 9. Such behavior can also lead to prostitution and the spread of sexually transmitted diseases. The Planning Commission and County Council of Oconee County recognizes that the prevention of these and similar activities that pose a threat to the health, safety, and general welfare of the citizens of Oconee County is clearly within the police powers of the County. Further, the Planning Commission and County Council of Oconee County believes that prohibiting contact between performers and patrons at sexually oriented business establishments is a reasonable and effective means of addressing these legitimate governmental interests. Also, the Planning Commission and County Council of Oconee County recognize that regulating the location of sexually oriented businesses is an additional reasonable and effective means of addressing secondary effects associated with these activities.

- 110.05 The establishment of a permit process is a legitimate and reasonable means of accountability to ensure that operators of sexually oriented businesses comply with reasonable regulations to facilitate the enforcement of legitimate distancing requirements, and to ensure that operators do not allow their establishments to be used as places of illegal activities or solicitation.
- 110.06 The location of sexually oriented businesses close to residential areas, schools, churches, parks, or playgrounds leads to the decline in the general welfare of the area, leads to conditions that gives rise to crime, and places children in a position such that they are endangered by secondary effects of these activities.
- 110.07 It is not the intent of this ordinance to suppress speech activities protected by the First Amendment of the Constitution of the United States of America or to place any impermissible burden on any constitutionally protected expression or expressive conduct by the enactment of this ordinance. Rather, it is the intent of Oconee County to enact a content neutral regulation which addresses the threats to the public health, safety, and general welfare that are produced by sexually oriented businesses.

**ARTICLE II: PERMITTING REQUIREMENTS  
FOR THE ESTABLISHMENT OF SEXUALLY  
ORIENTED BUSINESSES WITHIN THE  
UNINCORPORATED AREAS OF OCONEE COUNTY**

200 Purpose and Intent

- It is the purpose and intent of this article to establish a permit requirement for sexually oriented businesses that will ensure that these businesses are operated in a manner that is in full compliance with all applicable laws of the United States of America, the State of South Carolina, and Oconee County. The purpose is also to ensure that these businesses are operated in a manner that minimizes adverse impacts on the community and that does not pose a threat to the public health, safety, and general welfare. Further, the purpose is to provide Oconee County with a reasonable and legitimate mechanism for enforcing applicable laws.

210 Enabling Authority

Article II of this ordinance is adopted by Oconee County Council in accordance with Title IV, Chapter 9 of the South Carolina Code of Laws, as an application of the police powers for the purpose of promoting the public health, safety, and welfare.

220 Permit Requirements

- 220.01 Every person or entity engaged or intending to engage in a sexually oriented business, as defined in this ordinance, is required to obtain a Sexually Oriented Business Permit (hereinafter referred to as Permit) from Oconee County before initiating operation of the business. Any person or entity engaging in such business shall have a valid permit in effect at any time in which the business is in operation.
- 220.02 Applications for a Permit shall be made to the Oconee County Supervisor or to such employee of Oconee County who is designated by the County Supervisor for the enforcement of this ordinance.
- 220.03 Any person or entity engaged or intending to engage in a sexually oriented business is required to obtain and hold a valid Permit during any period of time in which the business is in operation.
- 220.04 An application for a Permit shall be made to the County Supervisor, or appropriate employee of Oconee County, as designated by the County Supervisor, on a form provided by Oconee County. If an entity wishing to operate a sexually oriented business is an individual, that individual must sign the Permit application. If the entity wishing to operate a sexually oriented business is other than an individual, each individual who has at least ten percent (10%) ownership in the business must sign the Permit application. If a corporation is listed as the owner of a sexually oriented business, then each individual having at least ten percent (10%) ownership interest in the corporation

must sign the Permit application. Permit applications may be submitted during normal business hours of Oconee County government offices. Permit applications are a matter of public record, and may be viewed by any person during normal business hours of Oconee government offices.

220.05 Any applicant for a Permit shall be required to provide proof of identification and proof of age.

220.06 If one person or entity owns or operates more than one sexually oriented business in Oconee County, that person or entity must obtain and hold a separate Permit for each sexually oriented business in operation.

220.07 Any application for a Permit must be accompanied by a sketch or diagram showing the configuration of the property and premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.

220.08 The fact that a person or entity possesses other types of state or county permits or licenses does not exempt the individual or entity from the Permit requirements of this article.

220.09 Oconee County Council shall have the authority to establish reasonable fees for Permits and Permit applications. Such fees shall be appropriate to cover costs associated with the administration of this ordinance and for the policing of sexually oriented business establishments. Such fees shall be established by resolution by the Oconee County Council and may be changed by subsequent resolution.

### 230 Issuance of Sexually Oriented Business Permit

The Oconee County Supervisor, or employee of Oconee County who is designated by the County Supervisor for the administration of this ordinance, shall approve the issuance of a Sexually Oriented Business Permit within thirty (30) days after receiving and application, unless he (she) finds one or more of the conditions listed below to be present:

- A. The proposed business is in violation of any portion of this ordinance, including Article III, Location Requirements of Sexually Oriented Businesses.
- B. The proposed business is in violation of any ordinance or regulation of Oconee County, any ordinance or regulation of any administrative department, bureau, or governmental entity of the State of South Carolina, or any law or regulation of the United States of America.
- C. The applicant is under eighteen (18) years of age.

- D. The applicant has failed to provide information that is reasonably necessary and required on the Permit application form for the issuance of a Permit, or has falsely answered a question or request for information, as is required on the application form.
- E. The premises to be used for the sexually oriented business is found to be unsafe by the Fire Marshall of Oconee County, the Building Official of Oconee County, or an appropriate official of the South Carolina Department of Health and Environmental Control (DHEC).
- F.
  - (1) To apply in the event that the applicant is an individual, the applicant, or the spouse of the applicant is found to be overdue in payment to the county of taxes, fees, fines, of penalties assessed against the individual, or imposed upon the individual in relation to a sexually oriented business.
  - (2) In the event that the applicant is more than one individual or is a corporation, it is found that any person having at least ten percent (10%) ownership in the sexually oriented business, any person having at least ten percent (10%) ownership interest in a corporation owning the sexually oriented business, or the spouse of any person having ten percent (10%) ownership in the sexually oriented business or corporation owning the sexually oriented business is overdue in payment to the county of taxes, fees, fines, of penalties assessed against the individual, or imposed upon the individual in relation to a sexually oriented business.
- G. The Permit fee or Permit application fee required by this ordinance and adopted by resolution of Oconee County Council has not been paid.

240 Administration and Display of Sexually Oriented Business Permits

- 240.01 The Permit shall be printed on a form developed by Oconee County. The Oconee County Supervisor, or county employee designated by the County Supervisor for the administration of this ordinance, shall maintain a copy of all Permits issued, and shall maintain a record of Permit issuances, to include the name of the business, name of the owner, date of Permit issuance, and date of Permit expiration.
- 240.02 Permits and Permit records are a matter of public record, and may be reviewed by any person during normal business hours of Oconee County government offices, except that records or information pertaining to an on-going investigation of illegal otherwise noncompliant activity of a sexually oriented business, owner or operator of a sexually oriented business, or employee of a sexually oriented business, may be shielded from public review in accordance with South Carolina law.
- 240.03 The Permit, if granted, shall state on its face the name of the person or persons to whom the Permit is issued, the date of issuance, expiration date, and the address of the sexually oriented business. The Permit shall be posted at a conspicuous

place at or near the entrance of the sexually oriented business so that it may easily be read at any time.

240.04 Inspection.

- A. An applicant or Permit holder shall permit representatives of the Oconee County Sheriff's Department, the South Carolina Department of Health and Environmental Control, local Fire Department, the Oconee County Supervisors Office, the Oconee County Attorney's office, or the Oconee County Building Official's office to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law, at any time the building is occupied and open for business.
- B. All employees, while on duty at a sexually oriented business, must have a valid driver's license or other government issued official identification with picture in their possession and must present that identification to an inspecting official, as identified in Section 240.04.A, above, upon demand.
- C. The Permit holder (or agent or employee of the Permit holder) commits a misdemeanor if it is found by the appropriate court of law that such lawful inspection of the premises is denied for any reason. Such refusal is also grounds for the suspension or revocation of the Permit.

240.05 Expiration and Renewal of Sexually Oriented Business Permit. All sexually oriented business Permits shall be valid for a period of twelve (12) months. Applications for renewal shall be made to the Oconee County Supervisor or county employee designated by the supervisor for the administration of this ordinance. An application for renewal shall be made not more than forty (45) days before the expiration of a valid permit, nor less than thirty (30) days before the expiration of a valid permit. If an application for Permit renewal is not made during this time period, the Permit will lapse and an application for a new period shall be required to continue operation of the sexually oriented business. If there is a period in which the existing permit expires but before a new permit is issued, the sexually oriented business shall not operate during said period.

240.06 Suspension of a Sexually Oriented Business Permit. The Oconee County Supervisor, or county employee designated by the County Supervisor for the administration of this ordinance, shall suspend a sexually oriented business Permit for a period not to exceed thirty (30) days, if it is determined that a Permit holder or employee of a Permit holder commits one or more of the acts listed below:

- A. Has violated a portion of this or any other applicable ordinance or regulation of Oconee County, the State of South Carolina, any departments, bureaus, or agencies of the State of South Carolina, or the United States of America.
- B. Has refused to allow the inspection of a sexually oriented business, as authorized by this ordinance.

- C. Has failed to provide identification, as specified in Section 240.04.B of this ordinance.
- D. Has failed to register any employee, as specified in this ordinance, or has misrepresented the number of employees of the sexually oriented business.
- E. Has allowed any person under the age of eighteen (18) years of age to access the premises.

240.07 Revocation of a Sexually Oriented Business Permit. The Oconee County Supervisor, or county employee designated by the County Supervisor for the administration of this ordinance, shall revoke a sexually oriented business Permit if a cause for suspension as specified in Section 240.06 of this ordinance has occurred at least one (1) time during the preceding twelve (12) months. In addition, the Oconee County Supervisor, or county employee designated by the County Supervisor for the administration of this ordinance, shall revoke a sexually oriented business Permit if it is determined that any of the acts listed below have occurred.

- A. The Permit holder or an agent of the Permit holder has provided false, incomplete, or misleading information in the material submitted during the application process.
- B. The Permit holder, or an agent or employee of the Permit holder operated the sexually oriented business during a period of time in which no valid Permit was in existence or the Permit was suspended.
- C. Any act of obscenity as specified in Section 16-15-305, of the South Carolina Code of Laws (Cumulative Update) has taken place on the premises.

240.08 Reissuance of a Revoked Sexually Oriented Business Permit. If a Permit for a sexually oriented business has been revoked, no new Permit for that business shall be issued for a period of twelve (12) months from the date of revocation. The prohibition shall cover any business in the same location, any business owned by the owner of the business for which the Permit has been revoked, any business owned by any person having at least ten (10) percent ownership of the business for which the Permit was revoked, or any business owned by a corporation of which at least ten percent (10%) ownership interest is held by a person with at least ten percent (10%) ownership interest in a corporation that owned the business for which the Permit was revoked. This prohibition shall also apply to the spouse of any person meeting the criteria listed above. Any Permit holder who has had two Permits revoked within a period of thirty six (36) months, shall be prohibited from being issued a Permit for a period of five (5) years. This regulation shall apply to any individual who shall have at least ten percent (10%) interest in the ownership of a subject business or who shall have at least ten percent (10%) ownership in a corporation which owned a

subject business. This prohibition shall also apply to the spouse of any person meeting the criteria listed above.

250 Appeals of Designation as a Sexually Oriented Business, Denial of Sexually Oriented Business Permit, Suspension or Revocation of Sexually Oriented Business Permit

250.01 Any aggrieved person or entity may appeal the Oconee County Supervisor's (or county employee designated by the County Supervisor for the enforcement of this ordinance) designation of a business as a sexually oriented business, the denial of a Permit, or the suspension or revocation of a Permit to the Oconee County Board of Appeals (as established in Article IV) of this Ordinance. Such appeal must be submitted on a form developed by Oconee County and maintained by the Oconee County Supervisor or county employee designated by the County Supervisor for the administration of this ordinance. Any appeal must be submitted to the County Supervisor or designated employee within ten (10) business days after notification has been received by the applicant, person, or entity of the decision that is detrimental to the applicant, person, or entity.

250.02 Reasonable fees may be established by Oconee County Council to cover the costs of administering the appeals process. Fees shall be established by resolution by Oconee County Council and may be adjusted by subsequent resolution.

250.03 Before making a determination on an appeal, the Oconee County Board of Appeals shall conduct a public hearing on the matter. Upon submission of an application for appeal, the Chairman of the Oconee County Board of Appeals shall establish the date, time, and location for the public hearing, which shall be within thirty (30) days of the submission of the application for appeal.

250.04 Notification of the public hearing must be published in a newspaper of general circulation in Oconee County at least fifteen (15) days prior to the public hearing. Notice of the public hearing must also be displayed in the office of the Oconee County Supervisor or county employee designated by the Oconee County Supervisor for the administration of this ordinance. Further, the applicant for the appeal shall be provided notification of the location, date, and time of the public hearing by registered mail with return receipt, or by hand delivery of an agent of Oconee County who is authorized to deliver legal warrants.

250.05 Any person shall have the right to testify at the public hearing. Any person shall have the right to representation by legal counsel. Any person who does testify shall be required to state their legal name and address. The Chairman of the Oconee County Board of Appeals may require the presentation of a valid drivers license or other official government issued identification with picture to establish the identity of any person wishing to testify.

250.06 As the appeals process is a quasi-judicial function, no member of the Oconee County Board of Appeals shall accept any evidence pertaining to the issue outside of the hearing context, except that the county employee designated for

the administration of this ordinance may pre-file a report to the Oconee County Board of Appeals. Said report, if pre-filed shall be distributed to Board of Appeals members at least seven (7) days prior to the hearing. Said report shall also be provided to the applicant for appeal either by certified mail with return receipt or by an agent of Oconee County who is authorized to serve legal warrants. In either case, such report shall be provided to the applicant at least three (3) days prior to the public hearing. Said report shall also be available for public review at the office of the county employee designated for the administration of this ordinance during normal business hours of Oconee County government.

In addition, the applicant for appeal may also provide a pre-filed report to the Oconee County Board of Appeals. Said report shall be filed with the employee who is designated to administer this ordinance and must be filed at least seven (7) days prior to the public hearing. Said report shall be distributed to members of the Oconee County Board of Appeals in an expeditious manner. Further, said report shall be available for public review at the office of the county employee designated for the administration of this ordinance during normal business hours of Oconee County government.

If the applicant refuses to sign a certified mail receipt of public hearing notice or of receipt of a pre-filed report, or if the applicant cannot reasonable be located at the address provided on the applicant, the designated county official shall make notice of such event, and it shall not cause the public hearing to be delayed.

If any member of the Oconee County Board of Appeals has reason to believe that he or she has a conflict of interest in voting on the appeal, or if any member has inadvertently received information, evidence, correspondence or testimony regarding the appeal outside of the hearing context, that member shall report the potential conflict, information, evidence, correspondence, or testimony to the county employee designated for the administration of this ordinance. That official shall inform the County Attorney of said information. The County Attorney shall then provide advice as to whether the Board member should participate in the deliberations, participate in the deliberations but make public notification for the record of the information received, or abstain from deliberations.

250.07 The decision of the Board of Adjustments shall be made solely on findings of fact and shall be based on South Carolina law or ordinances of Oconee County. Official action may be taken only if a quorum (as specified in Article IV of this ordinance) is established. Decisions shall be made by a majority vote of Board members present and shall be rendered in a written form within five (5) business days of the public hearing, and shall be available for public review at the office of the Oconee County employee who is designated to administer this ordinance. Oconee County Council shall have no authority to alter a decision of the Oconee County Board of Appeals. Any decision of the Board may be appealed to Circuit Court within ten (10) days after the decision is rendered and made available for public review.

250.08 If a decision by the designated administrative officer to suspend or revoke a Permit is appealed, such decision is stayed from the time the appeal is filed until the Board of Appeals renders its decision. If the Board of Appeals upholds the order of the administrative officer, then the period of suspension or revocation shall commence upon the date that the decision of the Board is rendered.

260 Transfer of a Sexually Oriented Business Permit

A Permit holder shall not transfer a Permit to another sexually oriented business, nor shall a Permit holder operate a sexually oriented business under the authority of a sexually oriented business at any location other than the address designated in the Permit. Should a sexually oriented permit change ownership, the Permit may not be transferred. A new Permit may be applied for in accordance with the application procedure included within this ordinance by the new owner.

270 Permit Requirements of Sexually Oriented Businesses Operating at the Time This Ordinance is Adopted

270.01 Any sexually oriented business that is in operation at the time this ordinance is enacted shall be permitted to remain in operation without a Permit for a period not to exceed one hundred twenty (120) days.

270.02 If the owner of the sexually oriented business desires to operate the business for a period exceeding one hundred twenty (120) days, the owner shall obtain a Permit in the manner proscribed in Section 230 of this ordinance. In order to ensure that no lapse of time is incurred, a Permit application must be submitted within ninety (90) days of the enactment of this ordinance.

270.03 Any existing sexually oriented business that is nonconforming to the locational requirements as stated in Article III of this ordinance, may none the less be issued a Permit in accordance with the Nonconforming Use Provision of this ordinance.

270.04 To provide notification of Permit requirements and application procedures, once this ordinance is enacted, Oconee County shall provide advertisement in a newspaper of general circulation in Oconee County. Said advertisement shall be published at least three (3) times at a minimum interval of fourteen (14) days. Said advertisement shall include notification of Permit requirements, information concerning how a Permit application may be obtained, a telephone number and address for obtaining additional information, notification that an existing sexually oriented business may remain in operation without a permit until the designated date that is one hundred twenty (120) days subsequent to the enactment of this ordinance.

### ARTICLE III: LOCATION OF SEXUALLY ORIENTED BUSINESSES

#### 300 Purpose and Intent

It is the purpose and intent of this article to provide for the location of sexually oriented businesses in a manner that promotes the public health, safety, and welfare of Oconee County, that minimizes secondary impacts associated with these businesses, and that allows for the reasonable establishment of these businesses in accordance with rights as established in the Constitution of the United States of America.

#### 310 Enabling Authority

This article is adopted by Oconee County Council, upon recommendation from the Oconee County Planning Commission, in conformance with Title VI, Chapter 29 of the South Carolina Code of Laws, Cumulative Update.

#### 320 Consistency With Comprehensive Plan

This article is adopted by Oconee County Council, upon recommendation from the Oconee County Planning Commission, in conformance with the Land Use Element of the Oconee County Comprehensive Plan, (Ordinance No. 97-2, as adopted on September 30, 1997.) Specifically, this ordinance is adopted to accomplish Short Range Goal #4, as identified in the Comprehensive Plan.

#### 330 Applicability

This article shall apply to the location of any sexually oriented business that is established within the unincorporated area of Oconee County.

#### 340 Locational Requirements

No sexually oriented business shall be established, located, or operated on a parcel that is within one thousand (1,000) feet of any building or structure utilized for any of the activities below. Further, no Permit shall be granted for a sexually oriented business that is proposed for establishment on a parcel that is within one thousand (1,000) feet of any building or structure utilized for any of the activities identified below.

- A. A church, synagogue, mosque, other place of worship, or facility used for the formal congregation of persons engaged in religious worship activities,
- B. A public or private school or nursery school (structure shall include buildings and fenced in play areas),
- C. A residence or structure built for residency,
- D. a public park, public recreation area, or private recreation area (structure shall include the entire parcel on which the facility is located), or

E. any other sexually oriented business.

340.01 For the purposes of Section 340, measurement shall be made in a straight line without regard to intervening structures or objects. Measurement shall be from the nearest portion of the parcel that is proposed for the location of the sexually oriented business to the closest point of any structure identified in Section 340.

340.02 No more than one (1) sexually oriented business shall be permitted on any parcel.

350 Sexually Oriented Businesses as a Nonconforming Use

350.01 Any sexually oriented business operating on the date that this ordinance is enacted that is found to not be in conformance with the locational requirements, as specified in Section 340 shall be designated as a nonconforming use. Such business shall be permitted to remain in operation without a Permit during the one hundred twenty (120) day period, as specified in Section 270 and shall be eligible to be issued a Permit. Upon issuance of the Permit, the Oconee County Supervisor or county employee designated by the County Supervisor for the administration of this ordinance, shall make a notation on the Permit that the use is designated as nonconforming.

350.02 Supplemental Regulations Applied to Sexually Oriented Businesses That Are Designated As A Nonconforming use.

A. No nonconforming use shall be increased, enlarged, extended, or altered.

B. Any sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use due to the subsequent location of any of the activities listed in Section 340 within one thousand (1,000) feet of the parcel upon which the sexually oriented business is located. If the Permit for the sexually oriented business shall lapse or be revoked, or if the business shall cease operation for a period of at least sixty (60) consecutive days, then the business shall be deemed as having been terminated. In such case, no new Permit shall be issued for any business that is not in compliance with Section 340.

C. The nonconforming status of any sexually oriented business shall be terminated if the business ceases operation for a period of at least sixty (60) consecutive days, if the business's Permit is revoked in accordance with Section 240, or if the building in which the business is housed suffers damage to an extent in which the cost of repair would exceed fifty percent (50%) of the value of the building before it was damaged.

D. Upon the termination of the nonconforming status of the sexually oriented business, the Permit shall be permanently revoked. However, unless the revocation is in part or in whole based on one or more of the

violations included in Section 240, the owner shall be eligible to apply for a new Permit to re-establish the business or establish a new business without waiting the one year period, as specified in Section 240.

350.03 A designated nonconforming use may be issued no more than three (3) annual Permits. Upon the termination of the third Permit, the nonconforming use must terminate or re-locate to a conforming site.

#### ARTICLE IV: ENFORCEMENT

400 Penalty - Injunction

A person who is found by a court of law to have operated or to have caused to be operated a sexually oriented business without a Permit or in any other manner that is in violation of this ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations. Such violations shall be punishable by a fine not to exceed \$ 500 and/or 30 days imprisonment. Each day a person operates or causes to be operated a sexually oriented business in a manner that is in violation of this ordinance shall constitute a separate offense.

410 The regulations included in this ordinance are in addition to any other valid laws or regulations of the United States of America, the State of South Carolina, or Oconee County. Nothing in this ordinance is intended to or shall be interpreted as invalidating any other laws or regulations. Any penalties imposed by a court of law for the violation of this ordinance shall not interfere with any separate criminal prosecution or penalty levied for any other criminal act.

420 Nothing in this ordinance is intended to or shall be interpreted as limiting the rights of Oconee County, any citizen, or any entity from seeking any relief from any cause for action as proscribed by South Carolina law.

430 Oconee County Board of Appeals

An Oconee County Board of Appeals shall be established, which may also be referred to the Board, or as the Oconee County Board of Zoning Appeals, as defined in Section 6-29-780 through Section 6-29-860 of the South Carolina Code of Laws, Cumulative Supplement.

430.01 Board Establishment. The Board shall consist of seven (7) members, a majority of which shall constitute a quorum. Members shall be appointed by Oconee County Council, and shall serve overlapping terms of three (3) years, except that original appointees shall serve for staggered terms as proscribed in Section 430.02. Members whose terms have expired shall continue serving until a successor has been appointed by Oconee County Council. Members may serve an unlimited number of consecutive terms. A vacancy in membership shall be filled for the unexpired term in the same manner in which the original appointment was made. Oconee County Council shall have the authority to

remove any member of the Board for cause or for violating any of the By-Laws, as adopted by the Board. Oconee County Council shall have the authority to approve a budget for the Board and to appropriate funds for the Board's activities. Members shall serve without compensation, unless authorized by Oconee County Council. No Board member shall hold any other public office or position in Oconee County or a municipality in Oconee County.

A. Initial Appointments to the Board. Upon concluding the appointment of the initial seven (7) members of the Board, members shall determine terms through a random drawing, with two members to have a term of one (1) year, two members to have a term of two (2) years, and three (3) members to have a term of three years.

430.02 Organization of the Board. The Board shall elect one of its members as chairman, who shall serve for one year or until re-elected or until a successor is elected and qualified. The Board shall appoint a secretary who may be an employee of Oconee County or who may be a member of the Board. The Board shall adopt rules of procedures to be contained in by-laws. Meetings shall be held at the call of the chairman. Public notice of meetings shall be provided by publication in a newspaper of general circulation in Oconee County. The chairman may administer oaths and compel the attendance of witnesses by subpoena. The Board shall keep minutes of its proceedings, showing the vote of each question.

430.03 Public Meetings and Public Records. All meetings of the Board shall be open to the public, unless an executive session is declared to receive advice from legal counsel. All meeting minutes shall be public records and shall be available for inspection at the office of the designated administration official during regular office hours of Oconee County government.

#### Article V: Definitions

501 **Adult arcade** means any place to which the public is permitted or invited wherein coin-operated, slug-operated or electronically, or mechanically-controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to one or more persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

502 **Adult bookstore, adult retail store or adult video store** means a commercial establishment which excludes any person by virtue of age from all or part of the premises generally held open to the public where products or equipment distinguished or characterized by a predominant emphasis or simulation of "specified sexual activities" or "specified anatomical areas" are sold, rented, or displayed therein, or which has as one of its principal business purposes, the sale or rental for any form, for consideration, one or more of the following:

- A. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas."
- B. Instruments, devices, paraphernalia or clothing which are designed for use in connection with "specified sexual activities," excluding condoms and other birth control and disease prevention products. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of materials depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as an adult bookstore or adult video store so long as one of its principal business purposes is the offering for sale or rental the specified materials which describe "specified sexual activities or "specified anatomical areas."
- C. Adult bookstore, adult retail store, or adult video store does not mean any establishment which displays, rents or sells sexually-explicit materials in an enclosed room equal to less than 10% of the business' total square footage, and which prohibits anyone under 18 years of age from entering the room.
- D. Principle business purpose, as used in this section, means that more than 25% of the "stock in trade" of the business is devoted to the display, rent, or sale of items, products, or equipment distinguished or characterized by a predominant emphasis on, or simulation of, "specified sexual activities" or "specified anatomical areas."
- E. Stock in trade for purposes of this sub-section shall mean the greater of:
  - 1. The retail dollar value of all items, products or equipment readily available for purpose, rental, viewing or use by patrons of the establishment, excluding material located in any storeroom or other portion of the premises not regularly open to patrons; or
  - 2. The total volume of shelf space and display area.

503 **Adult cabaret** means a nightclub, bar, restaurant or similar commercial eating or drinking establishment, which regularly features:

- A. Persons who appear in a state of nudity.
- B. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."
- C. Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified anatomical areas."

- 504 **Adult car wash** means a car wash where some or all of the employees are semi-nude or nude and/or where "specified sexual activities" or "specified anatomical areas" are exhibited.
- 505 **Adult motel** mean a hotel, motel or similar commercial establishment which:
- A. Offers accommodations to the public for any form of consideration; provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas," and which may have a sign visible from the public right-of-way which advertises the availability of this type of photographic reproductions, or
  - B. Routinely offers a sleeping room for rent for a period of time that is less than eight hours, or
  - C. Routinely allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than eight hours, or
  - D. Evidence that a sleeping room in hotel, motel, or a similar commercial establishment has been rented and vacated two or more times in a period of time that is less than eight hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this section.
- 506 **Adult motion picture theater** means a commercial motion picture theater, one of whose primary business purpose is, for any form of consideration, to regularly show films, motion pictures, video cassettes, slides or similar photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
- 507 **Adult theater** means a commercial theater, concert hall, auditorium, or similar commercial establishment, one of whose primary business purpose is to regularly feature persons who appear in a state of nudity or which features live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."
- 508 **Board** means the Oconee County Board of Appeals.
- 509 **Certificate of Nonconformity** means a certificate issued by the Oconee County Planning and Development Department to any sexually oriented business which is operating at the time of the enactment of this Chapter, and is not in compliance with one of more of its provisions.
- 510 **Dancer** means an employee of a sexually oriented business that entertains patrons through expressive forms of dance and/or movement.
- 511 **Designated County Employee** means the employee of Oconee County who is designated by the Oconee County Supervisor for the administration of this ordinance.

- 512 **Employee** means an individual working and performing services for any sexually oriented business, including any independent contractor who provides services on behalf of any sexually oriented business to the patrons of such business.
- 513 **Established or establishment**, as used in this Chapter, means and includes any of the following:
- A. The opening or commencement of any sexually oriented business as a new business.
  - B. The conversion of an existing building or not a sexually oriented business, to a sexually oriented business.
  - C. The addition of any sexually oriented business to any other existing sexually oriented business.
  - D. The relocation of any sexually oriented business.
- 514 **Health Club** as used in this Chapter means a health club where some or all of the employees are nude or semi-nude, or in which "specified sexual activities" occur or "specified anatomical areas" are exhibited.
- 515 **Licensee** means a person in whose name a Sexually Oriented Business Regulatory License to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a Sexually Oriented Business Regulatory License.
- 516 **Live entertainment**, for purposes of this Chapter, means a person who appears nude, semi-nude, or a performance which is characterized by the exposure of "specified anatomical areas" or "specified sexual activities."
- 517 **Nude model studio** means any place where a person appears in a state of nudity or displays "specified anatomical areas" and is observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any other form of consideration.
- 518 **Nude, Nudity, or state of nudity** means a) the appearance of a bare human buttock, anus, male genitals, female genitals, or the areola or nipple of the female breast; or b) a state of dress which fails to cover a human buttock, anus, male genitals, female genitals, pubic region, or areola or nipple of the female breast.
- 519 **Operate or cause to be operated**, as used in this Chapter, means to cause to function or to put or keep in operation.
- 520 **Operator** means any person on the premises of a sexually oriented business who is authorized to exercise overall operational control of the business, or who causes to function or who puts or keeps in operation the business. A person may be found to be

operating or causing to operate a sexually oriented business whether or not the person is an owner, part owner, or licensee of the business.

- 521 **Patron** means any persons who pays a sexually oriented business any form of consideration for services provided to him or her by the sexually oriented business.
- 522 **Person** means an individual, proprietorship, partnership, corporation, association, or other legal entity.
- 523 **Semi-nude or semi-nudity** means a state of dress in which clothing covers no more than the genitals of a man, or the pubic region and areolae of the breasts of a woman.
- 524 **Sexually Oriented Business** includes an adult arcade, adult bookstore, adult retail store or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, nude model studio, or any other business such as a car wash or a health club, which offers for consideration, materials, or services characterized as depicting "specified sexual activities" or "specified anatomical areas," or whose employees perform services in a state of nudity or semi-nudity.
- 525 **Sexually Oriented Business Permit** means a special annual operating permit necessary for a sexually oriented business to do business in the unincorporated portions of Oconee County. Such license is in addition to any other regional, state, or county permits. The Sexually Oriented Business Regulatory Permit also requires the registration of each employee and each employee hired during the operation period authorized by the Sexually Oriented Business Regulatory Permit.
- 526 **Specified Anatomical Areas** means the male or female genitals including the vulva or more intimate parts of the female genitals, or bare human buttocks, anus, or the areola or nipple of the female breast.
- 527 **Specified Sexual Activities** means and includes any of the following:
- A. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast.
  - B. Sex acts, normal or perverted, actual or simulated including intercourse, oral copulation, or sodomy.
  - C. Masturbation, actual or simulated.
  - D. Excretory functions as a part of or in conjunction with any of the activities set forth in A. through C. above.
- 528 **Substantial Enlargement** of a sexually oriented business means the increase in floor areas occupied by the business by more than 10% as the floor areas exist on the date the original Certificate of Compliance was obtained.
- 529 **Transfer of Ownership** or control of a sexually oriented business means and includes any of the following:

- A. The sale, lease or sublease of the business.
- B. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means.
- C. The establishment of a trust, gift, or other similar legal device which transfer the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

530 **Viewing Room** means the room, booth, or area where a patron of a sexually oriented business would ordinarily be positioned while watching a film, video cassette, video reproduction, or live production.

#### ARTICLE VI: LEGAL STATUS PROVISIONS

600 Enactment

This ordinance shall be in full force and effect upon its adoption by Oconee County Council.

610 Scope

This ordinance shall apply to the entire unincorporated area of Oconee County.

620 Severability

This ordinance and its various parts, sections, subsections and clauses are hereby declared to be severable. If any portion is adjudged to be unconstitutional or invalid, it is hereby provided that the remainder of the ordinance shall not be affected.

STATE OF SOUTH CAROLINA  
 COUNTY OF \_\_\_\_\_

## EQUIPMENT LEASE AGREEMENT

between

(OCONEE) FRIENDSHIP Fire Department

and the

SOUTH CAROLINA FORESTRY COMMISSION



This agreement by and between the South Carolina Forestry Commission, agency of the State of South Carolina, hereinafter referred to as the COMMISSION and the OCONEE COUNTY RURAL FIRE CONTROL hereinafter referred to as COOPERATOR.

W I T N E S S E T H

WHEREAS, the FRIENDSHIP Fire Department did on APRIL 14, 1998 enter into an agreement with the SOUTH CAROLINA FORESTRY COMMISSION for the purpose of mutually providing a means of rural fire defense; and  
 WHEREAS, the COOPERATOR can more adequately carry out this function if additional equipment is made available; and  
 WHEREAS, it has been determined to be advantageous to the COMMISSION in the proper discharge of its responsibilities to make certain equipment available to the COOPERATOR:

NOW THEREFORE, the parties agree as follows:

## THE COMMISSION agrees:

- (1) To loan to the Cooperator the equipment described on the attached listing, hereinafter the "equipment", to be used in accordance with the terms set forth in this agreement.
- (2) That the title to all accessories, tools, equipment, sirens, ecc., which are added to the equipment will remain with the Cooperator and the COOPERATOR may remove same, prior to returning the equipment to the COMMISSION.

## THE COOPERATOR agrees:

- (1) To respond with men and equipment to all fire calls when requested to do so by the COMMISSION, within the COOPERATOR'S area of responsibility.
- (2) To equip, maintain in a high state of readiness, house in a suitable manner and operate and maintain said equipment at no cost to the COMMISSION. Vehicles being modified for fire use must give proper regard to safety, especially braking distance, carrying capacity, center of gravity and axle weight. Vehicles must not exceed gross weight and speeds beyond those originally intended.
- (3) To make said equipment available for inspection by a representative of the COMMISSION.
- (4) To have upon receipt and to maintain current bodily injury liability, property damage liability, and medical payment insurance for each piece of equipment listed; with minimums of \$15,000 bodily injury each person, \$30,000 each occurrence, \$5,000 property damage each occurrence \$1,000 basic economic loss each person, and \$500 medical payment each person.

- (5) The equipment may not be sold, junked, traded, or loaned, but must be returned to the COMMISSION at the COMMISSION'S Central Shop in Columbia for final disposition, and to notify the COMMISSION immediately if said equipment is lost, stolen, damaged, or involved in an accident.
- (6) The equipment will be painted a mutually agreeable color and be marked in a manner that will indicate the cooperation between the COOPERATOR and the COMMISSION, prior to placing the equipment in operation.
- (7) That any employee of the COOPERATOR or other person enlisted by the COOPERATOR to man said equipment shall not be considered an employee of the COMMISSION for any purpose. The COOPERATOR shall have the responsibility for any Workman's Compensation claim, or other claims, instituted by any person manning said equipment at the request of the COOPERATOR.
- (8) That said equipment shall be used only for the purpose of fire suppression and prevention.
- (9) To not place the equipment in operation until complying with the conditions set forth in (4) and (6) above, however, that the equipment shall be placed in operation within six (6) months, of the date of receipt of the equipment. Failure to so comply shall cause for forfeiture of possession of the equipment to the COMMISSION.
- (10) That failure to comply with this agreement can jeopardize the COOPERATOR'S present and/or future participation in the Equipment Lease program.

This agreement will be effective from the date of execution by the STATE FORESTER and will continue in force from year to year unless terminated by either party by thirty (30) days written notice to the other, provided, however that all of the provisions herein are complied with.

COOPERATOR

OCONEE COUNTY Fire Department

By \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

SOUTH CAROLINA FORESTRY COMMISSION

By \_\_\_\_\_  
State Forester

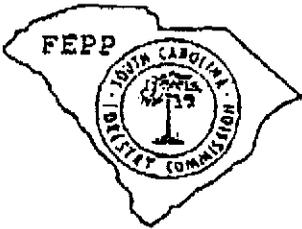
Date \_\_\_\_\_

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness



FL18

CERTIFICATE OF LIABILITY INSURANCE

The FRIENDSHIP Fire Department situated in OCONEE County, S. C. has the following motorized vehicle(s) on loan from the S. C. Forestry Commission:

|     | <u>Type Vehicle</u>                   | <u>Serial #</u>   | <u>Forestry Comm. ID#</u> |
|-----|---------------------------------------|-------------------|---------------------------|
| (1) | CHEVY 4X4<br>5/4 TON 1985 TRUCK CARGO | 1GCGD34J3FF447113 | F1396 AG0001544728        |
| (2) |                                       |                   |                           |
| (3) |                                       |                   |                           |
| (4) |                                       |                   |                           |
| (5) |                                       |                   |                           |

It is required that each such vehicle be insured with a minimum of \$15,000 bodily injury each person, \$30,000 each occurrence, \$5,000 property damage each occurrence, \$1,000 basic economic loss each person and \$500 medical payment each person.

Currently the above described vehicle(s) is/are insured as required by the

\_\_\_\_\_ Insurance Company under Policy # \_\_\_\_\_.

Dates of coverage are \_\_\_\_\_ to \_\_\_\_\_.

Said insurance was purchased through the \_\_\_\_\_ Insurance Agency.

Signed: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_



BID NO. 97-54

(Use this number on envelopes and all related correspondence.)

**BID FORM**  
**OCONEE COUNTY PURCHASING DEPARTMENT**  
**201 W. MAIN STREET, WALHALLA, SC 29691**

The Cumbaa Enterprises, Inc.

submits herewith our Bid in response to bid request number shown above, and in compliance with the description(s) and/or specification(s) attached hereto for sale and disposal of white goods

Base Price - Per Ton

\$ 25.09

Certification attached for refrigerant recovery Yes

Insurance certificate attached for General Liability and Workman's Compensation

The above stated bid is based on all applicable specifications, drawings, etc. associated with this bid and the following additional Addenda issued subsequent to the basic specifications and/or drawings.

NOTE TO BIDDER: List all Addenda with dates of any issued. If no additional Addenda are issued, write the word "NONE".

Addendum Number

Date

NONE

Bid shall include delivery to location stated on Bid Notice. Show any exception, deviation, extra computation, or information on Bid Supplemental Form attached hereto.

Completion/Delivery Date ARO: 30 days

Bidding Organization: Cumbaa Enterprises, Inc.

Mailing Address: P.O. Box 783 Blountstown, Florida 32424

Signature of Bidders Representative

*Harry D. Cumbaa*

Title: President

Date: 4 /02/98

Telephone: 1-850-674-8449

Fax: 1-850-674-4383



| BIDDER |                    | Vic Bailey Ford -<br>(State Contract) |                     | Edwards Auto Sales Co. |                     | Roper Auto Sales, Inc. |                     | Bobby Wood Chev.<br>Pontiac |                     | Benson Chrysler, Inc. |                     |
|--------|--------------------|---------------------------------------|---------------------|------------------------|---------------------|------------------------|---------------------|-----------------------------|---------------------|-----------------------|---------------------|
| QTY    | DESCRIPTION        | UNIT PRICE                            | TOTAL PRICE         | UNIT PRICE             | TOTAL PRICE         | UNIT PRICE             | TOTAL PRICE         | UNIT PRICE                  | TOTAL PRICE         | UNIT PRICE            | TOTAL PRICE         |
| 2      | 3/4 Ton 4x4 Truck  | 21,723.00                             | 43,446.00           | 22,702.00              | 45,404.00           | 22,800.00              | 45,600.00           | 22,875.16                   | 45,750.32           | 23,456.78             | 46,913.56           |
|        | Sales Tax          |                                       | 600.00              |                        | 600.00              |                        | 600.00              |                             | 600.00              |                       | 600.00              |
|        | <b>GRAND TOTAL</b> |                                       | <b>\$ 44,046.00</b> |                        | <b>\$ 46,004.00</b> |                        | <b>\$ 46,200.00</b> |                             | <b>\$ 46,350.32</b> |                       | <b>\$ 47,513.56</b> |
|        | Year/Model         | 1999 Ford Super Duty                  |                     | 1999 Ford Super Duty   |                     | 1999 Ford Super Duty   |                     | 1998 C/K 2500               |                     | 1998 Dodge Ram        |                     |
|        | Delivery           | 60-90 days                            |                     | 90-120 days            |                     | 8-10 weeks             |                     | 3-90 days                   |                     | 90 days               |                     |

Attended Bid Opening: Marianne Dillard, Jenny Peay, Lee Davis, Alex James - Oconee County, Robert Kelley - Roper Auto

**BID NO. 97-56**  
(Use this number on envelopes and all related correspondence.)

**BID FORM**  
**OCONEE COUNTY PURCHASING DEPARTMENT**  
**201 W. MAIN STREET, WALHALLA, SC 29691**

The FIRM OF EDWARDS AUTO SALES COMPANY, INC.  
submits herewith our Bid in response to bid request number shown above, and in compliance with the description(s) and/or specification(s) attached hereto for two new 1998 or 1999 Ford F250 or equivalent, 3/4 ton, 4 x 4 truck

|   |                                  |        |                  |
|---|----------------------------------|--------|------------------|
| 2 | Trucks (Base Bid) @ \$ 22,702.00 | /ea. = | <u>45,404.00</u> |
|   | S. C. Sales Tax @ 300.00/ea.     | =      | <u>600.00</u>    |
|   | <b>TOTAL</b>                     | \$     | <u>46,004.00</u> |

The above stated bid is based on all applicable specifications, drawings, etc. associated with this bid and the following additional Addenda issued subsequent to the basic specifications and/or drawings.  
NOTE TO BIDDER: List all Addenda with dates of any issued. If no additional Addenda is issued, write the word "NONE".

| Addendum Number             | Date                        |
|-----------------------------|-----------------------------|
| <u>                    </u> | <u>                    </u> |
| <u>                    </u> | <u>                    </u> |

Bid shall include delivery to location stated on Bid Notice. Show any exception, deviation, extra computation, or information on Bid Supplemental Form attached hereto.

Completion/Delivery Date ARO: FACTORY ORDER / 90-120 DAY ESTIMATE

Bidding Organization: EDWARDS AUTO SALES COMPANY, INC.

Mailing Address: PO BOX 709, WALHALLA, SC 29691

Signature of Bidders Representative: *Robert L. (Bob) Edwards*

Title: *VP* Date: 04-16-98

Telephone: (864) 638-3631 Fax: (864) 638-0191

**BID NO. 97-56**

(Use this number on envelopes and all related correspondence.)

**BID FORM  
OCONEE COUNTY PURCHASING DEPARTMENT  
201 W. MAIN STREET, WALHALLA, SC 29691**

The Roper Ford-Mercury  
submits herewith our Bid in response to bid request number shown above, and in compliance with the description(s) and/or specification(s) attached hereto for two new 1998 or 1999 Ford F250 or equivalent, 3/4 ton, 4 x 4 truck

2 Trucks (Base Bid) @ \$22,800.00 /ea. = \$ 45,600.00  
S. C. Sales Tax @ 300.00/ea. = 600.00  
TOTAL \$ 46,200.00

The above stated bid is based on all applicable specifications, drawings, etc. associated with this bid and the following additional Addenda issued subsequent to the basic specifications and/or drawings.

NOTE TO BIDDER: List all Addenda with dates of any issued. If no additional Addenda is issued, write the word "NONE".

| Addendum Number | Date                        |
|-----------------|-----------------------------|
| <u>NONE</u>     | <u>                    </u> |
| <u>NONE</u>     | <u>                    </u> |

Bid shall include delivery to location stated on Bid Notice. Show any exception, deviation, extra computation, or information on Bid Supplemental Form attached hereto.

Completion/Delivery Date ARO: 8 to 10 weeks

Bidding Organization: Roper Ford-Mercury

Mailing Address: 859 By Pass 123 Seneca, S.C. 29678

Signature of Bidders Representative: *Robert W. Kelly*

Title: Sales Manager Date: 4/14/98

Telephone: 864-882-2448 Fax: 864-882-5284

**BID NO. 97-56**

(Use this number on envelopes and all related correspondence.)

**BID FORM  
OCONEE COUNTY PURCHASING DEPARTMENT  
201 W. MAIN STREET, WALHALLA, SC 29691**

The BOBBY WOOD CHEVROLET PONTIAC, INC.  
submits herewith our Bid in response to bid request number shown above, and in compliance with the description(s) and/or specification(s) attached hereto for two new 1998 or 1999 Ford F250 or equivalent, ¼ ton, 4 x 4 truck

|   |                                |        |                            |
|---|--------------------------------|--------|----------------------------|
| 2 | Trucks (Base Bid) @\$22,875.16 | /ea. = | <u>\$45,750.32</u>         |
|   | S. C. Sales Tax @ 300.00/ea.   | =      | <u>600.00</u>              |
|   | <b>TOTAL</b>                   |        | <b>\$ <u>46,350.62</u></b> |

The above stated bid is based on all applicable specifications, drawings, etc. associated with this bid and the following additional Addenda issued subsequent to the basic specifications and/or drawings.

NOTE TO BIDDER: List all Addenda with dates of any issued. If no additional Addenda is issued, write the word "NONE".

| Addendum Number             | Date                        |
|-----------------------------|-----------------------------|
| <u>none</u>                 | <u>                    </u> |
| <u>                    </u> | <u>                    </u> |

Bid shall include delivery to location stated on Bid Notice. Show any exception, deviation, extra computation, or information on Bid Supplemental Form attached hereto.

Completion/Delivery Date ARO: 3-90 days

Bidding Organization: Bobby Wood Chevrolet-Pontiac, Inc.

Mailing Address: P.O. Box 678, West Union, SC 29696

Signature of Bidders Representative: Michael Smith

Title: Fleet Manager Date: 3-15-98

Telephone (864) 638-9556 Fax: (864) 859-1954

BID NO. 97-56

(Use this number on envelopes and all related correspondence.)

BID FORM  
OCONEE COUNTY PURCHASING DEPARTMENT  
201 W. MAIN STREET, WALHALLA, SC 29691

The Dealer Benson Chrysler Plymouth Dodge submits herewith our Bid in response to bid request number shown above, and in compliance with the description(s) and/or specification(s) attached hereto for two new 1998 or 1999 Ford F250 or equivalent, 3/4 ton, 4 x 4 truck

|   |  |   |                    |
|---|--|---|--------------------|
| 2 | Trucks (Base Bid) @ <u>23456.78</u> /ea. | = | <u>46913.56</u>    |
|   | S. C. Sales Tax @ 300.00/ea.             | = | <u>600.00</u>      |
|   | TOTAL                                    |   | <u>\$ 47513.56</u> |

The above stated bid is based on all applicable specifications, drawings, etc. associated with this bid and the following additional Addenda issued subsequent to the basic specifications and/or drawings.  
NOTE TO BIDDER: List all Addenda with dates of any issued. If no additional Addenda is issued, write the word "NONE".

Addendum Number                      Date

Must have order before 5-1-98 because of fleet cutoff date.

Bid shall include delivery to location stated on Bid Notice. Show any exception, deviation, extra computation, or information on Bid Supplemental Form attached hereto.

Completion/Delivery Date ARO: 90 Days after receipt of order.  
Bidding Organization: BENSON CHRYSLER PLYM. DODGE, INC.  
P. O. BOX 509, WADE HAMPTON BLVD.  
Mailing Address: GREER, SOUTH CAROLINA 29652-0509  
Signature of Bidders Representative: Joseph M. Benson Jr  
Title: Fleet Mgr. Date: 4-15-98  
Telephone: 800-767-0724 Fax: 864-848-5309

| BIDDER   | Zorn Co., Inc.                          | Thrift Development Corp.                |
|--|---|---|
|  |   |   |
| Base Bid   | 69,571.00                               | 78,826.28                               |
| Sales Tax  | 3,206.00                                | 3,941.31                                |
| Total  | \$ 72,777.00                            | \$ 82,767.59                            |
|  |   |   |
|  |   |   |
|  |   |   |
|  |   |   |
|  |   |   |
|  |   |   |
|  |   |   |
|  |   |   |
|  |   |   |
|  |   |   |
| Delivery   | 2 - 3 weeks                             | 30 days                                 |
|  | after County completes preliminary work | after County completes preliminary work |
|  |   |   |
|  |   |   |
|  |   |   |
|  |   |   |
|  |   |   |
| Attended Bid Opening: Marianne Dillard, Jenny Peay - Oconee County, Gary Thrift - Thrift Development |   |   |

**BID NO. 97-60**

(Use this number on envelopes and all related correspondence.)

**BID FORM**  
**OCONEE COUNTY PURCHASING DEPARTMENT**  
**201 W. MAIN STREET, WALHALLA, SC 29691**

The Zorn Co., Inc.

submits herewith our Bid in response to bid request number shown above, and in compliance with the description(s) and/or specification(s) attached hereto for supplying and installing arch pipe on Watson Road near Seneca, SC

|                      |                  |
|----------------------|------------------|
| BASE BID             | \$ <u>69,571</u> |
| S. C. Sales Tax (5%) | <u>3,206</u>     |
| TOTAL Bid Price      | \$ <u>72,777</u> |

The above stated bid is based on all applicable specifications, drawings, etc. associated with this bid and the following additional Addenda issued subsequent to the basic specifications and/or drawings.  
NOTE TO BIDDER: List all Addenda with dates of any issued. If no additional Addenda is issued, write the word "NONE".

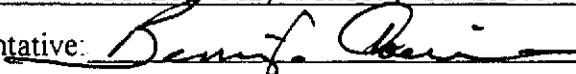
| Addendum Number | Date           |
|-----------------|----------------|
| <u>ONE</u>      | <u>4/15/98</u> |
| <u>TWO</u>      | <u>4/15/98</u> |

Bid shall include delivery to location stated on Bid Notice. Show any exception, deviation, extra computation, or information on Bid Supplemental Form attached hereto.

Completion/Delivery Date ARO: 2 to 3 weeks

Bidding Organization: Zorn Co., Inc.

Mailing Address: PO Box 842, Seneca, SC 29679

Signature of Bidders Representative: 

Title: President Date: 4/16/98

Telephone: 864-882-0185 Fax: 864-882-0186

**BID SUPPLEMENTAL FORM**  
**OCONEE COUNTY PURCHASING DEPARTMENT**  
**201 WEST MAIN STREET**  
**WALHALLA, SOUTH CAROLINA 29691**

DATE: 4/16/98 BID NO 97-60

The Zorn Co., Inc. takes the following exceptions:  
(Bidder)

The 2 to 3 weeks is based on delivery of pipe and when County completes their work.

SIGNATURE: *Benny Quint*

**BID NO. 97-60**

(Use this number on envelopes and all related correspondence.)

**BID FORM**  
**OCONEE COUNTY PURCHASING DEPARTMENT**  
**201 W. MAIN STREET, WALHALLA, SC 29691**

The Thrift Development Corporation  
submits herewith our Bid in response to bid request number shown above, and in compliance with the description(s) and/or specification(s) attached hereto for supplying and installing arch pipe on Watson Road near Seneca, SC

|                      |                     |
|----------------------|---------------------|
| BASE BID             | \$ <u>78,826.28</u> |
| S. C. Sales Tax (5%) | <u>3,941.31</u>     |
| TOTAL Bid Price      | \$ <u>82,767.59</u> |

The above stated bid is based on all applicable specifications, drawings, etc. associated with this bid and the following additional Addenda issued subsequent to the basic specifications and/or drawings.  
NOTE TO BIDDER: List all Addenda with dates of any issued. If no additional Addenda is issued, write the word "NONE".

| Addendum Number | Date            |
|-----------------|-----------------|
| <u>1</u>        | <u>04/15/98</u> |
| <u>2</u>        | <u>04/15/98</u> |

Bid shall include delivery to location stated on Bid Notice. Show any exception, deviation, extra computation, or information on Bid Supplemental Form attached hereto.

Completion/Delivery Date ARO: Da Within thirty (30) days after preliminary work completed by county.

Bidding Organization: Thrift Development Corporation

Mailing Address: PO Box 2125 Seneca, SC 29679-2125

Signature of Bidders Representative: [Signature]

Title: President Date: April 20, 1998

Telephone: (864) 882-4582 Fax: (864) 882-0808

## Vikki Allen

---

103 Carolina Avenue  
Seneca, South Carolina 29678  
(864) 985-1353 home

March 21, 1998

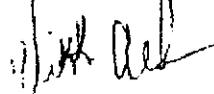
OCONEE COUNTY PLANNING COMMISSION

Mr. Tommy Abbott, Chairman  
c/o Mrs. Kathy Lusk  
208 Booker Drive  
Walhalla, SC 29691

Dear Tommy,

Recently I ran for Seneca City Council and won! Therefore it is with a deep sense of regret that I find it necessary to resign my position on the Oconee County Planning Commission. I appreciate and enjoyed my time on the Commission and the knowledge that I gained while serving. My prayers remain with each of you for your families and for the overall good of Oconee County!

Respectfully Yours,



Vikki Allen

**OCONEE COUNTY**

**ADMINISTRATIVE COSTS**

| <b><u>COSTS</u></b>                      | <b><u>CBA</u></b>  | <b><u>Consolidated</u></b> | <b><u>McDowell</u></b> |
|--|--------------------|----------------------------|------------------------|
| Administrative Costs                     | \$9.75             | \$9.75                     | \$12.44                |
| PPO Access, Utilization, Pre-cert.       | \$3.30             | \$4.00                     | \$3.50                 |
| Case Management                          | \$0.00             | \$0.50                     | \$0.55                 |
| <b>Total/Employee/Month</b>              | <b>\$13.05</b>     | <b>\$14.25</b>             | <b>\$16.49</b>         |
| <br>                                     |                    |                            |                        |
| Monthly Total for 334 Employees          | \$4,358.70         | \$4,759.50                 | \$5,507.66             |
| <b>Annual Total Administrative Costs</b> | <b>\$52,304.40</b> | <b>\$57,114.00</b>         | <b>\$66,091.92</b>     |

**SET-UP FEES**

|                     | <b><u>Consolidated</u></b> | <b><u>McDowell</u></b> |
|---------------------|----------------------------|------------------------|
| One time set-up fee | \$1,500.00                 | \$5,000.00             |

**RUN-OUT CLAIMS PROCESSING**

|                               | <b><u>CBA</u></b>  | <b><u>Consolidated</u></b> | <b><u>McDowell</u></b> |
|-------------------------------|--------------------|----------------------------|------------------------|
| Cost Per Employee - 334       | \$9.75             | \$8.71                     | \$12.44                |
| Total Monthly Cost            | \$3,256.50         | \$2,909.14                 | \$4,154.96             |
| <b>Total Cost for 90 Days</b> | <b>\$9,769.50</b>  | <b>\$8,727.42</b>          | <b>\$12,464.88</b>     |
| <br>                          |                    |                            |                        |
| <b>TOTAL</b>                  | <b>\$62,073.90</b> | <b>\$67,341.42</b>         | <b>\$83,556.80</b>     |

|  |                     |
|--|---------------------|
| 30% PPO ACCESS FEES 7/95 - 6/97          | \$121,603.20        |
| 30% PPO ACCESS FEES 7/97 - 2/98          | \$77,244.53         |
| <b>PROJECTED TOTAL - 97/98 PLAN YEAR</b> | <b>\$115,866.80</b> |
| <br>                                     |                     |
| <b>PROJECTED TOTAL FOR 2 YEARS</b>       | <b>\$237,470.00</b> |

April 21, 1998

**OCONEE COUNTY**

**RETIREE PLAN**

|                              |             |
|------------------------------|-------------|
| Current Funding              | \$269.50    |
| Monthly Cost for 19 Retirees | \$5,120.50  |
| Monthly Administrative Cost  | \$247.95    |
| Annual Cost                  | \$64,421.40 |

**Plan I Medicare Supplement**

|                              |             |
|------------------------------|-------------|
| Cost per Retiree             | \$143.30    |
| Monthly Cost for 19 Retirees | \$2,722.70  |
| Annual Cost                  | \$32,672.40 |

**TOTAL COST SAVINGS                    \$31,749.00**

Please refer to attached benefit example.

April 21, 1998

**RETIREE PLAN**  
**BENEFIT EXAMPLE**

**Current Plan**

|                               |            |  |
|-------------------------------|------------|--|
| Hospital Stay                 | \$10,000   | (Medicare pays all but \$764 and 3 pints of blood) |
| Part A Deductible             | 764        |  |
| Deductible                    | 100        |  |
| Per Admission                 | <u>150</u> |  |
| Balance                       | 514        |  |
| 10% Coinsurance               | 51         |  |
| <b>Total Out-of-Pocket \$</b> | <b>301</b> |  |

**Medicare Supplement – Plan I**

Medicare pays all but \$764

Plan I pays for the \$764 Part A Deductible

**Total Out-of-Pocket \$0**

- In the event a retiree exceeds the annual maximum of \$3000 on the prescription benefit, by action, County Council can fund any excess through the self-funded plan.
- If implemented, motions should be made that the retiree would suffer no loss based on any policy limitation due to change in Medicare or Medicare supplement plans.
- In the event, that for any reason, this plan becomes more expensive or more cumbersome than having the retirees under the employee medical plan, action should be taken to put them back under the medical plan.

# OCONEE COUNTY

## LIFE INSURANCE

### Three-tiered Life Plan

|                               |        |
|-------------------------------|--------|
| County Council and Supervisor | 50,000 |
| Department Heads              | 25,000 |
| All Others                    | 10,000 |

|                                     |            |
|-------------------------------------|------------|
| Rate Per \$1,000 of Covered Payroll | 0.451      |
| Volume                              | 3,745,750  |
| Monthly Premium                     | \$1,689.00 |

|                       |                    |
|-----------------------|--------------------|
| <b>Annual Premium</b> | <b>\$20,268.00</b> |
|-----------------------|--------------------|

### Flat Amount Basic Life Plan

|               |        |
|---------------|--------|
| All Employees | 10,000 |
|---------------|--------|

|                                     |            |
|-------------------------------------|------------|
| Rate Per \$1,000 of Covered Payroll | 0.41       |
| Volume                              | 3,203,500  |
| Monthly Premium                     | \$1,313.00 |

|                       |                    |
|-----------------------|--------------------|
| <b>Annual Premium</b> | <b>\$15,756.00</b> |
|-----------------------|--------------------|

April 21, 1998

# OCONEE COUNTY

Proposal is based on 191 single and 146 families totaling 337 employees.

## INTEGRITY UNDERWRITERS

|                                     | <u>CURRENT</u>             | <u>RENEWAL</u>             |
|-------------------------------------|----------------------------|----------------------------|
|                                     |                            | (Consolidated Benefits)    |
| <b>SPECIFIC DEDUCTIBLE CONTRACT</b> | \$40,000<br>24/12 Specific | \$40,000<br>24/12 Specific |
| <b>AGGREGATE CLAIM LIABILITY</b>    | 24/12 Aggregate            | 24/12 Aggregate            |
| Single                              | 253.89                     | 253.89                     |
| Family                              | 672.82                     | 672.82                     |
| Annual                              | \$1,766,637.96             | \$1,760,696.52             |
| <b>AGGREGATE PREMIUM</b>            | 2.88                       | 2.88                       |
| Annual                              | \$11,543.04                | \$11,646.72                |
| <b>CLAIMS ADMINISTRATION</b>        | 9.75                       | 9.75                       |
| Annual                              | \$39,078.00                | \$39,429.00                |
| <b>UTILIZATION/PPO</b>              | 3.30                       | 4.00                       |
| Annual                              | \$13,226.40                | \$16,176.00                |
| <b>SPECIFIC PREMIUM</b>             |                            |                            |
| Single                              | 27.71                      | 27.14                      |
| Family                              | 57.02                      | 57.66                      |
| Annual                              | \$163,467.96               | \$162,225.20               |
| <b>MINIMUM COST</b>                 |                            |                            |
| Single                              | 43.64                      | 43.77                      |
| Family                              | 72.95                      | 74.29                      |
| Annual                              | \$227,315.40               | \$230,467.92               |
| <b>MAXIMUM COST</b>                 |                            |                            |
| Single                              | 297.53                     | 297.66                     |
| Family                              | 745.77                     | 747.11                     |
| Annual                              | <b>\$1,993,953.36</b>      | <b>\$1,991,173.47</b>      |

**BALLENGER, FEDDER, CAIN & NORTON, L.L.P.**  
**ATTORNEYS AT LAW**

339 ByPass 123, P.O. Box 698  
Seneca, South Carolina 29679  
(864) 882-6608  
Facsimile (864) 882-7182

FACSIMILE TRANSMISSION SHEET

DATE: APRIL 16, 1998 PAGES: 6  
(including this page)

IN RE: \_\_\_\_\_

TO: MR. HARRISON ORR

FIRM/COMPANY: \_\_\_\_\_

FAX NUMBER: 638-4241

FROM: TIMOTHY M. CAIN

FIRM/COMPANY: BALLENGER, FEDDER, CAIN & NORTON, L.L.P.

FAX NUMBER: (864) 882-7182

SPECIAL INSTRUCTIONS TO RECEIVING OPERATOR: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IF THERE IS ANY PROBLEM IN RECEIVING THIS TRANSMITTAL, CALL 864/882-6608.

MICHELE D. BECK  
(PERSON TRANSMITTING)

**CONFIDENTIALITY:** This message is intended solely for the use of the addressee and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the person responsible for delivery to the recipient, you are put on notice that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone, and return the original message to us at the above address via the U.S. Postal Service. Thank you.

**IN THE STATE OF SOUTH CAROLINA  
BEFORE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

**IN RE: SENECA CONSTRUCTION, DEMOLITION AND LAND-CLEARING  
DEBRIS LANDFILL (#371001-1201)  
OCONEE COUNTY**

**CONSENT ORDER  
98 - - SW**

Oconee County (the "County") is responsible for the operation and maintenance of the Seneca Construction, Demolition and Land-Clearing Debris Landfill (the "Landfill"). The Landfill operates under Permit No. 371001-1201 issued by the South Carolina Department of Health and Environmental Control (the "Department"). The Department and the County enter into this Consent Order to resolve the issues presented herein.

**FINDINGS OF FACT**

1. The Landfill is located at the intersection of Strawberry Farm Road and Wells Highway near Seneca, South Carolina. The Department issued the current operating permit for the Landfill on April 29, 1994. This permit was last modified on August 9, 1996.
2. In a September 8, 1997, letter, Goldie & Associates, private engineering consultants representing the County, informed the Department that since the beginning of 1994, the County had: (1) placed waste outside the permitted vertical and horizontal boundaries for the Landfill; and, (2) exceeded the annual disposal rate allowed by the permit for the Landfill.
3. A Notice of Violation and Enforcement Conference was issued on December 3, 1997, and the enforcement conference to discuss the alleged violations was held on January 13, 1998. Information was presented during the conference which indicated that the alleged exceedance of the annual tonnage limit was the direct result on unforeseen events for which the County had no control, e.g., tornado debris. Such tonnage limit exceedance is exempt under state regulations.
4. The Landfill is the only permitted C&D landfill in the County. Closure of the Landfill

**DRAFT 4/15/98**

would likely cause the proliferation of open dumps within the County. The County submitted a request for a permit modification involving a lateral expansion of the Landfill on February 6, 1998. The Department has not completed a review of the requested lateral expansion. Therefore, the County has requested that it be allowed to move into the lateral expansion while the review process is being completed by the Department. The Construction, Demolition and Land-Clearing Debris Landfills Regulation requires that the Landfill, including any lateral expansion, be in total compliance with the Regulation prior to accepting waste which includes possessing a valid operating Department permit for the site.

### CONCLUSIONS OF LAW

From the above facts, the Department alleges that the County at the Landfill has violated the following:

**South Carolina Solid Waste Policy and Management Act of 1991,**

44-96-290(A) in that, "No person shall operate a solid waste management facility without a permit from the department."

**Construction, Demolition and Land-Clearing Debris Landfills Regulation, R.61-107.11,**

Section B(1) in that, "Prior to the construction, operation, expansion or modification of a landfill, a permit shall be obtained from the Department."

The Department accepts disclosure of these violations under the South Carolina Environmental Audit Privilege and Voluntary Disclosure Act of 1996, South Carolina Code (1976) Ann. Section 48-57-100.

NOW, therefore it is ordered with the consent of the County, and pursuant to the Solid Waste Policy and Management Act of 1991, South Carolina Code (1976) Ann. Sections 44-96-260 and 44-96-450 and The South Carolina Environmental Audit Privilege and Voluntary Disclosure

**DRAFT 4/15/98**

Act of 1996, South Carolina Code (1976) Ann. Section 48-57-100, that the County shall, with regard to the Landfill:

1. Comply with the Solid Waste Policy and Management Act of 1991 and the Construction, Demolition and Land-Clearing Debris Landfills Regulation, R.61-107.11.
2. Pay to the Department a civil penalty in the amount of (TBD) dollars for the violations cited herein; provided, however, that the penalty shall, pursuant to South Carolina Code (1976) Ann. Section 48-57-100 be suspended upon satisfactory compliance with the terms of this Order. Upon written notice from the Department that any requirement of this fully executed Order has not been complied with, the civil penalty shall be immediately due and payable.

Inasmuch as closure of the Landfill could potentially have a detrimental effect on human health and the environment, the County is hereby authorized to continue to dispose of waste in the Landfill consistent with the Regulation and the February 6, 1998, permit modification request, provided that all disposal is limited to areas not impacted by the 1000 foot buffer requirement unless proper waivers are obtained from the relevant property owners regarding such buffers. This interim approval to operate the Landfill shall terminate when a final decision is rendered on the aforementioned permit modification request.

IT IS FURTHER ORDERED that failure to meet deadlines established herein or any other violation of the provisions of this Order may be deemed a violation by the Department of the South Carolina Solid Waste Policy and Management Act of 1991. Upon ascertaining any such violation, the Department may initiate action to obtain compliance with both this Agreement and the Act.

**THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

Date: \_\_\_\_\_

By: \_\_\_\_\_

Columbia, South Carolina

Douglas E. Bryant.  
Commissioner

DRAFT 4/15/98

With Consent:

Oconee County

\_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_

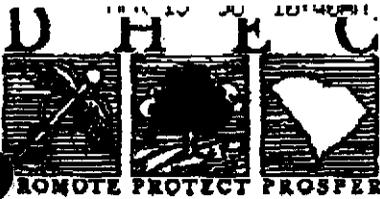
**SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

\_\_\_\_\_ Date: \_\_\_\_\_

Hartail W. Truesdale, P.E., Chief  
Bureau of Land and Waste Management

\_\_\_\_\_ Date: \_\_\_\_\_

Approved by: Legal Office



2600 Bull Street  
Columbia, SC 29201-1708

April 15, 1998

**FACSIMILE TRANSMISSION**

Mr. Tim Cain, Esq.  
P.O. Box 698  
Seneca, South Carolina 29679

**RE: DRAFT CONSENT ORDER  
SENECA C&D LANDFILL (#371001-1201)  
OCONEE COUNTY**

Dear Mr. Cain:

Please find enclosed, a revised draft consent order concerning alleged violations at the above referenced facility. Review the draft document carefully and contact this office as soon as possible regarding any suggested changes or your acceptance of the Order as written. If agreement is reached, the official Consent Order will be sent to you for signature(s).

If you have any questions regarding this matter, please telephone me at (803) 896-4148.

With kindest regards,

Rudy M. Curtis  
Solid Waste Enforcement Section  
Bureau of Land and Waste Management

RMC:rmc  
Enclosure