

**AGENDA**  
**OCONEE COUNTY COUNCIL MEETING**  
**TUESDAY, JULY 13, 1999**  
**7:00 PM**  
**OCONEE COUNTY ADMINISTRATIVE OFFICES**  
**415 S. PINE STREET**  
**WALHALLA, SC 29691**

1. Call to Order
2. Invocation
3. Approval of Minutes
4. Open Session not to Extend Beyond Thirty Minutes
5. Information & Discussion Regarding CDBG Grant #3-L-98-033, Newry Housing Project – Housing & Revitalization Committee
6. Consideration of Recommendation of Seventh Member of the Planning Commission – Mr. Tommy Abbott, Chairman, Planning Commission
7. Consideration of Recommendation Regarding Annexation of Seneca Treatment Facilities and Its Impact on Operating Cost – Mr. Howard Adams, Chairman & Mr. Robert Winchester, Superintendent, Sewer Commission
8. Update on Y2K Activities – Mr. Steve Pruitt, Chairman, Y2K Committee
9. Consideration of Request for Contingency Funds for Replacement of Blue Print Machine – Mr. Roger Williams, Assessor
10. Consideration of Bids for Intercom System for Law Enforcement Center – Captain Terry Wilson & Ms. Marianne Dillard, Purchasing Agent
11. Consideration of Bids for Ceiling Tiles for Pine Street Administrative Offices for Main Building – Ms. Marianne Dillard, Purchasing Agent
12. Consideration of Approval of Listing of Surplus Heavy Equipment & Vehicles to be Sold – Ms. Marianne Dillard, Purchasing Agent

**A G E N D A, OCONEE COUNTY COUNCIL MEETING      JULY 13, 1999**  
**PAGE 2**

13. Consideration of Approval of Resolution 99-14, “ A RESOLUTION TO AUTHORIZE THE SUPERVISOR AND THE FINANCE DIRECTOR OF OCONEE COUNTY, SOUTH CAROLINA, TO EXPRESS THE INTENTION OF THE OCONEE COUNTY COUNCIL TO REIMBURSE THE OCONEE COUNTY COUNCIL FOR CERTAIN COSTS FOR AIRPORT IMPROVEMENTS RELATING TO THE ISSUANCE OF REVENUE BONDS AND AUTHORIZING THE SUPERVISOR AND THE FINANCE DIRECTOR TO DECLARE OFFICIAL INTENT ON BEHALF OF THE COUNTY, AND OTHER MATTER RELATED THERETO”
14. Third & Final Reading of Ordinance 99-6, “AN ORDINANCE CREATING THE OCONEE COUNTY TOURISM COMMISSION
15. Third & Final Reading of Ordinance 99-7, AN ORDINANCE AMENDING ORDINANCE 79-21 SO AS TO CHANGE THE NAME OF THE COMMISSION CREATED THEREUNDER FROM THE OCONEE COUNTY PARKS RECREATION AND TOURISM COMMISSION TO THE OCONEE COUNTY PARKS AND RECREATION COMMISSION AND TO PROVIDE FOR THE FUNCTION, POWERS AND DUTIES THEREOF AND OTHER MATTERS RELATING THERETO”
16. Discussion & Possible Action Regarding Building Codes Appeal Board
17. Old Business
18. New Business
19. Adjourn

There will be an administrative briefing in executive session for the purpose of discussing, legal, contractual and personnel matters thirty minutes before the Council Meeting.

There will be a meeting of the Oconee County Purchasing, Contracting, Real Estate, Building & Grounds Committee Tuesday, July 13, 1999 at 5:30 PM for the purpose of discussing the Council on Aging Building and the Seneca Magistrate’s Office.

The Oconee County Sewer Commission will be meeting Monday July 12, 1999 at 6:00 PM, the Oconee County Law Enforcement, Safety, Health, Welfare & Services Committee as well as other members of Council may be attending this meeting.

**MEMBERS, OCONEE COUNTY COUNCIL**

Mr. Tim O. Hall, District I Mr. J. Harold Thomas, District II  
Mr. Harry R. Hamilton, District III Mrs. Ann H. Hughes, District IV  
Mr. Charles R. "Chuck" Timms, District V

**MINUTES, OCONEE COUNTY COUNCIL MEETING**

The regular meeting of the Oconee County Council was held Tuesday, July 13, 1999 at 7:00 PM in Council Chambers with all Council Members and the County Attorney present.

This meeting was held July 13<sup>th</sup> rather than July 6<sup>th</sup> due to that week being July 4<sup>th</sup> week.

**Press:**

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.

Members of the press present: Dick Mangrum, WGOG Radio, Brian Fulkerson – Journal/Tribune & Ian Berry – Anderson Independent.

**Call to Order:**

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

**Invocation:**

Mr. Hall gave the invocation.

**Minutes:**

Mr. Hamilton made a motion, seconded by Mr. Thomas, approved 5 – 0 that the minutes of the regular meeting held June 15, 1999, the minutes of the special meetings held June 24, June 25 and June 29, 1999 be adopted as presented to Council.

Mr. Timms informed Council of two errors in the minutes of the June 15<sup>th</sup> meeting: Ms. O'Malley's name is spelled Ginny instead of Jenny and he made a motion that Council approve an ordinance to access license fees to the operators in the maximum amount allowed by the State of South Carolina be adopted in title only. Mr. Orr suggested that it be referred to Committee.

**Public Comment Session:**

In the public comment session, Mr. James B. Jones, Jr. who will be constructing the Fairplay Post Office requested that Council look at the way a building permit is issued in the county and that the county allow him a variance to the Building Codes Ordinance.

After a brief discussion, Mr. Thomas made a motion that the request for a variance be denied, however, this motion, died for lack of a second.

After more discussion, Mr. Timms made a motion that the variance be allowed, however Mr. Orr suggested that this be discussed in executive session before a decision was made.

Mr. B. J. Littleton discussed the need for an executive assistant in the Supervisor's Office, he also expressed the hope that the Planning Director would be a local person and he discussed the Codes Inspector.

Mr. Paul Record expressed concern regarding the location of the proposed cell tower on Highway 11.

**Newry Housing Grant:**

Mr. Hugh Foster, Chairman, Housing & Revitalization Committee, informed Council that the Department of Commerce had awarded a CDBG Grant in the amount of \$350,000 for the Newry Housing Rehabilitation Project.

Mr. Hall made a motion, seconded by Mrs. Hughes, approved 5 – 0 that this grant be accepted.

**Sewer Commission:**

Mr. Howard Adams, Chairman & Mr. Robert Winchester, Superintendent, Sewer Commission presented the attached request to Council to annex the Coneross Creek Wastewater Treatment Facilities into Seneca City limits.

Mr. Hall made a motion, seconded by Mr. Thomas, approved 3 – 2 (Mr. Timms, Mr. Thomas & Mr. Hall voting in the affirmative, Mr. Hamilton & Mrs. Hughes voting against) that this matter be referred to committee for further study.

Mr. Orr assigned the matter to the Law Enforcement, Safety, Health, Welfare & Services Committee.

**Assessor (Contingency):**

Upon request of Mr. Roger Williams, Assessor, Mrs. Hughes made a motion, seconded by Mr. Hall, approved 5 – 0 that up to \$3,000 in contingency funds be expended for a new blue print machine for the Assessor's Office.

**Law Enforcement Center:**

Upon recommendation of Captain Terry Wilson & Ms. Marianne Dillard, Purchasing Agent, Mr. Timms made a motion, seconded by Mr. Hamilton, approved 5 – 0 that the bid for an intercom system for LEC be awarded to Grayco Detention at a total cost of \$35,916 which includes option one on the attached bid sheet.

**Ceiling Tiles for Pine Street:**

Upon recommendation of Ms. Marianne Dillard, Mr. Hamilton made a motion, seconded by Mrs. Hughes, approved 5 – 0 that the bid for ceiling tiles for Pine Street Administrative Offices be awarded to Williams' Plastering, Inc. who was low bid at a cost of \$20,360. (See attached bid sheet)

**Surplus Equipment & Vehicles:**

Upon recommendation of Ms. Dillard, Mrs. Hughes made a motion, seconded by Mr. Thomas, approved 5 – 0 that attached listing of surplus equipment and vehicles be sold at auction.

**Resolution 99-14:**

Mr. Hamilton made a motion, seconded by Mrs. Hughes, approved 5 – 0 that Resolution 99-14, "A RESOLUTION TO AUTHORIZE THE SUPERVISOR AND THE FINANCE DIRECTOR OF OCONEE COUNTY, SOUTH CAROLINA, TO EXPRESS THE INTENTION OF THE OCONEE COUNTY COUNCIL TO REIMBURSE THE OCONEE COUNTY COUNCIL FOR CERTAIN COSTS FOR AIRPORT IMPROVEMENTS RELATING TO THE ISSUANCE OF REVENUE BONDS AND AUTHORIZING THE SUPERVISOR AND THE FINANCE DIRECTOR TO DECLARE OFFICIAL INTENT ON BEHALF OF THE COUNTY, AND OTHER MATTERS RELATED THERETO" be adopted on first and final reading.

**Ordinance 99-6:**

Mr. Hall made a motion, seconded by Mrs. Hughes, approved 5 – 0 that Ordinance 99-6, "AN ORDINANCE CREATING THE OCONEE COUNTY TOURISM COMMISSION" be adopted on third and final reading.

**Ordinance 99-7:**

Mr. Thomas made a motion, seconded by Mrs. Hughes, approved 5 – 0 that Ordinance 99-7, “AN ORDINANCE AMENDING ORDINANCE 79-21 SO AS TO CHANGE THE NAME OF THE COMMISSION CREATED THEREUNDER FROM THE OCONEE COUNTY PARKS, RECREATION AND TOURISM COMMISSION TO THE OCONEE COUNTY PARKS AND RECREATION COMMISSION AND TO PROVIDE FOR THE FUNCTION, POWERS AND DUTIES THEREOF AND OTHER MATTERS RELATING THERETO” be adopted on third and final reading.

**Parks & Recreation Commission:**

Mr. Hall made a motion, seconded by Mr. Hamilton, approved 5 – 0 that the same persons on the Parks, Recreation & Tourism Commission serve on the Parks & Recreation Commission if they are willing to serve in this capacity.

**Building Codes Appeal Board:**

Mr. Orr referred the Building Codes Appeal Board to the Law Enforcement, Safety, Health, Welfare & Services Committee.

**LEC Committee Meeting:**

The Law Enforcement, Safety, Health, Welfare & Services Committee scheduled a meeting Tuesday, July 20, 1999 at 12:30 PM in Council Chambers.

**Executive Session:**

Mr. Hall made a motion, seconded by Mrs. Hughes, approved 5 – 0 that Council go into executive session for the purpose of discussing legal and contractual matters.

**Open Session:**

**Building Permit Variance:**

Mr. Timms informed those present that Council had found no way to permit a variance for the company constructing the Fairplay Post Office, however, Council would support the company in getting an extension on their contract.

**Cell Tower Agreement:**

Mrs. Hughes made a motion, seconded by Mr. Hamilton, approved 4 – 1 (Mr. Timms voting against) that the cell tower agreement, as presented by the County Attorney, be adopted.

**Purchasing, Contracting, Real Estate, Building & Grounds Committee Meeting:**

The Purchasing, Contracting, Real Estate, Building & Grounds Committee scheduled a meeting Tuesday, July 20, 1999 immediately following the Council Meeting.

**Roads & Transportation Committee Meeting:**

The Roads & Transportation Committee scheduled a meeting immediately following the Purchasing, Contracting, Real Estate, Building & Grounds Committee Meeting Tuesday, July 20, 1999.

**Budget & Finance Committee Meeting:**

The Budget & Finance Committee scheduled a meeting Tuesday, August 3, 1999 at 5:00 PM in Council Chambers.

**Cell Tower Study:**

Mr. Timms made a motion, seconded by Mrs. Hughes, approved 5 – 0 that the county seek requests for proposals for cell tower siting in Oconee County.

**Proclamation 99-1:**

Mr. Hamilton made a motion, seconded by Mr. Timms, approved 5 – 0 that Proclamation 99-1 “A PROCLAMATION DECLARING JULY 30, 1999 AS COLLINS HOME AND FAMILY MINISTRIES DAY” be adopted.

**Adjourn:**

Adjourn: 10:00 PM

Respectfully Submitted

*Opal O. Green*

Opal O. Green  
Council Clerk



# South Carolina

DEPARTMENT OF COMMERCE

Jim Hodges  
Governor

Charles S. Way, Jr.  
Secretary

June 9, 1999

The Honorable Harrison Orr  
Chairman/Supervisor, Oconee County  
208 Booker Drive  
Walhalla, South Carolina 29691

Re: CDBG #3-L-98-033

Dear Mr. Orr:

Congratulations upon your successful application for funding under the Community Investment Program. Enclosed is a copy of the grant agreement which must be executed in order for Oconee County to accept the Community Investment Grant from the Community Development Block Grant (CDBG) Program, approved for the Newry Housing Rehabilitation Project as described in the grant application.

It is necessary that an official with legal authority to execute such contracts sign the three enclosed originals of the grant award (Signature Page of the Grant Agreement) and return two of these originals to this office.

All required reports are due in this office five days after the end of each federal fiscal quarter (January 5, April 5, July 5, October 5). Timely submission of reports will ensure the processing of requests for payments from your grant award. The first reporting date for your grant is October 5, 1999.

This grant award is subject to all the terms and conditions of the Grant Agreement under which this award is made. Please note that no contracts for work of any type associated with activities related to this grant award may be entered into without first consulting this office to assure that all State and federal requirements are met. Further, all contracts to be paid in whole or in part with funds from this grant must be submitted to the Department of Commerce, Division of Community Grant Programs for approval prior to execution.

Sincerely,

Sam Cargill  
Director

Enclosures

cc: Division of Financial Administration & Audits  
Compliance  
Dianna Gracely



# Oconee County Sewer Commission

623 Return Church Road • Seneca, South Carolina 29678  
Phone: 864-972-3900 • Fax: 864-972-3917

## M E M O R A N D U M

July 13, 1999

TO: Harrison Orr, County Supervisor and  
Oconee County Council Members

FROM: Howard S. Adams, Chairman  
Oconee County Sewer Commission

SUBJECT: Annexation of the Coneross Creek  
Wastewater Treatment Facilities Property.

The Oconee County Sewer Commission is recommending and requests the approval of the Oconee County Council, to petition the City of Seneca for annexation of the facilities and property located at 623 Return Church Road, into the City of Seneca, S.C.

This annexation has the potential to benefit the sewer users in costs savings for services provided by the City.

- City of Seneca*
- A) An estimated savings of \$80,000 per year for electricity is proposed compared to the current rates if the City is selected to supply the service.
  - B) Police protection will be provided at no charge.
  - C) Fire protection will be provided and can result in a lower classification which can affect insurance rates.
  - D) Solid waste collection service will be provided at in-city rates.
  - E) The City proposes to operate and maintain 5 (five) high voltage transformers and several thousand feet of high voltage underground cable on the plant site owned by the Sewer Commission, at no cost.
  - F) The City proposes to stock a back-up high voltage transformer for use in emergencies on the Commission owned electrical system at no charge.
  - G) The City proposes to maintain the overhead lighting on the plant site at no charge.

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The Sewer Commission will not pay any property taxes since it is a Governmental entity and the City has agreed to allow the Commission to write a definition for the zoning ordinance which will protect the facility and the neighbors.

The sewer system is an "Enterprise" fund and is funded solely by the users of the system. The users of the system will be the beneficiaries.

The Sewer Commission has expended many hours in discussion of this issue and feels that it is a sound business decision.

If approved the City will be petitioned for annexation. The request will be contingent upon a satisfactory definition of the Wastewater Treatment Facilities in the zoning ordinance to include recycling, agricultural and industrial for the protection of the county.

I appreciate your cooperation and request your support.

HSA

July 7, 1999

Intercom System for LEC

Bid No. 98-40  
Walhalla, SC 29691

BIDDER	Grayco Detention ✓	Blue Ridge Security	Carolina Burglar & Fire Alarm	Carolina Sound	Computer Services	Delta Systems	Priority One System	Tech Systems
Base Bid	30,888.00	39,660.00	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
Sales Tax	868.00	1,983.00						
Total Bid Price	✓ \$31,756.00	\$41,643.00						
Cost for service calls:								
Hourly Rate	60.00	50.00						
Mileage	\$1 per mile							
Other	\$100 overnight							
Option 1	✓ 4,160.00	13,290.00						
Delivery								
Attended Bid Opening:	Ann Albertson, Donna McAlister and David Dickard - Blue Ridge Security							

**BID NO. 98-40**

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

**"REVISED BID FORM"  
OCONEE COUNTY PURCHASING DEPARTMENT  
415 S. PINE ST., ROOM 107, WALHALLA, SC 29691**

The GRAYCO DETENTION EQUIPMENT, 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 a graphic intercom system for the Law Enforcement Center .

BASE BID	\$	<u>30,808.00</u>
S. C. Sales Tax (5%)		<u>868.00</u>
TOTAL Bid Price	\$	<u>31,756.00</u>
Cost for service calls - Hourly Rate \$	<u>600.00</u>	Milcage \$ <u>1.00/mile</u>
Other \$	<u>100.00</u>	<u>overnight per diem</u>
Option 1	\$	<u>4,160.00</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>1</u>	<u>6.24.99</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: 120 days

Bidding Organization: GRAYCO DETENTION EQUIPMENT, INC.

Mailing Address: P.O. Box 1235 CONWAY SC 29528

Signature of Bidder's Representative: *Sonny M. Dowell*

Print Name of Bidder's Representative: Sonny McDowell

Title: President Date: July 5, 1999

Telephone: 803-298-0331 Fax: 803-298-0219

**BID NO. 98-40**

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

**"REVISED BID FORM"  
OCONEE COUNTY PURCHASING DEPARTMENT  
415 S. PINE ST., ROOM 107, WALHALLA, SC 29691**

The Blue Ridge Security

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 a graphic intercom system for the Law Enforcement Center .

BASE BID \$ \$ 39,660

S. C. Sales Tax (5%) \$ 1983

TOTAL Bid Price \$ \$ 41,643

Cost for service calls - Hourly Rate \$ 50 Mileage \$ N/A

Other \$ N/A

Option 1 \$ \$ 13,290<sup>00</sup> add. of base bid

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>June 23, 1999</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: 45-60 After Award

Bidding Organization: Blue Ridge Security

Mailing Address: P.O. Box 743, Anderson SC 29622

Signature of Bidder's Representative: \_\_\_\_\_

Print Name of Bidder's Representative: DAVID DICKARD

Title: Sales Rep Date: 6 Jul 99

Telephone: 864 716 4517 Fax: 864 716 4563

June 3, 1999

Ceiling Tile for Pine Street

Bid No. 98-37  
Walhalla, SC 29691

BIDDER	Williams' Plastering, Inc.	Bonitz	Seneca Drywall	Carolina Acoustical Co.	Specialities, Inc.	Tucker Materials
Annex Buildings				no bid	no bid	no bid
Ceiling Tile	7,530.00	9,090.00	9,100.00			
S. C. Sales Tax	incl	175.80	incl			
Subtotal - Annex Building	7,530.00	9,265.80	9,100.00			
Main Building						
Ceiling Tile	12,830.00	11,909.00	13,300.00			
S. C. Sales Tax	incl	233.20	incl			
Subtotal - Main Building	12,830.00	12,142.20	13,300.00			
Total Base Bid	✓ 20,360.00	21,408.00	22,400.00			
Hourly rate for labor	23.60	28.85				
Delivery						

Attended Bid Opening: Marianne Dillard, Ann Albertson, Chuck Timms, Ed Wimberly, Ruby Crooks

RECEIVED

OCONEE COUNTY VEHICLE MAINTENANCE FACILITY



JUN 15 1999

OCONEE COUNTY  
PURCHASING DEPT.

15026 Wells Highway  
Seneca, South Carolina 29678  
Telephone 864-888-1446  
FAX # 864-888-1450

JUNE 14 ,1999

To: Marianne Dillard, Purchasing Agent  
Oconee County

From: Lee Davis, Shop Foreman  
Oconee County Vehicle Maint Facility

Reference: Equipment and Vehicles Ready For Sale

Ms. Dillard

Below is a list of vehicles and equipment ready for Sale

County#	Year	Make	Model	Vin#	Condition
1. 97.04	1982	GLMS	Boat	GPCLK1530182	Fair
	1982	Mercury	Motor	6043152	Fair
(All One Lot)	1982	Wesco	Trailer		Fair
2. Pontoon Trl	1982	Wesco	Trailer	18102	Good
3. 100.07	1991	Ford	CV	2FACP72G3MX153710	Fair
4. 100.14	1991	Ford	CV	2FACP72G5MX153708	Fair
5. 100.33	1990	Chevy	Caprice	1G1BL5477LA136041	Fair
6. 105.04	1984	Ford	F350 Trk.	1FDJF37L7ENA02600	Fair
7. 325.07	1971	Cat	120	90R-82	(Bad Transmission)
8. 350.02	1978	Fiat Allis	263B Pan	87A00594	Poor
9. 410.01	1969	Allis-Cha	Dozier	19510421	Good
10.800.02	1978	Ford	F8000	U800VCF2503	Poor
11.800.03	1976	Ford	F8000	U80DVC36326	Parts Only
12.900.20	1988	Rex	355B	HNB238	Fair

If you have any questions or need my help with these items, please contact me at any time.

LD/jgf

Respectfully,

Lee Davis, Shop Foreman

## A RESOLUTION

TO AUTHORIZE THE SUPERVISOR AND THE FINANCE DIRECTOR OF OCONEE COUNTY, SOUTH CAROLINA, TO EXPRESS THE INTENTION OF THE OCONEE COUNTY COUNCIL TO REIMBURSE THE OCONEE COUNTY COUNCIL FOR CERTAIN COSTS FOR AIRPORT IMPROVEMENTS RELATING TO THE ISSUANCE OF REVENUE BONDS AND AUTHORIZING THE SUPERVISOR AND THE FINANCE DIRECTOR TO DECLARE OFFICIAL INTENT ON BEHALF OF THE COUNTY, AND OTHER MATTERS RELATED THERETO.

WHEREAS, the Internal Revenue Service of the U.S. Treasury Department has promulgated Section 1.150-2 of the Treasury Regulations (the "Regulations"), which Regulations authorize an issuer to reimburse itself for expenditures made with respect to projects prior to the issuance of tax-exempt bonds for such projects; and

WHEREAS, the County Council (the "County Council") of Oconee County, South Carolina (the "County"), is adopting this resolution to recite certain facts and intentions prior to the incurrence of the expenditures and the issuance of tax-exempt revenue bonds; and

WHEREAS, the Regulations require that the governing body of the County or a person designated by the County Council declare an official intent to reimburse an expenditure prior to the incurrence of the expenditure; and

WHEREAS, the County anticipates incurring certain expenditures with respect to airport improvements prior to the issuance of tax-exempt revenue bonds for such purposes;

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

Section 1. The County Council declares that the Supervisor, the Finance Director, or their successors in office, may sign one or more certificates on behalf of the County, each of which will constitute a declaration by the County Council of official intent pursuant to Regulation §1.150-2.

Section 2. To be eligible for reimbursement of any expenditures, the County will allocate the proceeds of any bonds to reimburse such expenditures not later than 18 months after the later of (a) the date on which the original expenditures were paid or (b) the date the project was placed in service or abandoned, but in no event more than three (3) years after the original expenditures were paid. Expenditures, for purposes of the declaration of official intent and the reimbursement allocation, do not apply to any preliminary expenditures for a project, up to an amount not in excess of 20 percent of the aggregate issue price of the bonds. Preliminary expenditures include

architectural, engineering, surveying, soil testing, reimbursement bond issuance, and similar costs that were incurred prior to the commencement of acquisition, construction or rehabilitation of any project, other than land acquisition, site preparation, and similar costs incident to commencement of construction.

Section 3. Within one year of any allocation made pursuant to Section 2 of this Resolution, funds corresponding to the proceeds of the bonds will not be used in a manner that results in the creation of replacement proceeds, as defined in Treasury Regulation 1.148-1 to the Code, of any bonds. The preceding sentence does not apply to amounts deposited in a bona fide debt service fund, as defined in Treasury Regulation 1.148-1.

Section 4. The allocation described in Section 2 of this resolution will not employ an abusive arbitrage device under Treasury Regulation 1.148-10.

Section 5. Any expenditures to be reimbursed from bond proceeds will be incurred solely to acquire, construct, or rehabilitate property having a reasonably expected economic life of at least one year.

Section 6. The source of funds for any expenditures with respect to any project will be capital improvement or reserve funds of the County. Any bonds issued will be paid from revenues of the County.

Section 7. This resolution does not obligate the County to issue bonds if it determines that such issuance is not in the interests of the County.

Done in meeting duly assembled this 13<sup>th</sup> day of July, 1999.

OCONEE COUNTY, SOUTH CAROLINA

By: \_\_\_\_\_  
Oconee County Supervisor

ATTEST:

By: \_\_\_\_\_  
Clerk to County Council

**FEDDER, CAIN & NORTON, L.L.P.**  
ATTORNEYS AT LAW  
339 BYPASS 123 • POST OFFICE BOX 698  
SENECA, SC 29679  
**TELEPHONE (864)882-6608**  
**FACSIMILE (864)882-7182**

Timothy M. Cain, P.A.  
Bradley A. Norton

W.J. Fedder (Of Counsel)

DATE: July 12, 1999  
TO: Mr. Harrison E. Orr  
County Council Members  
FROM: Timothy M. Cain  
RE: Cell Tower Agreement



Pursuant to the discussions in executive session at the last regular meeting, attached is a proposed agreement with American Tower Company which I would like to discuss with you at the next regular meeting.

Thank you for your attention to this matter.

STATE OF SOUTH CAROLINA

COUNTY OF OCONEE

AGREEMENT

WHEREAS, the Oconee County Council is the local governing body of Oconee County; and

WHEREAS, on May 18, 1999, the Oconee County Council, in session, duly assembled, with a quorum present and voting, did, after public hearing enact Ordinance 99-3; and

WHEREAS, said Ordinance did provide for a temporary moratorium on the construction of cellular tower structures in Oconee County in excess of seventy-five feet in height, said moratorium to expire upon the adoption of a county performance standards ordinance or the passage of eight months, whichever first occurs; and

WHEREAS, American Tower Corporation has represented to Oconee County that substantial steps had been taken prior to the enactment of Ordinance 99-3 to locate and construct the tower, to include site identification, site survey(s), site acquisition and engineering work; and

WHEREAS, American Tower Corporation is a Corporation organized and existing pursuant to the laws of the State of \_\_\_\_\_ and, subsequent to the enactment of the above-referenced ordinance, applied for and received a building permit for the construction of a tower in Oconee County to be two hundred and fifty feet in height for the placement of cellular telephone antennae, and;

WHEREAS, said permit was issued in error; and

WHEREAS, thereafter, representatives of Oconee County advised representatives of American Tower of such error and, construction of the tower has been stopped, and;

WHEREAS, the parties have reached an agreement which will allow American Tower Corporation to complete the construction of a tower at such location and desire to reduce their agreement to writing so as to avoid the uncertainty and expense of litigation;

NOW THEREFORE, for and in consideration of the payment of the sum of ten dollars to Oconee County, as well as the mutual covenants and agreements contained herein, the receipt, adequacy and sufficiency of which are hereby acknowledged, the parties do agree as follows:

1. American Tower Corporation shall be allowed to complete the construction and placement of the tower structure as originally contemplated by the company in accordance with the plans and specifications provided to Oconee County, provided that such tower structure and any antennas located thereon shall not exceed one hundred eighty feet in height from the ground upon which the base of the tower structure is located. PROVIDED FURTHER, however, that it is mutually understood and agreed that American Tower Corporation shall have the right to apply for a permit to construct addition(s) to the tower

structure at a later date, but not sooner than the expiration of the moratorium upon the construction of tower structures contained in Ordinance 99-3 or the adoption by Oconee County of a performance standards ordinance. The issuance or non-issuance of the permit shall be governed by the applicable ordinances of Oconee County then in effect. In the event that the application is denied, American Tower Corporation shall have the right to appeal such denial as provided by law.

2. American Tower Corporation does hereby release Oconee County, its agents, servants, employees and representatives from any and all claims, demands, actions or causes of action arising out of the matters referenced herein, to include, but not limited to, claims for lost income, profits or consequential damages up to and including the date of this agreement, whether known or unknown and does agree to indemnify, hold harmless and defend Oconee County, its agents, servants, employees and representatives from any claims or demands of any third parties by reason of any delays in completion of construction of its tower structure described herein or the placement of any antennae or devices thereon and/or other claims by third parties arising out of the construction and/or placement of such tower structure. This agreement shall not constitute an admission by any parties hereby released, none of whom admit but expressly deny any such liability.

3. This agreement shall be construed in accordance with the laws of the State of South Carolina shall be enforceable by either party through an action(s) at law or in equity, and shall be binding upon the parties and their respective successors and assigns.

DRAFT

AMERICAN TOWER CORPORATION

BY: \_\_\_\_\_

ITS: \_\_\_\_\_

Duly Authorized Officer

OCONEE COUNTY

BY: \_\_\_\_\_

HARRISON E. ORR  
Supervisor-Chairman  
Oconee County Council

**OCONEE COUNTY COUNCIL  
PROCLAMATION 99-1**

**WHEREAS**, the Collins Home and Family Ministries was founded in 1980 by Mr. & Mrs. Joe Rackley when, at their invitation, ten (10) children from troubled homes came to live with them as a part of their family until their problems could be resolved; and

**WHEREAS**, the Collins Home and Family Ministries is a non denominational ministry dedicated to providing children living in painful family situations with a safe, secure, loving and nurturing environment where they can grow spiritually as well as physically and learn to thrive in an extended family in a community that loves and cares for them; and

**WHEREAS**, more than fifty (50) children have lived at Collins Home for a number of years and another one hundred, fifty (150) children and families from Oconee, Anderson, Pickens and Greenville Counties have been reached through the Home's Community Outreach Program; and

**WHEREAS**, through the financial donations, gifts and services of loving and concerned citizens, a new facility which houses twelve (12) children and their house parents was completed in August 1998; and

**WHEREAS**, Phase II, of the Home and Family Ministries expansion, scheduled to open June 2000, will house an additional ten (10) children, their house parents and a Family Enrichment Center with the purpose of enabling additional children and their families an opportunity to develop healthy relationships with the aid of professional counselors; and

**WHEREAS**, the Oconee County Council would like to express their appreciation to Mr. & Mrs. Rackley for their hard work, dedication and love which they have so freely given these children; and

**WHEREAS, OCONEE COUNTY COUNCIL WOULD LIKE TO PROCLAIM  
JULY 30, 1999 AS COLLINS HOME AND FAMILY MINISTRIES DAY.**

**APPROVED & ADOPTED** this 13<sup>th</sup> day of July 1999.

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Harrison E. Orr  
Supervisor-Chairman  
Oconee County Council

Attest:

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Opal O. Green  
Council Clerk