



# PUBLIC COMMENT SESSION SIGN IN SHEET

OCONEE COUNTY COUNCIL MEETING

Tuesday, June 16, 2009

7:00 PM

Oconee County Administrative Offices  
415 South Pine Street, Walhalla, SC

Limited to forty [40] minutes, four [4] minutes per person.  
Comments MUST be related to a specific agenda item  
slated for action at the meeting.

PLEASE PRINT

	FULL NAME	AGENDA ITEM FOR DISCUSSION
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## MOUNTAIN LAKES

CONVENTION and VISITORS  
BUREAU

*Oconee County*  
*"An irresistible place*  
*for a remarkable experience!"*



MOUNTAIN LAKES  
CONVENTION and VISITORS  
BUREAU

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### Progress Report Overview

- CVB was approved in Feb - 2008 and officially started business in Sep - 2008
- Focus of the CVB is creating a tourism awareness of our county through various marketing channels with an emphasis on over night accommodations
- Primarily focused on off-season tourism (Sep - Apr)
- Due to corporate lodging constraints, focus has been on events
  - Draws large numbers of visitors for overnight stays
  - Tourists spend an avg. \$125 per day per person - great for local economy
  - Draws local residents who also enjoy tourist events in their own back yard
  - All events are charity based with proceeds going to a local charity
  - Some of the events we have completed and are currently developing...



### CVB Charity Events Issaqueena's Last Ride

- May 2, 2009
- Bicycle ride with 31, 62 and 100 mile routes
- Departed from Main St. Walhalla, crested Wiggington Overlook and returned to Main St. Walhalla
- Charities: Foothills Alliance and St. Johns Meeting House
- Sponsors: St. Johns Evangelical Lutheran Church, Oconee Medical Center, OC-PRT, Blue Ridge Electric Coop, NOC, Wildwater, Bi-Lo, Ingles, True Zeal Web Designs, DreamsFloat Media
- Collected over \$8,000 plus food and drinks from sponsors
- After expenses, gave \$8,352 to charity organizations
- Had 86 bike riders; 7 hotel stays; over \$2,500 in local expenditures
- Vision for 2010: partner with Blue Ridge Arts POP festival, Spring Fling, Blue Ridge Electric's annual festival and the city of Walhalla to create a weekend event
- [www.issaqueenaslastride.com](http://www.issaqueenaslastride.com)



### CVB Charity Events Triathlon

- Date: October 3, 2009
- Location: Devils Fork State Park & Lake Jocassee
- Charity: DAR School - Children's Home & Family Services
- 3 person team
- Each participant will swim 700 yards, bike 12.2 miles, run a 5K then tag the next team member with the third member finishing the race
- Working with DAR to create a weekend event that will start on Friday evening (10/2) and end at the school on Saturday evening (10/3) with food, music and activities



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### CVB Charity Events Lake Keowee Charity Walk

- Date: October 9 - 11, 2009
- Location: Lake Keowee Marina & Tiki Hut on Lake Keowee
- Charity: Tribble Center - For Persons with Disabilities & Special Needs
- Friday evening concert and food
- Saturday festival with local food and drink vendors, music, boat and kayak rides, swimming area, wake board show and lessons from 2-time national champion, kids area and more
- End Saturday evening with a well known band
- Sunday morning 5K Charity walk starting and ending at the Tiki Hut



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### CVB Charity Events Vet Fest

- Date: November 13 - 14, 2009
- Location: Fri Night at Jameson Inn in Seneca, Saturday at Patriots Hall in Walhalla
- Charity: Patriots Hall in Honor of all Veterans
- Friday evening car and motorcycle show with music and food
- Saturday - 100 mile motorcycle ride departing from and returning to Patriots Hall
- End Saturday afternoon with a BBQ and blue grass in Walhalla



### CVB Charity Events Adventure Race

- Similar to an Iron Man event, but more of a team sport
- 4 Person team
- Run, Mountain Bike and Kayak non-stop for 16+ hours
- Location: Western border of Oconee County along the Chattooga River
- We are being considered for the US Adventure Racing Association's 2010 National Championships
- Course will be used as a training area for athletes for on-going use



### Progress Report Overview

- Completed and launched web site - [www.scmountainlakes.com](http://www.scmountainlakes.com)
  - Continues to be a work in progress
  - With virtual visitors guide, receiving numerous access acknowledgements daily
- Completed visitors guide
  - Printed 30,000 copies
  - Distributed to all SC welcome centers and other tourism center locations
  - Distributing to all sports events for accommodations
- Completed tourist brochure with detailed map
  - Printed 10,000 copies
  - Distributed to all SC welcome centers and other tourism center locations
- Developed strategic partnership with Greenville, Anderson and Pickens county tourism organizations (including Clemson)
- Active in the Hartwell Alliance - a collaborative focus group for marketing tourism in the upstate of SC and GA
- Collaborating with all three chambers of commerce towards development of tourism programs and events



### Progress Report Overview

- Developed and continuing to refine an Oconee County Lodging/Tourism Assoc.
- Developed a centralized county events calendar
- Joined and actively involved with the state CVB Association
- Tourism Action Plan
  - Managed by Clemson University PRT Dept.
  - Comprehensive "certified" tourism study
  - Data completed. Oconee County will qualify for state tourism product development funds
  - Cost: \$15,000. Currently seeking grant funding
  - Partnering with CC-PRT
- Upstate Product Development Roll Out
  - Wed. (6/24/09), 10:00 at the Significal Center
  - State Dir. Of PRT and McNulty Consultants will present upstate tourism recommendations.
  - Important that our county leaders attend this informative session



### Other CVB Event/Tourism Initiatives

- Oconee County Golf Trail
  - 7 Golf courses in Oconee County
  - Trail will be similar to beach type packages including lodging
- Corporate Team Building
  - Great team building facilities at outfitters on Chattooga River
  - Partnered with team building expert to help us define programs
- Guided Bus Tours of Oconee County
  - Heritage Center has defined routes for up to 5 days of bus tours in Oconee County
  - Bus Tour groups are looking for alternative packages
- Oconee By Choice 2008 - 2028
  - Serving on "A Destination Choice" team
  - Top priority - tourist destination point signage



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## Challenges & Opportunities

### Challenges

- No convention or conference center
- Corporate retreats require a place to sleep, eat and meet under one roof
- Need help with appropriate people and organizations in recruiting a conference center hotel
- Limited hotel rooms (7 hotels - with less than 300 rooms)

### Opportunities

- Over 200 vacation rental homes and condos
- Several conference rooms - some that will accommodate over 200 people
- World class natural resources
- Irresistible and remarkable environment for outdoors enthusiasts and events
- Arts, History, Culture



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## In the News!!!

- Greenville News (week of 5/25/09) - USC economic research revealed that SC's natural resources will drive the state's future economy with a significant economic impact on tourism
- Greenville News (week of 5/25/09) - Devils Fork State Park and Oconee State Park made top 100 billing out of 4,000 parks nation wide
- Outdoor Life (May 2009) - Seneca was rated the 48th best town in the US to live in for outdoors enthusiasts and sportsmen
- Rand McNally's 2010 Road Atlas designates the upstate as "Best of the Road"



**MOUNTAIN LAKES**  
CONVENTION & VISITOR CENTER  
1000A SHELBY HIGHWAY

**Ken Sloan**  
Executive Director

3770 Fairview Dr., Mountain Lakes, NC 28091  
Office: 828.388.1772 • Fax: 828.388.2000  
[www.SCMountainLakes.com](http://www.SCMountainLakes.com)

**Free Map!**

**Visitors G**



**MOUNTAIN L**

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**MOUNTAIN LAKES**

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- Adventure
- Antiques
- Camping
- Fishing
- Golf
- Heritage
- Hiking
- Islands
- Mountains
- Real Estate
- Rivers
- Weekdays
- White Water
- Wilderness

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**STATE OF SOUTH CAROLINA  
OCONEE COUNTY COUNCIL  
ORDINANCE 2009-05**

**AN ORDINANCE TO AMEND THE FISCAL YEAR 2008-2009 BUDGET  
APPROPRIATIONS ORDINANCE FOR OCONEE COUNTY**

**BE IT ORDAINED**, by the County Council for Oconee County, South Carolina, in meeting duly assembled, that:

**SECTION I:**

"THE FISCAL YEAR 2008-2009 BUDGET APPROPRIATIONS ORDINANCE FOR OCONEE COUNTY", Ordinance 2008-06, is hereby amended and modified to provide for the use of Oconee County fund balance to purchase one of the three fire engines originally budgeted in that ordinance, to be purchased through a capital lease. The total purchase price of this fire engine is \$339,896. The estimated first year capital lease payment of \$250,000 for the three fire engines was included in Ordinance 2008-06 as a transfer to the capital projects fund in the general fund and as an expenditure in the capital projects fund, and will be used for the purchase of the one fire engine addressed in this ordinance, in addition to the funds additionally budgeted below. The remaining two (2) fire engines originally budgeted in the 2008-09 budget, to be purchased through a capital lease, will be addressed by separate action(s) of Oconee County Council.

**SECTION II:**

The 2008-2009 Oconee County budget is hereby amended by adding the following, for the aforesaid purposes:

General Fund Revenues and Funding Sources

Fund Balance \$89,896

General Fund Appropriations

Transfer to Capital Projects Fund \$89,896

Capital Projects Revenues and Funding Sources

Transfer from General Fund \$89,896

Capital Projects Appropriations

Capital Equipment \$89,896

**SECTION III:**

In the aggregate, the adopted fiscal year 2008-2009 budget, prior to these amendments stands at:

General Fund \$ 42,366,936

Capital Projects Fund \$ 1,277,095

As so amended, herein, the new amended budget will be:

General Fund	\$ 42,256,832
Capital Projects Fund	\$ 1,366,991

**SECTION IV:**

Except as specifically modified, amended or deleted herein, all appropriations of funds created by the "THE FISCAL YEAR 2008-2009 BUDGET APPROPRIATIONS ORDINANCE FOR OCONEE COUNTY", Ordinance 2008-06, are hereby ratified and shall remain in full force and effect as originally adopted. All other sections of Ordinance 2008-06 not modified, directly or by implication shall likewise remain in full force and effect. This ordinance shall take effect immediately on approval on third reading. All ordinances and resolutions inconsistent herewith are, to the extent of such inconsistency only, hereby revoked, repealed, and rescinded.

**Adopted in meeting duly assembled this 16<sup>th</sup> day of June, 2009.**

\_\_\_\_\_  
Reginald T. Dexter  
Chairman  
Oconee County Council

Attest:

\_\_\_\_\_  
Elizabeth G. Hulse  
Clerk to Council

First Reading:	May 5, 2009
Second Reading:	June 2, 2009
Public Hearings:	June 9, 2009
Third & Final Reading:	June 16, 2009

Before we take action on Ordinance 2009-06 I need to address one issue. It has been brought to my attention after an additional review of the budget that a Library salary increase had been presented for part time employees during a budget workshop. During the discussions this was not removed as salaries / raises were not slated for discussion at that meeting. Subsequently, this increase was never revisited and removed during the furlough discussions.

As we are approving in this ordinance a 4 day furlough for all staff I don't think we can in good conscious approve any salary increases for any staff, therefore, **I make a motion that the 3% salary increase for the Library part time staff in the amount of \$3,883 be removed from the Library budget.**

Before a second and a vote I want to be very clear that this is being done because of the difficult economic times and the need to furlough all levels of county staff. As the chair of Council I want to make it clear that we value the daily contributions made by the part time staff at the county libraries and the removal of this increase is not a reflection of their performance.

I would now ask for a second.



STATE OF SOUTH CAROLINA  
COUNTY OF OCONEE  
**ORDINANCE 2009-06**

AN ORDINANCE TO ESTABLISH THE BUDGET FOR OCONEE COUNTY AND TO PROVIDE FOR THE LEVY OF TAXES FOR ORDINARY COUNTY PURPOSES IN OCONEE COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2009 AND ENDING JUNE 30, 2010.

BE IT ORDAINED by the County Council for Oconee County, South Carolina:

**SECTION 1.**

Pursuant to Section 4-9-140 of the South Carolina Code of Laws, 1976, as amended, the following amounts are hereby appropriated for the 2009-2010 fiscal year for Oconee County:

General Fund:	\$ 42,638,420
Capital Projects Fund:	200,000
Special Revenue Fund:	1,367,790
Emergency Services Fund:	1,611,610
Enterprise Fund:	5,235,300
Debt Service Fund:	<u>1,665,026</u>
<b>TOTAL:</b>	<b>\$ 50,738,146</b>

Appropriations for each department have been detailed by the County Council into a line-item budget. The line-item budget and the budget provisions are hereby incorporated herein, by reference, as fully as if set forth verbatim herein, and adopted as part of this Ordinance.

**SECTION 2.**

A tax of sufficient millage to fund the aforesaid appropriations for the Oconee County Budget for the fiscal year beginning July 1, 2009 and ending June 30, 2010, after crediting against such appropriations all other unrestricted revenue anticipated to accrue to Oconee County and any fund balance budgeted to be used during said fiscal year, is hereby directed to be levied upon all taxable property, eligible to be lawfully taxed for such purposes, in Oconee County.

**SECTION 3.**

A tax of sufficient millage to provide approximately \$972,117 to Tri-County Technical College is hereby levied on all taxable property, eligible to be lawfully taxed for such purposes, in Oconee County.

**SECTION 4.**

The Auditor of Oconee County is hereby directed to recommend to the Oconee County Council a sufficient millage levy and the Treasurer of Oconee County is herein directed

to collect sufficient millage on taxable property in Oconee County to provide for the aforesaid appropriations and direct expenditures of the County for the fiscal year beginning July 1, 2009 and ending June 30, 2010. The Auditor and Treasurer of Oconee County are hereby directed to fund such bond repayment sinking fund(s) as are necessary to provide for an orderly and timely payment of the debt service of Oconee County and to satisfy any debt covenants. The balance of such fund(s) shall never exceed the total amount necessary to reasonably meet eighteen months of expected debt service requirements.

#### SECTION 5.

All appropriations made by prior year budget ordinances for which the respective monies have been obligated or encumbered are hereby carried forward and reappropriated, as of July 1, 2009, as a part of the budget authorized by this Ordinance.

#### SECTION 6.

The County Council is authorized to carry forward unexpended funds in accounts existing at the end of June 30, 2009 to complete the purpose of the original appropriation approved by County Council for fiscal year 2009. These funds are hereby carried forward and reappropriated, as of July 1, 2009, as a part of the budget authorized by this Ordinance. The Schedule of Rollovers in the budget provides details the funds so authorized by County Council to be carried forward to fiscal year 2010 and is hereby incorporated herein by reference and adopted as part of this ordinance. Capital projects are budgeted on a project basis instead of an annual basis and as such, unexpended appropriations for uncompleted capital projects are carried forward as a part of the budget authorized by this ordinance.

#### SECTION 7.

Oconee County receives federal, state and local grants for specified purposes. These grants, including any local match, are deemed budgeted for the specified purposes upon acceptance of such grants. These grants are budgeted for on a project basis in accordance with the grantor's terms and conditions instead of an annual basis and as such, unexpended appropriations for uncompleted grant projects are carried forward as a part of the budget authorized by this ordinance.

#### SECTION 8.

All unexpended appropriations as of June 30, 2009, except for those noted in Section 5, Section 6 and Section 7 of this ordinance shall lapse and expire and the monies involved shall revert to the fund balance of the fund from which the appropriation originated.

#### SECTION 9.

The County Administrator, as required by state law, shall oversee and supervise the day-to-day implementation of this budget ordinance, including the execution and delivery, on behalf of the County, of all contractual documents necessary or required for the expenditure of funds authorized by this budget ordinance, for the purposes for which such funds are so authorized.

SECTION 10.

There is a need for the County to finance the acquisition of certain equipment for the use of the County by means of one or more lease purchase transactions. In order to accomplish such acquisition, the Chairman of County Council and the County Administrator are hereby empowered, on behalf of the County, to enter into one or more Lease Purchase Agreements with banks or other financial institutions in an aggregate principal amount not exceeding \$750,000. The Lease Purchase Agreements may be entered into during the fiscal year beginning July 1, 2009 and ending June 30, 2010 pursuant to a Resolution or Resolutions duly adopted by County Council.

SECTION 11.

If any clause, phrase, sentence, paragraph, appropriation, or section of this Ordinance shall be held invalid for any reason, it shall not affect the validity of this Ordinance as a whole or the remaining clauses, phrases, sentences, paragraphs, appropriations, or sections hereof, which are hereby declared separable.

Adopted in meeting duly assembled this \*\* day of June, 2009.

OCONEE COUNTY, SOUTH CAROLINA

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Reginald T. Dexter  
Chairman, Oconee County Council

ATTEST

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Elizabeth G. Hulse  
Clerk to County Council

First Reading: April 14, 2009  
Second Reading: June 2, 2009  
Public Hearing: June 9, 2009  
Third Reading: June 16, 2009



OCONEE COUNTY, SOUTH CAROLINA  
BUDGET PROVISIONS FISCAL YEAR 2009-2010  
**ORDINANCE 2009-06**

Section 1

The appropriations made herein shall not be exceeded without proper authority or amendment by County Council. Any officer incurring indebtedness on the part of the County in excess of the appropriations herein made shall be liable upon his official bond.

Section 2

The Finance Director and Treasurer of Oconee County shall prepare such separate records and books of account as may be required by the United States Government or any of its agencies or by the State of South Carolina or any of its agencies, reflecting the receipt and disposition of all funds.

Section 3

All purchasing and contracting for the acquisition of goods and services for County purposes shall be in accordance with procedures outlined in the County Procurement Ordinance. Subject to the provisions of Oconee County policies, whenever possible and practical, goods and services shall be purchased from firms and individuals located in Oconee County whenever goods and services of equal quality and specifications are available from local suppliers at prices less than or equal to prices submitted by nonresident suppliers.

Section 4

No bills or claims against Oconee County shall be approved for payment and no check will be issued for same unless such bills or claims are properly itemized showing the goods purchased or services rendered, dated as of the date of delivery of said goods and/or services and signed by the person receiving said goods or services.

Section 5

No officer, elected official or employee of Oconee County shall furnish any services or sell any materials or supplies to the County for pay, except upon open bid in accordance with the County Procurement Ordinance.

Section 6

Petty Cash Funds are hereby authorized if such are necessary to effectively conduct County business. Such funds must be approved by and periodically audited under the direction of the Finance Director.

Section 7

The County Council may transfer funds within any fund, department, activity or purpose or among funds by normal Council action, subject to all other applicable legal requirements. The County Administrator shall be authorized to transfer appropriations between object classifications within departmental budgets. All transfers authorized by this section are subject to the overall appropriation limits of this Ordinance.



Section 8

Neither the Administrator, nor any Department Head, may establish or fund a new position without the consent of the County Council.

Section 9

For any equipment, vehicle or any other item that is approved in the budget as a replacement for existing items, the item being replaced will be relinquished to the Procurement Director for disposal or reassignment.

Section 10

The following types of purchases shall be exempt from the competitive bid process:

Repairs to equipment performed by the authorized dealer.

Additional purchases of equipment to replace or upgrade part of a "system" that is covered under a maintenance agreement.

Equipment maintenance or service contracts which are made with the manufacturer or authorized service/agent.

Equipment or services purchased through South Carolina State Contracts, South Carolina State or Federal Surplus Property or from any other governmental entities.

Purchase of used equipment. When County staff have inspected used equipment and found it to be in good condition and competitively/fairly priced, and when "time is of the essence" in order to secure said equipment, the Procurement Director or County Administrator shall have authority to approve this purchase.



STATE OF SOUTH CAROLINA  
COUNTY OF OCONEE  
**ORDINANCE 2009-07**

AN ORDINANCE TO ESTABLISH THE BUDGET FOR THE SCHOOL DISTRICT OF OCONEE COUNTY AND TO PROVIDE FOR THE LEVY OF TAXES FOR THE SCHOOL DISTRICT OF OCONEE COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2009 AND ENDING JUNE 30, 2010.

BE IT ORDAINED by the County Council for Oconee County, South Carolina as follows:

**SECTION 1**

The following amounts are hereby appropriated for the 2009-2010 fiscal year for the School District of Oconee County:

School Operations:	\$ 56,398,014
School Debt:	<u>16,603,552</u>
<b>TOTAL School District:</b>	<b>\$ 73,001,566</b>

**SECTION 2**

A tax of sufficient millage to fund the aforesated appropriations for the School District of Oconee County Budget for the fiscal year beginning July 1, 2009 and ending June 30, 2010 is hereby directed to be levied upon all taxable property in Oconee County.

**SECTION 3**

The Auditor of Oconee County is hereby directed to recommend to the Oconee County Council a sufficient millage levy and the Treasurer of Oconee County is herein directed to collect sufficient millage on all taxable property in Oconee County on which school taxes may be levied to provide for the aforesated appropriations and direct expenditures of the School District of Oconee County for the fiscal year beginning July 1, 2009 and ending June 30, 2010.

**SECTION 4**

If any clause, phrase, sentence, paragraph, appropriation, or section of this Ordinance shall be held invalid for any reason, it shall not affect the validity of this Ordinance as a whole or the remaining clauses, phrases, sentences, paragraphs, appropriations, or sections hereof, which are hereby declared separable.

**SECTION 5**

This Ordinance shall become effective and enforced from and after July 1, 2009.

Adopted in meeting duly assembled this \*\* day of June, 2009.

OCONEE COUNTY, SOUTH CAROLINA

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Reginald T. Dexter  
Chairman, Oconee County Council

ATTEST

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Elizabeth G. Hulse  
Clerk to County Council

First Reading: April 14, 2009  
Second Reading: June 2, 2009  
Public Hearing: June 9, 2009  
Third Reading: June 16, 2009

STATE OF SOUTH CAROLINA  
COUNTY OF OCONEE  
**ORDINANCE 2009-08**

AN ORDINANCE TO PROVIDE FOR THE LEVY OF TAXES FOR THE KEOWEE FIRE SPECIAL TAX DISTRICT AND TO ESTABLISH THE BUDGET FOR THE KEOWEE FIRE SPECIAL TAX DISTRICT FOR THE FISCAL YEAR BEGINNING JULY 1, 2009 AND ENDING JUNE 30, 2010.

BE IT ORDAINED by the County Council for Oconee County, South Carolina:

**SECTION 1**

For the fiscal year beginning July 1, 2009 and ending June 30, 2010, \$670,050 is hereby appropriated for fire protection services in the Keowee Fire Special Tax District.

**SECTION 2**

A tax of sufficient millage to fund the aforesated appropriations for the Keowee Fire Special Tax District for the fiscal year beginning July 1, 2009 and ending June 30, 2010 is hereby directed to be levied on all taxable property, eligible to be lawfully taxed for such purposes, in the Keowee Fire Special Tax District.

**SECTION 3**

The Auditor of Oconee County is hereby directed to recommend to the Oconee County Council a sufficient millage levy and the Treasurer of Oconee County is herein directed to collect sufficient millage on taxable property in the Keowee Fire Special Tax District to provide for the aforesated appropriations and direct expenditures of that Special Tax District for the fiscal year beginning July 1, 2009 and ending June 30, 2010.

**SECTION 4**

If any clause, phrase, sentence, paragraph, appropriation, or section of this Ordinance shall be held invalid for any reason, it shall not affect the validity of this Ordinance as a whole or the remaining clauses, phrases, sentences, paragraphs, appropriations, or sections hereof, which are hereby declared separable.

Adopted in meeting duly assembled this 16<sup>th</sup> day of June, 2009.

OCONEE COUNTY, SOUTH CAROLINA

Reginald T. Dexter  
Chairman, Oconee County Council

ATTEST

Elizabeth G. Hulse  
Clerk to County Council

First Reading: April 14, 2009  
Second Reading: June 2, 2009  
Public Hearing: June 9, 2009  
Third Reading: June 16, 2009

STATE OF SOUTH CAROLINA  
COUNTY OF OCONEE  
OCONEE COUNTY COUNCIL  
**ORDINANCE 2009-12**

AN ORDINANCE TO DELEGATE RESPONSIBILITIES TO AND TO DESIGNATE THE OCONEE JOINT REGIONAL SEWER AUTHORITY AS THE AGENT OF OCONEE COUNTY FOR PURPOSES OF ACTING AS THE SECTION 208 WATER QUALITY MANAGEMENT AGENCY IN OCONEE COUNTY, AND TO RECOMMEND TO THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL THAT IT SO RECOGNIZE THE OCONEE JOINT REGIONAL SEWER AUTHORITY; TO PROHIBIT THE DISCHARGE OF POLLUTING SUBSTANCES; TO SET PENALTIES FOR THE VIOLATION THEREOF; AND OTHER MATTERS RELATED THERETO.

BY Oconee Council in Session duly assembled and with a quorum present and voting:

**PREAMBLE:**

By Resolution, dated September 15, 1981, Oconee County, South Carolina (the "County"), a body politic and corporate and a political subdivision of the State of South Carolina, acting by and through the Oconee County Council (the "County Council"), approved the "Regional Water Quality Management Plan and Willingness to proceed as a Management Agency", as an integral part of an areawide water quality management plan undertaken in accordance with Section 208 of the Federal Clean Water Act (Public Law 92-500-§ 1281, 33 USC 1281) for the designated planning areas of Anderson, Cherokee, Greenville, Oconee, Pickens and Spartanburg counties, and delegated implementation responsibilities to the Oconee County Sewer Commission in the same resolution. Oconee County, through the Oconee County Sewer Commission (the "OCSC"), subsequently implemented the Oconee County Water Quality Management Subplan. The Oconee County Council accepted responsibility as the Section 208 Management Agency charged with implementing and carrying out the responsibilities as set forth in Section 208 of Public Law 92-500, and by the laws of the State of South Carolina and the Ordinances adopted by Oconee County, and then delegated those responsibilities to the Oconee County Sewer Commission. As a Section 208 Agency, Oconee County/Oconee County Sewer Commission (as it was subsequently recognized in correspondence from the South Carolina Department of Health and Environmental Control ("DHHC")) was charged with the following duties (208 Water Quality Management Plan Willingness to Proceed/Implementation Statement Delegated Functions):

- (1) To provide effective wastewater management as delegated by County Council and as contained in the agency's legislation to include:
  - A. The selection of the location, planning, design, construction, and operation of all public wastewater treatment facilities and to regulate the location of private wastewater treatment facilities.
  - B. To implement the EPA-approved Areawide 201 Treatment Facilities Plan and to update the Plan periodically as necessary and appropriate.

the transition of sewer assets to the Authority, the OCSC eventually be disestablished as a functional, operational entity.

In order to be a designated Water Quality Management Agency, such agency must have the ability to implement the responsibilities identified for the agency in the Statewide 208 Water Quality Management Plan:

- (1) To provide effective wastewater management by authority of the agency's charter, to include establishment, or continued implementation, of a regulatory program for:
  - A. Location, modification and construction of public and private domestic wastewater treatment facilities including conveyance facilities such as collection systems and trunk lines.
  - B. Appropriate waste treatment policies and procedures to include:
    - (1) A schedule of fair user charges;
    - (2) Pretreatment standards for industrial wastes (if needed) and regulatory controls to accept or refuse municipal and/or industrial wastes;
    - (3) Such other policies and procedures as may be appropriate.
- (2) To develop or continue to implement an effective series of administrative management procedures and a personnel system appropriate to staff the agency for the discharge of its duties and responsibilities.
- (3) To carry out appropriate portions of an areawide waste treatment management plan developed under subsection (b) of Section 1288, Title 33, U.S. Code ("Subsection (b)").
- (4) To manage effectively waste treatment works and related facilities serving such area in conformance with any plan by Subsection (b).
- (5) Directly or by contract, to design and construct new works, and to operate and maintain new and existing works as required by any plan developed pursuant to Subsection (b).
- (6) To accept and utilize grants, or other funds from any source, for waste treatment management purposes.
- (7) To raise revenues, including the assessment of waste treatment charges.
- (8) To incur short-and long-term indebtedness.
- (9) To assure in implementation of an areawide waste treatment management plan that each participating community pays its proportionate share of treatment costs.
- (10) To refuse to receive any wastes from any municipality or subdivision thereof, which does not comply with any provisions of an approved plan and under this section applicable to such area.
- (11) To accept for treatment industrial wastes.



## SECTION 1. DEFINITIONS

1. "Authority" shall mean the Oconee Joint Regional Sewer Authority, a body politic, created by an Agreement by the Cities of Seneca, Walhalla, and Westminster, dated October 2007, and filed with the Oconee County Register of Deeds in Deed Book 1709 at page 5 and chartered by the South Carolina Secretary of State, filed with the Oconee County Register of Deeds in Deed 1709 Book at page 5.
2. "County" shall mean Oconee County.
3. "DHEC" shall mean the South Carolina Department of Health and Environmental Control.
4. "Designated Water Quality Management Agency" shall mean the Oconee County Council/Oconee County Sewer Commission as designated by Richard W. Riley, Governor of the State of South Carolina by letter dated June 1, 1979, letter of Douglas J. Fabel, dated July 3, 1985, with attachment "Status Report, 208 Management Agency Designation, October, 1981" all of which are incorporated herein, or such Agency as shall succeed the Oconee County Sewer Commission as the delegated agent of Oconee County, performing the functions of Water Quality Management Agency.
5. "EPA" shall mean the Environmental Protection Agency of the United States Government.
6. "Oconee County Sewer Commission" shall mean the agency created by Act No. 950, South Carolina Acts and Joint Resolutions, 1971, as amended by Ordinance No. 78 - 2, dated 28 February, 1978.
7. "Oconee County Water Quality Management Subplan" shall mean the Oconee County Water Quality Management Subplan adopted by Resolution of the Oconee County Council, dated September 15, 1981, endorsed by the councils of the following municipalities on March 21, 1978: Salem, Seneca, Walhalla, Westminster, and West Union.
8. "OJRSA" shall mean the Oconee Joint Regional Sewer Authority.
9. "Section 208" shall mean Section 208 of Public Law 92-500 (Section 1288, Chapter 26, Subchapter, II, Title 33, U.S. Code, 33 USC 1288).
10. "Wastewater" shall mean any water containing sewage, industrial waste, water containing garbage, refuse, decayed wood, sawdust, shavings, bark, sand, clay, offal, oil, gasoline, other petroleum products or by-products, tar, dye stuffs, acids, chemicals, dead animals, heated substances and all other products, by-products, or substances not sewage or industrial waste.
11. "Waters" means lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, and all other bodies of surface or underground water, natural or artificial, public or private which are wholly or partially or bordering Oconee County.



procedures to County Council for adoption, to include:

- (1) Schedule of plan and fair user charges where necessary, industrial cost recovery system charges;
  - (2) A plan for pre-treatment standards and regulatory controls to accept or refuse municipal/or industrial waste;
  - (3) Procedures to accept and utilize grants or other funds from any source for waste treatment purposes, including separately established accounts by the County Treasurer;
  - (4) Such other policies and procedures as may be appropriate.
- (2) Develop and implement an effective series of administrative management procedures and personnel systems appropriate to staff and operate the agency and discharge its duties and responsibilities.
  - (3) Serve as the single county-wide wastewater management agency for both point source and non-point source pollution control.
  - (4) Develop and discharge intergovernmental agreements with local municipalities and the Oconee Joint Regional Sewer Authority for the effective management of point and non-point wastewater management.
  - (5) Adopt the EPA-approved Waste Treatment Facilities Plan.
  - (6) Develop and propose to Oconee County Council appropriate county-wide ordinances as may be required to:
    - A. Regulate the proper siting and location of all public and private waste treatment facilities;
    - B. Effect improvement or removal of all non-point pollution sources if so identified within the County according to their established best management practice recommended by DHEC and the EPA;
    - C. All other duties as outlined in the 208 Water Quality Management Plan, which is incorporated herein.

## SECTION 5. AUTHORITY

The Oconee Joint Regional Sewer Authority is hereby delegated, by Oconee County, the authority to implement and enforce the Oconee Water Quality Management Plan, as the successor agent (to the OCSC) of the Designated Water Quality Management Agency for Oconee County, and to recommend to Oconee County revisions thereto to conform to the provisions of Federal or State law related to water quality management. Oconee County further recommends to appropriate State and federal regulatory agencies that the Oconee Joint Regional Sewer Authority be recognized and designated as such by such regulatory authorities.

Any entity which proposes to collect, transport, or treat wastewater shall first present to the Oconee Joint Regional Sewer Authority any plans, permits, or proposals, defining the area

**SECTION 8. SEPARABILITY**

Should any court of competent jurisdiction finally find any part, portion, or provision of this ordinance to be unconstitutional or otherwise legally unenforceable, such finding shall have no effect or bearing on any and all other parts, portions and provisions hereof, all of which are hereby deemed and declared to be separable.

**SECTION 9. SAVINGS**

All other parts, portions and provisions of the Oconee County Code of Ordinances not specifically and explicitly revised or repealed hereby, directly or by implication, shall remain in full force and effect.

**SECTION 10. EFFECTIVE DATE**

This ordinance shall take effect and be in force immediately upon approval on third reading and following public hearing, in accordance with South Carolina law.

**ORDAINED** in meeting, duly assembled, this \* day of \*, 2009.

**FOR OCONEE COUNTY:**

\_\_\_\_\_  
Reginald T. Dexter  
County Council Chairman, District V

**ATTEST:**

\_\_\_\_\_  
Elizabeth G. Hulsa  
Oconee County Clerk to Council

First Reading [in title only]: June 2, 2009  
Second Reading:  
Public Reading:  
Third & Final Reading:

**STATE OF SOUTH CAROLINA  
COUNTY OF OCONEE  
ORDINANCE NO. 2009-13**

**AN ORDINANCE TO RATIFY, AFFIRM AND AUTHORIZE THE USE OF CERTAIN PROCUREMENT METHODS FOR A CERTAIN OCONEE COUNTY PROJECT AND TO REVIEW, CONSIDER AND APPROVE THE AWARD OF CONTRACT FOR A CERTAIN OCONEE COUNTY PROJECT; AND OTHER MATTERS RELATING THERETO**

**WHEREAS**, Oconee County, South Carolina (the "County"), a body politic and corporate and a political subdivision of the State of South Carolina, acting by and through its County Council (the "County Council"), is authorized by Section 4-9-620 of the South Carolina Code of Laws, 1976, as amended (the "Code") to provide for a centralized purchasing system for procurement of goods and services, and the County, by and through Ordinance 2001-015, which is codified at Chapter 2, Article V, Division 1 of the Oconee Code of Ordinances (the "County Procurement Code"), has implemented a centralized procurement system; and,

**WHEREAS**, the stated purpose of the County Procurement Code is to utilize and apply modern, business-like methods to seek out and secure contractual services for the County; and,

**WHEREAS**, in late 2006, the County issued a Request for Qualifications ("RFQ 06-017") for various professional services whereby the County sought proposals for the purpose of creating a list of approved qualified vendors to provide certain professional services for the County, including a specific form of construction services referred to as design-build; and,

**WHEREAS**, County Council acknowledges that, in certain circumstances, design-build may provide a modern and business-like method of procurement that allows for the County to avoid some of the inherent problems associated with the straight low-bid method of procurement, including, without limitation, bid-rigging, fraud, and low-ball bidding, whereby the vendor who submits the lowest bid may knowingly, or as a result of inexperience, increase the actual cost of a building project by using change-orders or by refusing to proceed until the County increases the contract; and,

**WHEREAS**, County Council recognizes that, in certain circumstances, the design-build method of construction may provide several distinct advantages for the County in that the County's vendors may rapidly and efficiently design and construct structures; and,

**WHEREAS**, County Council further recognizes that, in certain circumstances, it may be in the best interests of the County to receive design-build proposals as a method of procurement and to utilize design-build method of vendor selection as implemented by and through RFQ 06-017, and until County Council amends the County Procurement Code to provide for a procedure to review the selection of design-build services, County Council desires to review and approve any design-build projects procured by and through RFQ 06-017 before said projects are awarded; and,

**WHEREAS**, County Council further desires to ratify, affirm and authorize the use of design-build for the design and construction of a facility that will house the City of Westminster Fire Department and the Oconee County Emergency Protection Services Department (the "Facilities"); and,

**WHEREAS**, after review of the submissions and qualifications of the design-build vendor list created under RFQ 06-017, County Council finds and determines that it is in the best

**STATE OF SOUTH CAROLINA  
OCONEE COUNTY  
RESOLUTION 2009-10**

**WHEREAS, The Honorable Linda R. Nix** is retiring as Oconee County Auditor on June 30, 2009, at the end of her current term of office, after serving the people of Oconee County continuously since January 1, 1974 in various capacities, first as a Clerk in the Treasurer's and Auditor's Office, then as an Administrative Assistant beginning in October 1979, and then as Chief Deputy Auditor beginning in July 1989, and as Auditor of Oconee County since August of 2003, and,

**WHEREAS, Mrs. Nix** is a lifelong resident of Oconee County, having been born and raised in Tamassee, and having lived in Waihatta since 1959; and

**WHEREAS, Mrs. Nix** was educated in the public schools of Oconee County and attended Tri-County Technical College; and

**WHEREAS, Mrs. Nix** is married to Franklin Douglas Nix and has a daughter, Melissa N. Smith, and two grandchildren, Asa Jacob Smith and Noah Edward Smith, and is a member of Rocky Knoll Baptist Church and the Vines and Branches Sunday School Class, is active in many community activities and organizations, and has many varied family interests; and,

**WHEREAS, Mrs. Nix** has been active in multiple professional organizations, including the South Carolina Association of Auditing Officials and the South Carolina Association of Auditors and Treasurers; has been an officer in the South Carolina Association of Auditing Officials, and has been an officer in multiple professional and civic organizations, and has been recognized for her professional achievements; and,

**WHEREAS, Oconee County, South Carolina** (the "County"), a body politic and corporate and a political subdivision of the State of South Carolina, acting by and through the Oconee County Council (the "County Council"), desires to recognize and honor Oconee County Auditor **Linda R. Nix** for her many years of dedicated and devoted service to the people of Oconee County and to Oconee County government and to honor her at the time of her retirement from public service;

**NOW, THEREFORE, IT IS HEREBY RESOLVED:** by Oconee County Council in meeting duly assembled, that:

1. Oconee County Council hereby goes on record as recognizing and honoring **Linda R. Nix** for over 35 years of service to Oconee County and the people of Oconee County - a remarkable personal and professional achievement which is seldom seen in today's world - and for not just the length but the quality of her professional and public service, for her unwavering dedication to quality and care for the people she serves, and for the personal life which she has led in Oconee County, bringing great honor not just to her, but on her family, her community, and her faith;
2. At the time of her pending retirement from public service, Oconee County Council, on behalf of a grateful County and its citizens, hereby thanks you, **Mrs. Nix**, for being the person that you are, for your many achievements, for your long, dedicated service to Oconee County and its people, and for making all of our lives better by being who you are;

**THIS RESOLUTION WILL TAKE EFFECT** and be in force immediately upon enactment.

APPROVED AND ADOPTED this 16<sup>th</sup> day of June, 2009.

OCONEE COUNTY, SOUTH CAROLINA

By:

\_\_\_\_\_  
Reginald T. Dexter, Chairman of County Council,  
Oconee County, South Carolina

**ATTEST:**

By:

\_\_\_\_\_  
Elizabeth G. Hulse,  
Clerk to County Council



**AGENDA ITEM SUMMARY  
OCONEE COUNTY, SC**

**COUNCIL MEETING DATE: 6-16, 2009  
COUNCIL MEETING TIME: 7:00 PM**

**ITEM TITLE OR DESCRIPTION:**

PRT Commission request for an expenditure of up to \$3,850.00 to Pendleton District Commission to partner in re-ordering 100,000 "Waterfalls of Upstate South Carolina" brochures.

**BACKGROUND OR HISTORY:**

The original brochure was developed by the Pendleton District Tourism Commission. Oconee County has partnered with re-orders in the past due to the popularity of this brochure to Tourists. To date, we have used more than 250,000 of these brochures as they are available all across the states of GA and SC. This brochure lists the 22 most prominent waterfalls in Oconee County, as well as 2 waterfalls in Pickens County and 7 waterfalls in Greenville County.

**SPECIAL CONSIDERATIONS OR CONCERNS:**

The Parks, Recreation and Tourism Commission approved this requests by a unanimous vote of 5-0 on May 28, 2009.

**COMPLETE THIS PORTION FOR ALL PROCUREMENT REQUESTS:**

Does this request follow Procurement Ordinance #2001-15 guidelines? Yes / No (review §2001-15 on Procurement's website)

If no, explain briefly: Yes

**STAFF RECOMMENDATION:**

Staff recommends approval of an expenditure of up to \$3,850.00 for 100,000 of "Waterfalls of Upstate South Carolina" brochures. Total cost for re-ordering 100,000 brochures is \$11,550. This cost is being split between three agencies, Oconee County PRT, Pendleton District Commission and Discover Upcountry.

**FINANCIAL IMPACT:**

This project will not exceed \$3,850.00 with funds coming from the PRT Commission's 75% portion of the Local Accommodations Tax Fund, with no matching requirement and no impact to the general fund budget. Current fund balance in the 75% Local Accommodations tax is \$52,823.87.

**COMPLETE THIS PORTION FOR ALL GRANT REQUESTS:**

Are Matching Funds Available: No

If yes, who is matching and how much:

**ATTACHMENTS**

Reviewed By/ Initials:

\_\_\_\_\_ County Attorney

 Finance

\_\_\_\_\_ Grants

\_\_\_\_\_ Procurement

**Submitted or Prepared By:**

Phil Shirley - PRT Director  
Department Head/Elected Official

**Approved for Submittal to Council:**

  
Kendra Brown, Interim County Administrator

*Council has directed that they receive their agenda packages a week prior to each Council meeting, therefore, Agenda Items Summaries must be submitted to the Administrator for his review/approval no later than 12 days prior to each Council meeting. It is the Department Head / Elected Officials responsibility to ensure that all approvals are obtained prior to submission to the Administrator for inclusion on an agenda.*

*A calendar with due dates marked may be obtained from the Clerk to Council.*

**AGENDA ITEM SUMMARY  
OCONEE COUNTY, SC**

**COUNCIL MEETING DATE: 6-16, 2009  
COUNCIL MEETING TIME: 7:00 PM**

**ITEM TITLE OR DESCRIPTION:**

PRT Commission request for an advertising expenditure of \$2,800.00 to continue contract with Upcountry Brochure Service to display the brochure "Waterfalls of Upstate SC" in South Carolina and Northeast Georgia in an effort to promote tourism in Oconee County. This brochure is the most requested piece of literature in all the brochure racks serviced by the Upcountry Brochure Service.

**BACKGROUND OR HISTORY:**

Upcountry Brochure Service has over 50 brochure racks in South Carolina and over 90 in Northeast Georgia. As the company places new racks, the brochures currently in contract also are added to that rack, so as the company grows, the brochure distribution grows as well. The racks are placed in hotels, tourist attractions, restaurants, etc. Upcountry Brochure service will keep the brochure racks stocked in all the service locations.

**SPECIAL CONSIDERATIONS OR CONCERNS:**

The Parks, Recreation and Tourism Commission approved this request by a unanimous vote of 5-0 on May 28, 2009.

**COMPLETE THIS PORTION FOR ALL PROCUREMENT REQUESTS:**

Does this request follow Procurement Ordinance #2001-15 guidelines? Yes / No (review §2001-15 on Procurement's website)  
If no, explain briefly: Yes.

**STAFF RECOMMENDATION:**

Staff recommends approval of an expenditure of up to \$2,800.00 to display the "Waterfalls of Upstate South Carolina" through Upcountry Brochure Service to all their SC and GA locations.

**FINANCIAL IMPACT:**

This project will not exceed \$2,800.00 with funds coming from the PRT Commission's 75% portion of the Local Accommodations Tax Fund, with no matching requirement and no impact to the general fund budget. Current fund balance in the 75% Local Accommodations tax is \$52,823.87.

**COMPLETE THIS PORTION FOR ALL GRANT REQUESTS:**

Are Matching Funds Available: No  
If yes, who is matching and how much:

**ATTACHMENTS**

**Reviewed By/ Initials:**

\_\_\_\_\_ County Attorney

 Finance

\_\_\_\_\_ Grants

\_\_\_\_\_ Procurement

**Submitted or Prepared By:**

Phil Shirley - PRT Director  
Department Head/Elected Official

**Approved for Submittal to Council:**

  
Kendra Brown - Interim County Administrator

*Council has directed that they receive their agenda packages a week prior to each Council meeting, therefore, Agenda Items Summaries must be submitted to the Administrator for his review/approval no later than 12 days prior to each Council meeting. It is the Department Head / Elected Officials responsibility to ensure that all approvals are obtained prior to submission to the Administrator for inclusion on an agenda.*

*A calendar with due dates marked may be obtained from the Clerk to Council.*

AGENDA ITEM SUMMARY  
OCONEE COUNTY, SC

COUNCIL MEETING DATE: June 16, 2009  
COUNCIL MEETING TIME: 7:00 PM

**ITEM TITLE OR DESCRIPTION:**

ATAX grant request- Foothills Conservatory for the Performing Arts in the amount of 1,200.00 for advertising for participants in the M.A.D. Camp and The Nutcracker. This request approved in ATAX Committee meeting on 04/27/09 by unanimous vote.

**BACKGROUND OR HISTORY:**

State ATAX funds are received quarterly and 65% of those funds are Tourism Related funds that are to be disbursed as recommended by the ATAX committee and approved by County Council. All ATAX grant recipients are required by state law to turn in intermediate reports every 60 days to the progress of the grant and a final report upon completion of the grant. These reports are placed in the grant folder, which is kept active by the ATAX chairperson until the grant is considered complete, and then it is stored by the PRT office.

**SPECIAL CONSIDERATIONS OR CONCERNS:**

*M.A.D. Camp* will benefit the students involved and the community by offering high quality artistic education in voice, acting and movement for stage. Historically, more than 20% of students come from outside Oconee County, e.g. Atlanta and Loccoia, Georgia; Summerville, South Carolina; and other students from Pickens County in 2008. Directors, drama and chorus teachers from all around the region are included in advance publicity for the Camp. The final performance for the last night of M.A.D. Camp is open to the public.

*The Nutcracker* - Aside from the artistic and cultural benefits of the highly professional presentation of *The Nutcracker*, rehearsals are held several days a week for several months in Seneca. These rehearsals draw students and parents of typically more than half of the 60+ participants from outside of Oconee County. Many of these families eat at Oconee County restaurants, shop at Oconee County grocery stores and on Ramcat Alley several times per week while waiting for their children.

**COMPLETE THIS PORTION FOR ALL PROCUREMENT REQUESTS:**

Does this request follow Procurement Ordinance #2001-15 guidelines? No-ATAX grant disbursement [review #2001-15 on Procurement's website]  
If no, explain briefly:

**STAFF RECOMMENDATION:**

Approval of ATAX grant request of \$1,200.00 to the Foothills Conservatory for the Performing Arts.

**FINANCIAL IMPACT:**

Current ATAX fund balance is \$11,942.20. We have four ATAX requests this grant cycle. If all requests are approved by County Council, the remaining balance will be \$38.55

**COMPLETE THIS PORTION FOR ALL GRANT REQUESTS:**

Are Matching Funds Available: Yes

If yes, who is matching and how much: S.C. Arts Commission \$980.00

**ATTACHMENTS**

Foothills Conservatory for the Performing Arts

**Reviewed By/ Initials:**

County Attorney

Finance

Grants

Procurement

Submitted or Prepared By:

Approved for Submittal to Council:

Phil Shirley - PRT Director

Department Head/Elected Official

Kendra Brown - Interim County Administrator

*Council has directed that they receive their agenda packages a week prior to each Council meeting, therefore, Agenda Item Summaries must be submitted to the Administrator for his review/approval no later than 12 days prior to each Council meeting. It is the Department Head / Elected Officials responsibility to ensure that all approvals are obtained prior to submission to the Administrator for inclusion on an agenda.*

*A calendar with due dates marked may be obtained from the Clerk to Council.*

# OCONEE COUNTY ATAX GRANT APPLICATION FORM FOR TOURISM RELATED PROJECTS

## I. APPLICANT

A. Name of Organization Foothills Conservatory for the Performing Arts (FCPA)

B. Address: 109 E. North 1<sup>st</sup> Street  
Seneca, SC 29678

## A. FUNDS REQUESTED

B. ATAX Funds Requested \$ 2200 for all 3 projects outlined

C. How will ATAX Funds be used? Advertising in some or all of the following publications according to funding level provided (some publications may do feature articles in lieu of or in addition to paid advertisements):

The Greenville News\*+  
Upstate Parent Magazine\*  
The Anderson Independent\*+  
The Highlander  
Crossroads Chronicle  
The Toccoa Record-  
The Elberton Star+

\*Indicates paid advertisement used previously  
+Indicates feature articles run previously

(The Seneca Daily Journal and Edwards or Eagle Media local publications were not included in this request for advertising funding as this local advertising is budgeted and paid for by individual contributors, student fees, ticket or ad sales or fundraisers held by the organization)

D. Other advertising:

Radio ads  
FCPA Website  
Posters (for - 1/3 - portion used outside of county)  
Banner or billboard

E. \_\_\_\_\_

F. Estimated percentage of costs directly attributed to attracting or serving

- a. tourists? Of amount requested for grant funding, 100% would be spent to advertise to attract tourists from outside of the county. Other internally provided funding will be used for in county advertising, operating, and production expenses. Of total budget, - 7% would be used for additional out of county advertising to attract tourists if grant funding is received.



G. Funds furnished by your organization \$-34000-\$35000

H. Matching grant \$980 Source South Carolina Arts Commission  
\*This is a separate non-matching grant.

I. Other Funding -\$17,000 Source Ticket Sales

Other Funding -\$ 6,500 Source Student Fees

Other Funding -\$ 9,000 Source Program Ad Sales

Other Funding -\$ 1,000 Source Individual Contributions

Other Funding -\$ 500 Source Fundraising Events

Provide an itemized budget for your event and for allotted funds. **THIS IS REQUIRED.** attach on a separate sheet.

See attached Budgets for:  
Project 1. Peter and the Wolf  
Project 2. M.A.D. Camp  
Project 3. The Nutcracker

### III. NARRATIVE PROJECT DESCRIPTION

A. Project Title Project 1. Peter and the Wolf  
Project 2. M.A.D. Camp (Music, Acting, Dance Camp)  
Project 3. The Nutcracker

#### B. Description of project

The Foothills Conservatory for the Performing Arts (FCPA) is a non-profit (501 C3) organization established for the purpose of fostering the arts through instruction, training and performance to improve quality of life and enhance culture in the communities we serve.

##### Project 1. Peter and the Wolf

Peter and the Wolf is a ballet with music composed by Sergei Prokofiev. FCPA created a version of this ballet with original choreography featuring students from the Foothills Dance Conservatory and local actors in January - March 2009. The first performance was held at Ravenel Elementary School's Artists on the Green festival in Seneca in March. The show was then presented to a full house at the Brooks Center for the Performing Arts in Clemson in April. Both of these performances were accompanied by the Clemson University Orchestra and were extremely well received.

The show is designed to be used in schools, at festivals and other events in our area for the remainder of 2009 and in the future. For example, we are proposing that Peter and the Wolf be performed in conjunction with Oktoberfest in Walhalla this year and in other festivals in future years. The single set for the show was designed for quick transport and set up. There is also duplicate casting to enable the show to be performed often even though school age performers are involved.

##### Project 2. M.A.D. Camp

FCPA sponsors a Music, Acting, Dance Camp for children ages 10-17 which will be held this year from July 6 - July 17 in downtown Seneca. Publicity for M.A.D. Camp began in April and will be continued until the camp is

fall and the final public performance is held. Faculty includes Sarah Reese from Pendleton, formerly with the Metropolitan Opera, Travis Amick from Greenville with the South Carolina Children's Theatre, and Ginny Siano, owner of Fourhills Dance Conservatory, Artistic Director of the ECPA, and formerly with the Chicago Ballet Ensemble.

### Project 3, *The Nutcracker*

ECPA will sponsor this traditional Christmas favorite ballet again in 2009. The performance will feature dances from Fourhills Dance Conservatory as well as professional performers. Previously, professional performers have hailed from Greenville, Athens and Elberton, Georgia; Texas, Louisiana; and Boston, Massachusetts. Professional quality sets and props enhance the performances. The ECPA version of *The Nutcracker* is designed to draw audiences from around the region, many of whom would normally go to the Peace Center to see a performance of this caliber. The show also draws family members from around the country. Cast selection and rehearsals for the cast of ~60 will begin in Seneca at the Fourhills Dance Conservatory in August. Preparations and publicity will continue from August through December. The performances are scheduled for December 11, 12 and 13 at the Brooks Center in Clemson.

### C. Who will benefit from this project?

Project 1, *Peter and the Wolf* will benefit the students involved, the schools, and the community. Aside from the obvious cultural and artistic benefits of this new offering, the show will be used to draw new audiences to local events and festivals such as Oktoberfest.

Project 2, *M.A.D. Camp* will benefit the students involved and the community by offering high quality artistic education in voice, acting and movement for stage. Historically, more than 20% of students come from outside Oconee County, e.g. Atlanta and Toccoa, Georgia; Summerville, South Carolina; and other students from Pickens County in 2008. Directors, drama and chorus teachers from all around the region are included in advance publicity for the Camp. The final performance for the last night of M.A.D. Camp is open to the public.

Project 3, *The Nutcracker* - Aside from the artistic and cultural benefits of the highly professional presentation of *The Nutcracker*, rehearsals are held several days a week for several months in Seneca. These rehearsals draw students and parents of typically more than half of the 60+ participants from outside of Oconee County. Many of these families eat at Oconee County restaurants, shop at Oconee County grocery stores and on Ramcat Alley several times per week while waiting for their children.

*The Nutcracker* draws an audience of over 2500, many of whom are from outside of Oconee and Pickens County. There is a survey underway to determine how many stay in hotels and in which counties. We know that some stay with family and some stay in hotels in Pickens and Oconee Counties. Though the data collection is not complete yet, there is information that tourists come from across South Carolina and as far away as Ohio, Texas, Virginia, North Carolina, Indiana and Louisiana to attend the show and eat out in either Oconee or Pickens County for the nights of the performances. Some of the restaurants named in Oconee County have been Fatz Cafe, Ye Olde Sandwich Shoppe, Ryan's and Copper River. The out-of-town guests also cite visits to Ramcat Alley and the Arts Co as a favorite activity.

## **IV. DATES OF PROJECT**

	Beginning	Ending
Project 1, <i>Peter and the Wolf</i>	Beginning Jan. '09	Ending TBD
Project 2, <i>M.A.D. Camp</i>	April '09	July 31 '09
Project 3, <i>The Nutcracker</i>	August '09	December '09

## V. APPLICANT CATEGORY

Government Entity; \_\_\_\_\_

Non-profit Organization; Incorporation date September 2001

Eleemosynary Organization under IRS Code: IRS # \_\_\_\_\_

Date of Determination Letter \_\_\_\_\_

## VI. DEMOGRAPHIC DATA

How will the project influence tourism in Oconee County?

All of these projects draw students, faculty and audiences from outside of Oconee County. These events bring tourists who stay, eat and shop in our county. These projects also support other efforts to enhance Oconee County's standing as a cultural and arts center. However, grant funding for advertising is necessary to support our efforts for outreach outside of the county.

How many visitors/participants attended the event last year and are anticipated this year?

	2008	2009
Project 1, <i>Peter and the Wolf</i>	NA	-2200 (to date)
Project 2, <i>M.A.D. Camp</i>	70	-35
Project 3, <i>The Nutcracker</i>	2486	-2600

How many of the visitors/participants were from beyond a 50 mile radius of Oconee County last year and are anticipated this year?

	2008	2009
Project 1, <i>Peter and the Wolf</i>	NA	-370
Project 2, <i>M.A.D. Camp</i>	4	-8
Project 3, <i>The Nutcracker</i>	-370	-450

*\*These figures are estimates based on limited data and informal surveying. Survey adopted now to determine figures for these statistics in 2009.*

How many overnight stays were created by this event last year and are anticipated this year?

	2008	2009
Project 1, <i>Peter and the Wolf</i>	NA	Not available
Project 2, <i>M.A.D. Camp</i>	2	-4
Project 3, <i>The Nutcracker</i>	*20	*25

*\*These figures are estimates based on limited data and informal surveying. Survey adopted now to determine figures for these statistics in 2009.*

How do you plan to advertise this event beyond a 50 mile radius of Oconee County?

If funds are available, we will advertise in such publications as Upstate Parent Magazine, Lake Living Magazine, The Greenville News, The Highlander, The Toccoa Record, The Elberton Star, Crossroads Chronicle, radio stations, website for FCPA, posters at retail locations, and on at least one banner or billboard outside of the County.

What other documentation can you provide demonstrating this event promotes Tourism in Oconee County? (i.e. photographs, letters from local chambers of commerce, restaurants, shop or accommodations owners)

We will provide copies of articles or advertisements from such publications as, Upstate Parent, The Anderson Independent, The Greenville News, The Elberton Star, Lake Living magazine and others that show that the effort certainly has been made in the past, and will continue to be made as funding permits, to draw in tourists from beyond the county.

We are now conducting a survey of all Nutcracker participants to determine where attendees hail from, where they stay and what they do (dining and tourist activities) while they are in our area. Thus far, anecdotal evidence and limited data suggests that though the event is held at the Brooks Center, quite a few guests stay in Oconee County, either with family or in hotels. Hometown information is retained and accessible for tickets that are purchased directly at the Brooks Center.

We also have rosters for our students/cast members participating in all projects showing their hometown location.

What records will be kept during this event to obtain the above demographic data? (i.e. guest logs, phone logs, accommodations contracts, website hits, advertising demographics)

- Guest surveys
- Ticket sale data
- Ticket sales will include collection of some advertising demographic data
- Registration information from The Nutcracker, M.A.D. Camp

## VII. AUDIT

Does your organization perform an independent audit? Yes \_\_\_ No X

Name of the Auditor \_\_\_\_\_

VIII. Will your project be using any funds from another group that received ATAX funds? No

*I have read the guidelines for the Oconee County Accommodations Grant Request and do hereby agree to comply with all rules and requirements. I understand failure to comply may result in a loss of funding for the project and that all information required for final reporting MUST be detailed when project is complete.*

A. Contact Name Amy Baxter Title President, FCPA  
Signature see hard copy Date 05/15/09 \*Revised for SC grant 5/21/09  
Address 161 Northshores Drive Seneca, SC 29672  
E-mail smilyfang@aol.com Fax No. NA  
Phone Number (s) (864) 882-5975

B. Alternate Contact Ginny Signo-Eck Title Artistic Director, FCPA  
Address 109 E. North First Street Seneca, SC 29672  
E-mail foothillsdance@ncrv.com Fax No. (864) 888-0300 (call first)  
Signature see hard copy Date 5/15/09  
Phone Number (s) (864) 888-0300

## Attachment Detailed Project Budgets

### FCPA Project 1 *Peter and the Wolf*

<b>Expenses</b>	
Set and Costumes	\$1,000
Choreography	\$ 700
Facility-Concert	\$ 800
Festival Fees	\$ 250
Advertising	\$ 200*
<b>Total Expenses</b>	<b>\$ 2,750</b>

### Proposed Allocation of Grant Funding

\*Requesting \$200 from Grant funding

**Project 1 Total Grant funding request \$200**

### FCPA Project 2

#### *M.A.D. Camp (Music, Acting, Dance Camp)*

<b>Expenses</b>	
Faculty Fees	\$ 4,000
Scholarships	\$ 1,800
Advertising	\$ 750*
Brochures	\$ 250
<b>Total Expenses</b>	<b>\$ 6,800</b>

\*Requesting \$500 from Grant funding

**Project 2 Total Grant funding request \$500**

### FCPA Project 3

#### *The Nutcracker*

<b>Expenses</b>	
Sets, Props, etc	\$ 2,600
Facility & stage labor	\$ 8,000
Sound	\$ 500
Choreography	\$ 5,000
Guest Artists	\$ 2,850
Travel	\$ 1,000
Posters, fliers, programs	\$ 2,450*
Advertising-Newspaper	\$ 500
Advertising-Radio	\$ 175
Banners	\$ 500
Permit	\$ 40
Concessions to sell	\$ 150
Photographer	\$ 500
Utilities	\$ 1,200
T-Shirts	\$ 900
Misc (make-up, post)	\$ 300
<b>Total</b>	<b>27,015</b>

\*Requesting \$800 from Grant funding

\*Requesting \$400 from Grant funding

\*Requesting \$125 from Grant funding

\*Requesting \$175 from Grant funding

**Project 3 Total Grant funding request \$1500**

### **Project Expenses**

**Grand Total \$36,565**

**Total Project Grant request \$2200**



**AGENDA ITEM SUMMARY  
OCONEE COUNTY, SC**

**COUNCIL MEETING DATE:** June 16, 2009  
**COUNCIL MEETING TIME:** 7:00 PM

**ITEM TITLE OR DESCRIPTION:**

Heritage Corridor Ambassadors Tour Sponsorship-\$1,000.

**BACKGROUND OR HISTORY:**

The Oconee PRT office has partnered with the South Carolina National Heritage Corridor and their group tour manager to offer a rolling classroom of tourism sites to create ambassadors for promoting tourism in Oconee County. These tours have been very successful as we have filled charter buses to capacity with the previous three tours. Four stops are currently being planned. Past tours have included stops at the Oconee Heritage Center, Russell House historic site, Stumphouse Tunnel, Walhalla Civic Auditorium, Jack Lombard's farm, Andrew Pickens Ranger Station, Bryson's Apple Orchard, Magnolia Manor, Oconee Heritage Center Satellite Museum in Westminster, Chau Ram Park, Seneca City Hall, Historic Ballenger House, Fish Hatchery, Old Pickens Church, Long Creek Academy, World of Energy, Oconee State Park and the Oconee Community Theatre.

**SPECIAL CONSIDERATIONS OR CONCERNS:**

The PRT Commission recommends expenditure from the 75% Local Accommodations Tax fund of \$1,000.00 to assist with the Heritage Corridor Ambassadors Tour August 17. This recommendation was approved by the PRT Commission March 20, 2009 by unanimous vote.

**COMPLETE THIS PORTION FOR ALL PROCUREMENT REQUESTS:**

Does this request follow Procurement Ordinance #2001-15 guidelines? Yes / No (review #2001-15 on Procurement's website)  
If no, explain briefly:

**STAFF RECOMMENDATION:**

Approval of expenditure of funds to host the Heritage Corridor Ambassadors Tour in May 2009.

**FINANCIAL IMPACT:**

The total cost of this project will not exceed \$1,000. The existing balance of the 75% fund is \$52,823.87.

**COMPLETE THIS PORTION FOR ALL GRANT REQUESTS:**

Are Matching Funds Available? Yes

If yes, who is matching and how much: Multiple sponsors being sought for complete funding

**ATTACHMENTS**

**Reviewed By/ Initials:**

\_\_\_\_\_  
County Attorney

\_\_\_\_\_  
Finance

\_\_\_\_\_  
Grants

\_\_\_\_\_  
Procurement

**Submitted or Prepared By:**

Phil Shirley, PRT Director

\_\_\_\_\_  
Department Head/Elected Official

**Approved for Submittal to Council:**

\_\_\_\_\_  
Kendra Brown, Interim Administrator

*Council has directed that they receive their agenda packages a week prior to each Council meeting, therefore, Agenda Items Summaries must be submitted to the Administrator for his review/approval no later than 12 days prior to each Council meeting. It is the Department Head / Elected Officials responsibility to ensure that all approvals are obtained prior to submission to the Administrator for inclusion on an agenda.*

*A calendar with due dates marked may be obtained from the Clerk to Council.*

**AGENDA ITEM SUMMARY  
OCONEE COUNTY, SC**

**COUNCIL MEETING DATE: June 16, 2009  
COUNCIL MEETING TIME: 7:00 PM**

**ITEM TITLE OR DESCRIPTION:**

ATAX grant request- South Carolina Apple Festival - \$9,600.00.00 for Radio/TV/Newspaper/Magazine Advertising to promote the South Carolina Apple Festival in September, 2009. Request approved in ATAX Committee on 04/27/09 by a unanimous vote. The original request was \$10,000.00; the grant was reduced to \$9,600.00 due to lack of funds.

**BACKGROUND OR HISTORY:**

State ATAX funds are received quarterly and 65% of those funds are Tourism Related funds that are to be disbursed as recommended by the ATAX committee and approved by County Council. All ATAX grant recipients are required by state law to turn in intermediate reports every 60 days to the progress of the grant and a final report upon completion of the grant. These reports are placed in the grant folder, which is kept active by the ATAX chairperson until the grant is considered complete, and then it is stored by the PRT office.

**SPECIAL CONSIDERATIONS OR CONCERNS:**

The South Carolina Apple Festival is held yearly in Westminster to promote the South Carolina apple heritage. The festival will be celebrating its 48<sup>th</sup> year and is one of the longest running festivals in the state of South Carolina. The Apple Festival brings visitors to Oconee County. There were 12,000-15,000 visitors to last year's festival.

**COMPLETE THIS PORTION FOR ALL PROCUREMENT REQUESTS:**

Does this request follow Procurement Ordinance #2001-15 guidelines? No-ATAX grant disbursement Issue#2601-15  
in Procurement's website.  
If no, explain briefly:

**STAFF RECOMMENDATION:**

Approval of ATAX grant request of \$9,600.00 to South Carolina Apple Festival.

**FINANCIAL IMPACT:**

Current ATAX fund balance is \$11,942.20. We have four ATAX requests this grant cycle. If all requests are approved by County Council, the remaining balance will be \$38.55.

**COMPLETE THIS PORTION FOR ALL GRANT REQUESTS:**

Are Matching Funds Available: Yes  
If yes, who is matching and how much: Apple Festival Committee.

**ATTACHMENTS**

South Carolina Apple Festival Grant Request

**Reviewed By/ Initials:**

\_\_\_\_\_ County Attorney

 Finance

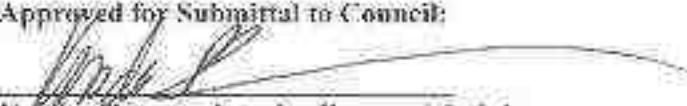
\_\_\_\_\_ Grants

\_\_\_\_\_ Procurement

Submitted or Prepared By:

Approved for Submittal to Council:

Phil Shirley - PRT Director  
Department Head/Elected Official

  
Kendra Brown - Interim County Administrator

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*A calendar with due dates marked may be obtained from the Clerk to Council.*



# OCONEE COUNTY ATAX GRANT APPLICATION FORM FOR TOURISM RELATED PROJECTS

## I. APPLICANT

- A. Name of Organization South Carolina Apple Festival
- B. Address P.O. Box 296 Westminster SC 29693

## II. FUNDS REQUESTED:

- A. ATAX Funds Requested \$10,000.00
- B. How will ATAX Funds be used? The funds will be used to pay for radio, television, newspaper advertising, and a new brochure to promote the South Carolina Apple Festival in September.
- C. Estimated percentage of costs directly attributed to attracting or serving tourists? 100%
- D. Funds furnished by your organization \$ \$4000  
 Matching grant \$ \_\_\_\_\_ Source \_\_\_\_\_  
 Other Funding \$ \_\_\_\_\_ Source \_\_\_\_\_
- E. Provide an itemized budget for your event and for allotted funds. **THIS IS REQUIRED**, attach on a separate sheet.

### III. NARRATIVE PROJECT DESCRIPTION

A. Project Title: South Carolina Apple Festival

B. Description of project: The South Carolina Apple Festival is held yearly in Westminster to promote the South Carolina Apple Heritage. The festival will be celebrating it's 49<sup>th</sup> year and is one of the longest running festivals in the state of South Carolina.

C. Who will benefit from this project? The residents will benefit from increased tax revenue that is spent while people are visiting. The store, restaurants, bed and breakfast inns, and gas stations enjoy increased revenue.

### IV. DATES OF PROJECT

Beginning September 8, 2009 Ending September 12, 2009

### V. APPLICANT CATEGORY

Government Entity \_\_\_\_\_

Non-profit Organization: Incorporation date 1961

Eleemosynary Organization under IRS Code: IRS # 52-1663016

Date of Determination Letter September 1, 1961

### VI. DEMOGRAPHIC DATA

How will the project influence tourism in Oconee County? The project always brings visitors to our area. Based on the 2008 zip code survey 327 people surveyed were from more than 50 miles away.

How many visitors/participants attended the event last year and are anticipated this year? 12,000 over the two day festival and the rodeo.

How many of the visitors/participants were from beyond a 50 mile radius of Oconee County last year and are anticipated this year? people surveyed were from beyond a 50 mile radius.

How many overnight stays were created by this event last year and are anticipated this year?

A total of 20 overnight stays were directly related to the South Carolina Apple Festival. This is based on the zip code survey done at the 2008 festival. The projection would be at least the same as last year. A survey will be conducted again this year.

How do you plan to advertise this event beyond a 50 mile radius of Oconee County?

Radio ads, Newspaper ads, a new brochure placed in the Welcome Centers, and Television ads.

What other documentation can you provide demonstrating this event promotes Tourism in Oconee County? (i.e. photographs, letters from local chambers of commerce, restaurants, shop or accommodations owners)

Letters of support from merchants and pictures from the 2008 Festival.

What records will be kept during this event to obtain the above demographic data? (i.e. guest logs, phone logs, accommodations contracts, website hits, advertising demographics) A survey of zip codes is done randomly on the streets each year

during the two day festival

## VII. AUDIT

Does your organization perform an independent audit? Yes  No

Name of the Auditor Fred Stutsman CPA

VIII. Will your project be using any funds from another group that received ATAX funds? No

*I have read the guidelines for the Oconee County Accommodations Grant Request and do hereby agree to comply with all rules and requirements. I understand failure to comply may result in a loss of funding for the project and that all information required for final reporting MUST be detailed when project is complete.*

A. Contact Name Danay Duncan Title President

Signature Danay Duncan Date 5-5-09

Address P.O. Box 206 Westminster SC 29693

E-mail \_\_\_\_\_ Fax No. \_\_\_\_\_

Phone Number (s) 864-647-7223

B. Alternate Contact Sandra Powell Title Board Member

Address P.O. Box 206 Westminster SC 29693

E-mail wpowell@nrcax.net Fax No 864-647-9645  
Signature Sandra B Powell Date 4-29-09

Phone Number (s) 864-647-5316 or 864-247-6838

Zip Code Information 2008 SCAP

Zip Codes	City	State	Stays
24112	Martinsville	VA	
27713	Durham	NC	
29341	Gaffney	SC	
29456	Ladson	SC	6 nights
29451	Monks Corner	SC	2 nights
29465	Jamesstown	SC	2 nights
29501	Florence	SC	1 night
29670	Abbeville	SC	
29644	Ft Inn	SC	
29646	Greenwood	SC	
29526	Conway	SC	1 night
29680	Simpsonville	SC	
29681	Simpsonville	SC	
29684	Starr	SC	
29692	Ware Shoals	SC	
29910	Bluffton	SC	3 nights
30357	Dallas	GA	
30506	Gainesville	GA	
30576	Bowersville	GA	
46077	Zionville	IN	5 nights

6

864-944-1464

Gerl M Hoswain

Feb 12 09 07:43p

Radio AT&T  
 WJSC - Greenville \$1900.  
 WSSL - Greenville \$2275.  
 WMYI - Greenville \$1000.  
 WBAT FREE

Total Radio \$6175.00

TV AT&T  
 CH 33 - WMTB \$4000

Total TV \$4000

Newspaper AT&T  
 Greenville News \$734.50

Total \$734.50

Festival News Papers  
 Where The Show Are \$25

Total \$25

Brochures  
 \$12.00

Total \$12.00

Local Ads Non-AT&T Funds  
 WGOG \$750.00

Total Budget 2009

1,390.25

SCAF 2009 Advertising Budget

Daily Journal \$500  
 Westminster News \$500



# Custom Audience Solution Proposal

4/30/09

Proposal: APPLE FESTIVAL 2009

Campaign Dates:

8/17/09 - 9/23/09

Customer: APPLE FESTIVAL @ PIMMETER II

Account #: 011780

Sales Rep: MICHELLE HENDERSON

Package #: 000005050

Order Description	Print Commit	Rev/Vol Commit	Reach	Color
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Publication: GREENVILLE NEWS LEXINGTON

SUNDAY, AUGUST 30, 2009	2,000 x 5,000		114,285	
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Order Description	Print Commit	Rev/Vol Commit	Reach	Color
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Publication: LINK DEFAULT

TUESDAY, AUGUST 25, 2009	2,000 x 5,000		96,714	3
TUESDAY, SEPTEMBER 01, 2009	2,000 x 5,000		96,714	3

Order Description	Print Commit	Rev/Vol Commit	Reach	Color
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Publication: UPSTATE MARKING DEFAULT

FRIDAY, AUGUST 28, 2009	2,000 x 5,000		87,524	
FRIDAY, SEPTEMBER 04, 2009	2,000 x 5,000		87,524	

Order Description	Print Commit	Rev/Vol Commit	Reach	Color
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Publication: TRIBUNE TIMES DEFAULT

WEDNESDAY, SEPTEMBER 02, 2009	2,000 x 5,000		34,330	1
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Order Description	Print Commit	Rev/Vol Commit	Reach	Color
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Publication: GREENVILLE NEWS ONLINE  
DEFAULT

FRIDAY, AUGUST 28, 2009	1,000 x 1,000		52,000	
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Reach: 428,454  
Original Cost: 734.50  
Package Discount: 00  
Total Investment: 734.50

Advertiser's failure to meet its obligations hereunder shall result in reversal of the savings herein. Payments will apply to promotional advertising first and contractual advertising thereafter. PDP inches and preprints are applied to contract fulfillment. All Custom Audience Solution revenue is not eligible for contract fulfillment rebates.

Signature \_\_\_\_\_

Date \_\_\_\_\_

Sales Rep: MICHELLE  
HENDERSON

Page 1 of 1

APPLE FESTIVAL 2009

# TAPSCAN

## ReachMaster Schedule Analysis

### SC Apple Festival 2009

GREENVILLE-SPARTANBURG EA08/SU08/SP08/WI08 (AVG) Maximizer METRO Survey Area 8/31/2009 - 9/6/2009	PERSONS 12+  Population/Inch: 848,800/7,647 1 Week Schedule Analysis
Using Maximizer METRO	

#### SCHEDULE DESCRIPTION

DAYPART	BS	* WKS	SPOTS	RATE	TOTAL COST	FREQ	CUME PERSONS	SPOT LENGTH
<b>WSSL-FM</b>								
M-F 6A-10A		1	5	\$90.00	\$450.00	1.5	74,100	:30
M-F 10A-3P		1	5	\$90.00	\$450.00	1.5	66,000	:30
M-F 3P-7P		1	5	\$90.00	\$450.00	1.5	70,500	:30
M-F 7P-12M		1	5	\$20.00	\$100.00	1.3	33,300	:30
M-F 6A-10A		1	5	\$45.00	\$225.00	1.5	74,100	:15
M-F 10A-3P		1	5	\$45.00	\$225.00	1.5	66,000	:15
M-F 3P-7P		1	5	\$45.00	\$225.00	1.5	70,500	:15
M-F 7P-12M		1	5	\$10.00	\$50.00	1.3	33,300	:15
M-F 9A-5P	25%	1	10	\$10.00	\$100.00	1.2	61,200	:05
TOTALS 8/31/09-9/6/09			50	\$45.50	\$2,275.00	3.8	120,600	

<b>WESC-FM</b>								
M-F 6A-10A		1	5	\$175.00	\$875.00	1.6	71,700	:30
M-F 10A-3P		1	5	\$175.00	\$875.00	1.6	70,500	:30
M-F 3P-7P		1	5	\$175.00	\$875.00	1.5	71,400	:30
M-F 7P-12M		1	5	\$20.00	\$100.00	1.3	36,100	:30
M-F 6A-10A		1	5	\$35.00	\$175.00	1.6	71,700	:15
M-F 10A-3P		1	5	\$35.00	\$175.00	1.6	70,500	:15
M-F 3P-7P		1	5	\$35.00	\$175.00	1.5	71,400	:15
M-F 7P-12M		1	5	\$10.00	\$50.00	1.3	30,100	:15
M-F 9A-5P	25%	1	10	\$10.00	\$100.00	1.3	69,300	:05
TOTALS 8/31/09-9/6/09			50	\$38.00	\$1,990.00	4.0	147,800	

<b>WMVI-FM</b>								
M-F 6A-10A		1	5	\$175.00	\$875.00	1.6	68,700	:30
M-F 10A-3P		1	5	\$175.00	\$875.00	1.6	63,800	:30
M-F 3P-7P		1	5	\$175.00	\$875.00	1.5	69,500	:30
M-F 7P-12M		1	5	\$30.00	\$150.00	1.3	31,900	:30
M-F 6A-10A		1	5	\$35.00	\$175.00	1.5	69,700	:15
M-F 10A-3P		1	5	\$35.00	\$175.00	1.6	69,800	:15
M-F 3P-7P		1	5	\$35.00	\$175.00	1.5	69,000	:15
M-F 7P-12M		1	5	\$20.00	\$100.00	1.3	31,900	:15
M-F 9A-5P	25%	1	10	\$10.00	\$100.00	1.2	62,000	:05
TOTALS 8/31/09-9/6/09			50	\$45.00	\$2,000.00	3.7	111,800	

NOTE: Includes buyout spots; ratings are weighted by the size of the spot and its associated program.

# TAPSCAN

## ReachMaster Schedule Analysis

### SC Apple Festival 2009

GREENVILLE-SPARTANBURG PAGES/SUNSPOTS/WTON (AVG) Max/Min/Sec METRO-Savney Area 8/31/2009 - 9/6/2009	PERSONS 12+  Population/Intns: 848,800/7,647 1 Week Schedule Analysis
Using Max/Min/Sec METRO	

#### SCHEDULE DESCRIPTION

DAYPART	BS	R	WKS	SPOTS	RATE	TOTAL COST	FREQ	CPME PERSONS	SPOT LENGTH
<b>WBZT-FM</b>									
M-F 6A-10A			1	5	\$0.00	\$0.00	1.3	13,000	:30
M-F 10A-3P			1	5	\$0.00	\$0.00	1.3	14,200	:30
M-F 3P-7P			1	5	\$0.00	\$0.00	1.4	15,100	:30
M-F 7P-12M			1	5	\$0.00	\$0.00	1.2	7,800	:30
M-F 5A-10A			1	3	\$0.00	\$0.00	1.3	13,000	:15
M-F 10A-3P			1	5	\$0.00	\$0.00	1.3	14,200	:15
M-F 3P-7P			1	5	\$0.00	\$0.00	1.4	15,100	:15
M-F 7P-12M			1	5	\$0.00	\$0.00	1.2	7,800	:15
M-F 8A-5P	25%		1	10	\$0.00	\$0.00	1.1	10,400	:05
<b>TOTALS 8/31/09-9/6/09:</b>				<b>50</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>2.0</b>	<b>26,600</b>	

#### SCHEDULE COMPUTATIONS: 1 Week PERSONS 12+ POPULATION: 848,800

STATION	SPOTS	RATE	TOTAL COST	FREQ	CPME PERSONS
WSSL-FM	50	\$45.00	\$2,275.00	3.3	120,000
WESC-FM	50	\$38.00	\$1,900.00	4.0	117,900
WNYI-FM	50	\$40.00	\$2,000.00	3.7	111,200
WBZT-FM	50	\$0.00	\$0.00	2.6	78,800
<b>TOTALS:</b>	<b>200</b>	<b>\$30.18</b>	<b>\$6,175.00</b>	<b>4.2</b>	<b>228,900</b>

Note: \* indicates the daypart's ratings are weighted by the station's station or representative output.

**Westminster Chamber of Commerce**

**From:** "Tiffney Photography" <info@tiffneyphotography.com>  
**To:** "Chamber Of Comm. Westminster" <wcco@nuvox.net>  
**Sent:** Wednesday, April 29, 2009 2:37 PM  
**Subject:** Your invoice

**Tiffney Photography**

**Order Summary**

**Order Date:** 6/27/2009  
**Order Due:**

**Invoice No.:** 290  
**Session No.:**

Chamber Of Comm. Westminster  
Westminster Chamber Of Commerce  
Westminster SC 29693

**Name:**  
**Work:**  
**Cell:**  
**E-mail:** wcco@nuvox.net

**Ordered Items**

Post	Description	Qty	Price	Subtotal	Discount	Amount
	Apple Festival Brochures 2,100 Gatefold, full color brochures. Includes design, photographs, and finished printed product delivered. Text to be provided. Electronic pdf proof to be approved before printing. 2 changes allowed without an additional charge.  Quote valid for 60 days.	1	1,150.00	1,150.00	0.00	1,150.00

**Payments**

Date	Method	No.	App Code	Amount	Total Sale	State Tax	Total	Payment	Balance
					1,150.00	60.00	1,210.00	0.00	1,210.00

**PROPOSAL**



**We are NORTHEAST GEORGIA**

**WNEG-TV**

UDARF MEDIA HOLDINGS, LLC

DATE: APRIL 30, 2009

802 E. Doyle St., Toccoa, GA 30577  
 Phone 706-886-0032 Fax 706-282-5001  
 fmartin@wneg32.com

**BILL TO** South Carolina Apple Festival  
 Westminster Chamber of Commerce  
 P. O. Box 306  
 Westminster, SC 29693

**COMMENTS**

DATE	DESCRIPTION	RATE	NUMBER	AMOUNT
Aug.-Sept. 07	Run of Schedule, Mon-Sun, 6 wks.	40.00	AG	\$3,200.00
	7pm, Sat, Billy Gilworth Show, 4 wks.	50.00	H	400.00
	10pm, Sat, Billy Gilworth Show, 4 wks.	50.00	B	400.00
<b>CURRENT</b>				<b>TOTAL AMOUNT</b>
				\$4,000.00

REMITTANCE	
Acct. Manager:	Freeman Martin
Phone:	706-886-0032
Fax:	706-282-5001
Cell:	706-244-9450

Please make all checks payable to WNEG-TV.  
**THANK YOU FOR YOUR BUSINESS!**

# Statement

## Where The Shows Are!!!

PO Box 434  
 Edgewater, FL 32132  
 386-428-0173  
 fax@ama:create.com

Date
4/23/2009

To:
South Carolina Apple Festival Sandra Powell PO Box 206 Westminster, SC 29693

Amount Due	Amount Enc.
\$25.00	

Date	Transaction	Amount	Balance												
08/30/2008	Balance forward		0.00												
01/21/2009	INV #14064, Due 01/21/2009 -- Listing - SF, 1 @ \$25.00 = 25.00 -- Tax: Florida State Sales Tax @ 6.5% = 0.00	25.00	25.00												
<table border="1"> <thead> <tr> <th>CURRENT</th> <th>1-30 DAYS PAST DUE</th> <th>31-60 DAYS PAST DUE</th> <th>61-90 DAYS PAST DUE</th> <th>OVER 90 DAYS PAST DUE</th> <th>Amount Due</th> </tr> </thead> <tbody> <tr> <td>0.00</td> <td>0.00</td> <td>0.00</td> <td>0.00</td> <td>25.00</td> <td>\$25.00</td> </tr> </tbody> </table>		CURRENT	1-30 DAYS PAST DUE	31-60 DAYS PAST DUE	61-90 DAYS PAST DUE	OVER 90 DAYS PAST DUE	Amount Due	0.00	0.00	0.00	0.00	25.00	\$25.00		
CURRENT	1-30 DAYS PAST DUE	31-60 DAYS PAST DUE	61-90 DAYS PAST DUE	OVER 90 DAYS PAST DUE	Amount Due										
0.00	0.00	0.00	0.00	25.00	\$25.00										



AGENDA ITEM SUMMARY  
OCONEE COUNTY, SC

COUNCIL MEETING DATE: June 16, 2009  
COUNCIL MEETING TIME: 7:00 PM

**ITEM TITLE OR DESCRIPTION:**

ATAX grant request- Blue Ridge Arts Council in the amount of 676.02 for advertising the Annual Members Art Show. This request was approved in ATAX Committee meeting on 04/27/09 by unanimous vote.

**BACKGROUND OR HISTORY:**

State ATAX funds are received quarterly and 65% of those funds are Tourism Related funds that are to be disbursed as recommended by the ATAX committee and approved by County Council. All ATAX grant recipients are required by state law to turn in intermediate reports every 60 days to the progress of the grant and a final report upon completion of the grant. These reports are placed in the grant folder, which is kept active by the ATAX chairperson until the grant is considered complete, and then it is stored by the PRT office.

**SPECIAL CONSIDERATIONS OR CONCERNS:**

The Annual Members show is an opportunity for BRAC to encourage artists from our membership to join in the annual exhibition of the best of Blue Ridge Arts. Better advertising will draw more artists to the show and to membership in BRAC. This in turn will attract a larger number of visitors to view the show at the gallery. The publicity will open a door for art enthusiasts to discover what Oconee County has to offer.

**COMPLETE THIS PORTION FOR ALL PROCUREMENT REQUESTS:**

Does this request follow Procurement Ordinance #2001-15 guidelines? No-ATAX grant disbursement (view form on Procurement's website)

If no, explain briefly:

**STAFF RECOMMENDATION:**

Approval of ATAX grant request of \$676.02 to the Blue Ridge Arts Council. This amount represents 15% of the budget for this event which relates to the percentage of tourist it has drawn in the past.

**FINANCIAL IMPACT:**

Current ATAX fund balance is \$11,942.20. We have four ATAX requests this grant cycle. If all requests are approved by County Council, the remaining balance will be \$38.55

**COMPLETE THIS PORTION FOR ALL GRANT REQUESTS:**

Are Matching Funds Available: Yes

If yes, who is matching and how much: Seneca HAT \$1,285.00

Oconee Arts and Historical Commission \$507.50

**ATTACHMENTS**

Blue Ridge Arts Council Grant Request

**Reviewed By/ Initials:**

\_\_\_\_ County Attorney

\_\_\_\_ Finance

\_\_\_\_ Grants

\_\_\_\_ Procurement

**Submitted or Prepared By:**

Phil Shirley - PRT Director  
Department Head/Elected Official

**Approved for Submittal to Council:**

Kendra Brown - Interim County Administrator

*Council has directed that they receive their agenda packages a week prior to each Council meeting, therefore, Agenda Items Summaries must be submitted to the Administrator for his review/approval no later than 12 days prior to each Council meeting. It is the Department Head / Elected Officials responsibility to ensure that all approvals are obtained prior to submission to the Administrator for inclusion on an agenda.*

*A calendar with due dates marked may be obtained from the Clerk to Council.*

## OCONEE COUNTY ATAX GRANT APPLICATION FORM FOR TOURISM RELATED PROJECTS

### I. APPLICANT

A. Name of Organization Blue Ridge Arts Council

B. Address 111 E. South Second St., Seneca, SC 29678

### II. FUNDS REQUESTED

A. ATAX Funds Requested \$ 676.02

B. How will ATAX Funds be used? ATAX funds will be used to enhance participation in the Annual Members Art Show at the Blue Ridge Arts Center, opening July 17, 2009. Advertisement throughout the region in a variety of media; a portion of the design, printing and mailing of call for entry, show cards, and printing of the exhibition catalog.

C. Estimated percentage of costs directly attributed to attracting or serving tourists? 15%

D. Funds furnished by your organization \$ 2,500.00 Entry Fees\*

Matching grant \$ -0- Source \_\_\_\_\_

Other Funding \$ 1,285.00 Source: Seneca HAT  
\$ 507.50 O.C. Arts & Historical Commission

\*Members Show Entry Fees \* are intentionally kept low to enable more members on fixed or assisted incomes to participate.

E. Provide an itemized budget for your event and for allotted funds. **THIS IS REQUIRED**, attach on a separate sheet.

### III. NARRATIVE PROJECT DESCRIPTION

#### A. Project Titles: Annual Members Art Show

**B. Description of projects:** The Annual Members show provides an opportunity for BRAC artist members, of all levels of accomplishment, to exhibit their art work. This popular event attracts fellow regional artists, families, friends and visitors. The event runs during the peak vacation season and provides an attraction for the tourists. BRAC also promotes other organizations and attractions in the area such as BRAC's exhibit at the HAM Festival at Duke's World of Energy which runs simultaneously with the Member show. Advertising will combine promotion of all events.

**C. Who will benefit from this project?** The entire county can benefit from the interest generated by advertising two simultaneous exhibits. BRAC and its artist members can also benefit from increased sales, membership and donations as a result of this promotional event.

### IV. DATES OF PROJECT

Beginning: July 17, 2009 Ending: September 10, 2009

### V. APPLICANT CATEGORY

Government Entity: \_\_\_\_\_

Non-profit Organization: Incorporation date 1970

Electrosynary Organization under IRS Code: IRS #23-7360169

Date of Determination Letter October 1974

### VI. DEMOGRAPHIC DATA

**How will the project influence tourism in Oconee County?** Increased advertising for the show will attract new visitors to Oconee County. The publicity will open a door for art enthusiasts to discover what Oconee County has to offer, as visitors coming to the gallery will be exposed to the Historic downtown area of Seneca and the natural wonders of our county. The Center's lobby will have

brochures available to all visitors, highlighting upstate activities. These visitors will also patronize restaurants, lodging, and shops in the county.

How many visitors/participants attended the event last year and are anticipated this year? 2008 = 411; 2009 = 473 (15% increase is possible due to rescheduling of the event to the peak vacation (or day-cation) season.)

How many of the visitors/participants were from beyond a 50 mile radius of Oconee County last year and are anticipated this year? 2008 = 47 (10%); 2009 = 71 (15%)

How many overnight stays were created by this event last year 2008 = 10 and are anticipated this year 2009 = 25

How do you plan to advertise this event beyond a 50 mile radius of Oconee County?

State-wide media press releases, Sandlapper Mag., Greenville News, Anderson Independent, Golden Corner, Lake Living, Mag., & Carolina Arts Mag (N. & S. Carolina), other state-wide magazines and Southeastern publications, and BRAC website & links

What other documentation can you provide demonstrating this event promotes Tourism in Oconee County? (i.e. photographs, letters from local chambers of commerce, restaurants, shop or accommodations owners)

BRAC attendance log, advertising will be designed to include website response coding for tracking effectiveness of ads to the target audience.

What records will be kept during this event to obtain the above demographic data? (i.e. guest logs, phone logs, accommodations contracts, website hits, advertising demographics)

BRAC attendance log, website hits and audience responses, community meetings

## VII. AUDIT

Does your organization perform an independent audit? Yes X No       

Name of the Auditor Peter Cooke, Retired CPA, (Volunteer Auditor)

VIII. Will your project be using any funds from another group that received ATAX funds? Seneca HAT

*I have read the guidelines for the Oconee County Accommodations Grant Request and do hereby agree to comply with all rules and requirements. I understand failure to comply may result in a loss of funding for the project and that all information required for final reporting MUST be detailed when project is complete.*

A. Contact Name Bess Ciupak Title Executive Director

Signature *Bess Ciupak* Date May 8, 2009

Address 111 E. South Second St., Seneca, SC 29678

E-mail office@blueridgeartscenter.com FAX (864) 882-2722

Phone Number (s) (864) 882-2722

B. Alternate Contact Cindy Blair Title BOD Secretary

Address 111 E. South Second St., Seneca, SC 29678

E-mail office@blueridgeartscenter.com FAX (864) 882-2722

Signature *Cindy Blair* Date May 8, 2009

Phone Number (s) (864) 882-2722



ANNUAL MEMBERS SHOW 2009  
BUDGET

A	B	C	D	E	F	G	H
DESCRIPTION	BYAC EXPENSES	OCATAX GRANT REQUEST		Ref. Quotes		OC A&M	SENECA HATT maximum
1							
2	Peoples Choice Awards	\$ 200.00					
3	Reception	\$ 260.00					
	Total						
4	Printing / Postage:						
5	Call for entries/addressed/postage 15%	\$ 812.62	\$ 121.98	\$ 812.62	Print-It		\$ 532.00
6	Postcards/addressed/postage 15%	\$ 361.47	\$ 72.29	\$ 361.47	Print-It		\$ 297.50
7	Programs 15%	\$ 325.00	\$ 65.00	\$ 325.00	Print R		\$ 286.00
8	Posters 15%	\$ 21.70	\$ 4.34	\$ 21.70	BYAC		\$ 25.00
9	Total Printing						
10	Ads						
11	Greenville	\$ 388.00				\$ 388.00	
12	Anderson Inv'd	\$ 285.00	\$ 285.00				
13	Caroline Arts	\$ 127.50		July	CA	\$ 127.50	
14	**	\$ 127.50	\$ 127.50	August	CA		
15	Lake Leno	\$ 500.00		July August		\$ 500.00	
16	Daily Journal	\$ 150.00					\$ 150.00
17	Total Printing/Advertising						
18	TOTAL BUDGET	\$3,540.79	\$ 676.02			\$1,007.50	\$ 1,450.00
19	OCATAX GRANT APPLICATION REQUEST						
20							



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http://www.printit.com

**BLUE RIDGE ARTS COUNCIL**  
111 E SOUTH 2ND STREET  
SENECA, SC 29678

February 25, 2008  
Quote #: 10810  
Tel: (804) 882-2722  
Fax: -  
Page: 1 of 2

Contact: BESS CIUPAK

Quantity	Description	Sub-Total
500	Postcards - 4x6 POSTCARDS White 10 pt. Carolina C1S Copies On 4x6 2 Side To 2 Side, UnCoated 200 Copies	188.47
		75.00
		50.00
		63.47
		222.64
500	Postcards - 5.4 x 8.5 POSTCARDS NO BLEEDS White 10 pt. Carolina C1S Copies On 5.5 x 8.5 2 Side To 2 Side, UnCoated 250 Copies	269.01
500	Postcards - 5.5 x 8.5 POSTCARDS W BLEEDS White 10 pt. Carolina C1S Copies On 5.5 x 8.5 2 Side To 2 Side, UnCoated 250 Copies	634.67
500	Brochures - CALL FOR ENTRIES - 8.5 x 11 White 65# Cover Cougar Copies On 8.5 x 11 2 Side To 2 Side, UnCoated 500 Copies	643.62
500	Brochures - CALL FOR ENTRIES - 8.5 x 14 White 70# Accent Opaque Text SMOOTH Copies On 8.5 x 14 2 Side To 2 Side, UnCoated 1,010 Copies	75.00
		43.12
		46.00
		305.89
500	Program - PROGRAM COVER - COLOR White 65# Cover Cougar Copies On 8.5 x 11 1 Side To 1 Side, UnCoated 283 Copies	69.38
500	Program - PROGRAM COVER - BW White 65# Cover Cougar Copies On 8.5 x 11 1 Side To 1 Side, UnCoated 505 Copies	

361.17

Address  
Mail  
Tax

312.62

Address  
Mail  
Tax

305.89  
+ 6.70  
= 312.59



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Seneca, SC 29679  
Ph 854-832-660  
Fax 854-832-7778  
www.printitcolor.com

BLUE RIDGE ARTS COUNCIL  
111 E SOUTH 2ND STREET  
SENECA, SC 29678

February 25, 2009  
Quote #: 19618  
Tel: (854) 852-2722  
Fax: -  
Page 2 of 2

Contact: BESS GIUPAK

Quantity	Description	Sub-Total
✓	12 POSTER - COLOR POSTERS - NO BLEEDS White 70# Accent Opaque Text SMOOTH Copies-On 11 x 17 1 Side To 1 Side, Uncolored 12 Copies	20.48 +6% 21.70
✓	500 Mailers - ADDRESS DELIVER TO POST OFFICE	75.00 +6% 79.50



1376-102 Tiger Blvd,  
 P.O. Box 767  
 Clemson, SC 29633  
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 Fax 864-654-7443  
 www.epprint.com  
 sales@epprint.com

**Proposal 9717**

**Date: 03/25/09**

**Bess Clupak**  
**Blue Ridge Arts Council**  
**111 E. South Second Street**  
**Seneca SC 29678**

Ship To:

< Same as Bill To >

Deliver

Acct. No	Ordered By	Phone	Fax	P.O. No	Prepared By	Sales Rep	Price
371	Bess Clupak				Deborah	House	
Quantity	Description						Price
500	4 x 6 Post Card- Color Front Paper Cover Coated Kromekote 10 PT C1S 6 x 4 Print One Side						175.00
500	4 x 6 Post Card-Black Back Paper Cover Coated Kromekote 10 PT C1S 6 x 4 Print One Side						57.00
500	5 x 8 Post Card- Color Front Paper Cover Coated Kromekote 10 PT C1S 8 x 5 Print One Side						175.00
500	5 x 8 Post Card-Black Back Paper Cover Coated Kromekote 10 PT C1S 8 x 5 Print One Side						57.00
50	✓ Poster--8.5 x 11 Paper Cover Coated 80# Mac Gloss Cover 8.5 x 11 Print One Side						33.00
50	✓ Poster--11 x 14 Paper Cover Coated 80# Mac Gloss Cover 11 x 14 Print One Side						64.00
250	✓ Programs Paper Cover 65# Cougar Cover 8.5 x 11 Print One Side						150.00
<p>Received by <u>No capability to address mail</u> Date _____</p>							
Terms	Subtotal	Shipping	Postage	Tax	Total		
C.O.D.	711.00	0.00	0.00	49.77	760.77		

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**ADVERTISING  
INVOICE and STATEMENT**

BILLING PERIOD		ADVERTISER/CLIENT NAME	
04/01/2009 - 04/30/2009		Blue Ridge Arts Center	
TOTAL AMOUNT DUE	TOTAL TO CARRIER	OFFICE USE ONLY	
\$1,201.50	\$0.00	N30	
CURRENT NET AMOUNT DUE	ISSUES	PAGES	COPIES PRINTED
\$1,201.50	\$0.00	50.00	\$0.00

STATEMENT NUMBER	ISSUE	BILLING DATE	DUPLICATE ACCOUNT NUMBER	ADVERTISER/CLIENT NAME
110668	1	04/30/2009	38118	38118

RELATED ACCOUNT NAME AND ADDRESS

Blue Ridge Arts Center  
111 East South 2nd Street  
SENEGA, SC 29678

ISSUE/PAGE REFERENCE

Anderson Independent-Mail  
Dept 689049  
Knoxville, Tennessee 37695-8049

03100110668001201500

PLEASE DETACH AND RETURN UPPER PORTION WITH YOUR REMITTANCE

DATE	ISSUE/DESCRIPTION	DESCRIPTION - OTHER CHARGES/STIPENDS	DUPLICATE BILLING DATE	ISSUE/CH DATE	DISCOUNT	STATEMENT
03/01		Previous Balance				0.00
04/23	Ad #279353	Art Opening	3 x 5.1			260.50
	Order #57098	Independent-Mail	15.1		17.50	22.50
		3 Colors				
04/25	Ad #278775	Open Studio Tour	inserts			916.00
	Order #56892	Independent-Mail	23.500		38.00	
04/23	Ad #279364	Art Opening	3 x 5.1			0.00
	Order #57086	Internet	15.1			0.00
		3 Colors				1,201.50
04/30		Balance Due				

**STATEMENT OF ACCOUNT** (AMOUNTS OF PAID DUE AMOUNTS)

CURRENT NET AMOUNT DUE	ISSUES	PAGES	OVER PAGES	UNAPPLIED PAGES	TOTAL AMOUNT DUE
\$1,201.50	\$0.00	\$0.00	\$0.00	\$0.00	\$1,201.50

**independent** NEWS

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Billing Inquiries (864) 256-1203 or (800) 853-6397

(UNAPPLIED AMOUNTS ARE INCLUDED IN TOTAL AMOUNT DUE)

STATEMENT NUMBER	BILLING PERIOD	DUPLICATE ACCOUNT NUMBER	ADVERTISER/CLIENT NAME	ADVERTISER/CLIENT NAME
110668	04/01/2009 - 04/30/2009	38118	38118	Blue Ridge Arts Center

*Quote verified*

Shoestring Publishing 2009  
Carolina Arts  
P.O. Box 427  
Bonneau, SC 29431  
843/825-3408

Customer Statement

Date

4/27/09

Blue Ridge Arts Council #18900  
111 East South Second St  
Seneca, SC 29678

Invoice #	Date	Reference / Ad Size	Debit	Credit	Balance
IN1389	4/27/09		210.00		210.00

Thanks for your support!  
Please think of us before the 25th.  
Payment Due Upon Receipt, Past Due on the 25th.

0-20 Balance	30+ Balance	60+ Balance	90+ Balance	Total Balance
210.00	0.00	0.00	0.00	210.00

AGENDA ITEM SUMMARY  
OCONEE COUNTY, SC

COUNCIL MEETING DATE: June 16, 2009  
COUNCIL MEETING TIME: 7:00 PM

**ITEM TITLE OR DESCRIPTION:**

ATAX grant request - Blue Ridge Arts Council in the amount of 426.63 for advertising the Heritage, Arts, and Music Festival. This request approved in ATAX Committee meeting on 04/27/09 by unanimous vote.

**BACKGROUND OR HISTORY:**

State ATAX funds are received quarterly and 65% of those funds are Tourism Related funds that are to be disbursed as recommended by the ATAX committee and approved by County Council. All ATAX grant recipients are required by state law to turn in intermediate reports every 60 days to the progress of the grant and a final report upon completion of the grant. These reports are placed in the grant folder, which is kept active by the ATAX chairperson until the grant is considered complete, and then it is stored by the PRT office.

**SPECIAL CONSIDERATIONS OR CONCERNS:**

ATAX funds will be used to enhance participation in the second annual "Heritage, Arts and Music" Festival (HAM). ATAX funds will be used to enhance participation an upcoming off-site exhibit at Duke Energy. The second annual Heritage, Arts and Music Festival (HAM) will be a celebration of the history, arts and music unique to this area. BRAC's goal is to encourage attendance from communities more than 50 miles away. Advertisements throughout the region in a variety of media, the design, printing and mailing of invitations, show cards, printing of the exhibition catalog, and advertising for the opening reception will be included in the funded activities.

**COMPLETE THIS PORTION FOR ALL PROCUREMENT REQUESTS:**

Does this request follow Procurement Ordinance #2001-15 guidelines? No-ATAX grant disbursement [see #2001-15 on Procurement's website]

If no, explain briefly:

**STAFF RECOMMENDATION:**

Approval of ATAX grant request of \$426.63 to the Blue Ridge Arts Council. This amount represents 20% of the budget, which relates to the percentage of tourist in the past to this event.

**FINANCIAL IMPACT:**

Current ATAX fund balance is \$11,942.20. We have four ATAX requests this grant cycle. If all requests are approved by County Council, the remaining balance will be \$38.55

**COMPLETE THIS PORTION FOR ALL GRANT REQUESTS:**

Are Matching Funds Available: Yes

If yes, who is matching and how much: Seneca HAT \$435.00

Oconee Arts and Historical Commission \$507.50

**ATTACHMENTS**

Blue Ridge Arts Council Grant Request

**Reviewed By/ Initials:**

\_\_\_\_\_  
County Attorney

 \_\_\_\_\_  
Finance

\_\_\_\_\_  
Grants

\_\_\_\_\_  
Procurement

**Submitted or Prepared By:**

Phil Shirley - PRT Director

Department Head/Elected Official

**Approved for Submittal to Council:**

 \_\_\_\_\_  
Nendra Brown - Interim County Administrator

*Council has directed that they receive their agenda packages a week prior to each Council meeting, therefore, Agenda Items Summaries must be submitted to the Administrator for his review/approval no later than 12 days prior to each Council meeting. It is the Department Head/Elected Officials responsibility to ensure that all approvals are obtained prior to submission to the Administrator for inclusion on an agenda.*

*A calendar with due dates marked may be obtained from the Clerk to Council.*



## OCONEE COUNTY ATAX GRANT APPLICATION FORM FOR TOURISM RELATED PROJECTS

### I. APPLICANT

- A. Name of Organization Blue Ridge Arts Council
- B. Address 111 E. South Second St., Seneca, SC 29678

### II. FUNDS REQUESTED

- A. ATAX Funds Requested: \$ 426.63

How will ATAX Funds be used? ATAX funds will be used to enhance participation in an upcoming off-site exhibit presented by the Blue Ridge Arts Council at Duke's World of Energy. The third annual Heritage, Arts & Music Festival "HAM" will be a celebration of the history, arts and music unique to this area. It is our goal to encourage viewers' attendance from communities more than 50 miles away from Oconee County. Advertisement throughout the region in a variety of media, the design, printing and mailing of invitations, show cards, printing of the exhibition catalog, and advertising for the opening reception will be included in the funded activities.

- B. Estimated percentage of costs directly attributed to attracting or serving tourists? 20%

- D. Funds furnished by your organization: 131.54

Matching grant \$ -0- Source

Other Funding: \$507.50 Source: O.C. Arts & Historical Commission  
\$435.00 Seneca HAT

Provide an itemized budget for your event and for allotted funds. **THIS IS REQUIRED**, attach on a separate sheet.

### III. NARRATIVE PROJECT DESCRIPTION

A. Project Title: Heritage, Arts & Music Festival "HAM"

B. Description of project: BRAC & Duke are partnering for the third year to provide entertainment and/or cultural offerings during the 40<sup>th</sup> anniversary celebration of Duke Energy. The opening reception on Thursday, July 9<sup>th</sup> will feature an invitational art exhibit depicting the history of the region as seen through the eyes of our many fine photographers.

On Saturday, July 11<sup>th</sup>, the day will be devoted to families and children. Included in the festivities will be music, storytelling; BRAC will provide a "Make It and Take It" for the kids and artist demonstrations. Refreshments will also be available. All events are free to the public.

Increased advertising throughout South Carolina will draw residents, visitors and vacationers to the World of Energy for the festivities. This, in turn, will attract larger crowds of visitors to Oconee County where they will discover the beauty of the area along with many other attractions.

C. How will the project influence tourism in Oconee County?

The date for the HAM Festival has been moved from "football" season to mid summer to attract vacationers and residents who will be enjoying the outdoors.

By again partnering with Duke Energy, BRAC is able to provide two simultaneous exhibits, HAM and the annual Member Show, which is one of our most popular exhibits showcasing the works of all BRAC artists regardless of their level of accomplishment. Visitors who would normally visit the World of Energy will be introduced to the quality artwork provided by BRAC and be drawn to the show at the BRAC gallery. BRAC guests will be encouraged to view the exhibit at The World of Energy and enjoy the HAM festival. BRAC will promote both venues simultaneously, thereby increasing the number of visitors from both the local area as well as from afar. These visitors will utilize restaurants, lodging, and shops in the county.

### IV. DATES OF PROJECT

Beginning July 9<sup>th</sup>, 2009 Ending August 7, 2009

**V. APPLICANT CATEGORY**

Government Entity: \_\_\_\_\_

Non-profit Organization: Incorporation date 1970

Eleemosynary Organization under IRS Code: IRS # 23-7360169

Date of Determination Letter October 1974

**VI. DEMOGRAPHIC DATA**

How will the project influence tourism in Oconee County? This unique event will stimulate new interest and attract additional visitors to BRAC and Duke's World of Energy. In addition visitors will be made aware of other participating art partners, which may stimulate an interest in visiting their locations. The publicity will open a door for art enthusiasts to discover what Oconee County has to offer; as visitors coming to the gallery will be exposed to the historic downtown area of Seneca and the natural wonders of our county. The Center's lobby will have brochures available to all visitors, highlighting upstate activities. These visitors will also patronize restaurants, lodging, and shops in the county.

How many visitors/participants attended the event last year and are anticipated this year? "HAM" 2007 = 1521, "HAM" 2008 = 1,340 visitors over the month long event.

How many of the visitors/participants were from beyond a 50 mile radius of Oconee County last year and are anticipated this year? 2007= 26%; 2008 = 250 (18%)

How many overnight stays were created by this event last year and are anticipated this year? 26%; 18-20%

How do you plan to advertise this event beyond a 50 mile radius of Oconee County?

Websites including BRAC, Duke, the Mt. Lakes Convention Visitors Bureau, Greenville News, Anderson Independent, Lake Living Magazine, Sandlapper Magazine, Carolina Arts publication, Arts Daily, (website of SCAC)

What other documentation can you provide demonstrating this event promotes Tourism in Oconee County? (i.e. photographs, letters from local chambers of commerce, restaurants, shop or accommodations owners) Attendance Logs

What records will be kept during this event to obtain the above demographic data? (i.e. guest logs, phone logs, accommodations contracts, website hits, advertising demographics) Records for demographic data include guest logs, website hits and phone contacts.

## VII. AUDIT

Does your organization perform an independent audit? Yes  No

Name of the Auditor Peter Cooke

VIII. Will your project be using any funds from another group that received ATAX funds? Yes, City of Seneca's Hospitality & Accommodations Tax

*I have read the guidelines for the Oconee County Accommodations Grant Request and do hereby agree to comply with all rules and requirements. I understand failure to comply may result in a loss of funding for the project and that all information required for final reporting MUST be detailed when project is complete.*

A. Contact Name: Bess Ciupak Title: Executive Director

Signature  Date May 8, 2009

Address 310 Lake Winds Ct., Seneca, SC 29672

E-mail ciupaks@aol.com Fax No. (864) 882-2722

Phone Number (s) 864-710-8366

B. Alternate Contact: Cindy Blair Title: Secretary

Address 738 Old Seneca Road, Central, SC 29630

E-mail jincmaven@bellsouth.net Fax No. 864-868-2878

Signature  Date May 8, 2009

Phone Number (s) 864-868-2878 or 864-973-3921 (cell)

HERITAGE, ARTS AND MUSIC FESTIVAL  
BUDGET

A	B	C	D	E	F	G	H
DESCRIPTION	BRAC EXPENSES	OCATAX GRANT REQUEST		Reference	Ref		OCATAX & SEMECW. HISTORICAL Maximum
1							
2	Click-off weekend						
3							
4	Printing / Postage:						
5	Postcards / postage / tax - 500 @ 20%	\$ 361.47	\$ 72.29	361.47	Print It		
6	Programstax (500 Recycled) @20%	\$ 325.00	\$ 65.00	325.00	Print It		\$ 265.00
7	Posters @20%	\$ 21.70	\$ 4.34	21.70	PRINT IT		
8	Total Printing						
9	Ads						
10	Greenville News	\$ 380.00				\$ 380.00	
11	Anderson Independent	\$ 285.00	\$ 285.00		Invoice		
12	Lake Living						
13	Carolina Arts	\$ 127.50				\$ 127.50	\$ 150.00
14	Daily Journal						
15	Total Advertising						
16	TOTAL BUDGET	\$1,500.67				\$ 507.50	\$ 435.00
17	OCATAX GRANT APPLICATION REQUEST		\$426.63				
18							



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BLUE RIDGE ARTS COUNCIL  
111 E SOUTH 2ND STREET  
SENECA, SC 29678

February 25, 2009  
Quote #: 10610  
Tel: (864) 882-2722  
Fax: -  
Page: 1 of 2

Contact: BESS CIUPAK

Quantity	Description	Sub-Total
500	Postcards - 4x6 POSTCARDS White 10 pt. Carolina C1S Copies On 4x6 2 Side To 2 Side, UnCollated 200 Copies	186.47
		75.00
		30.00
		30.00
		20.00
		361.47
500	Postcards - 5.5 x 6.5 POSTCARDS NO BLEEDS White 10 pt. Carolina C1S Copies On 5.5 x 6.5 2 Side To 2 Side, UnCollated 250 Copies	232.84
500	Postcards - 5.5 x 8.5 POSTCARDS W. BLEEDS White 10 pt. Carolina C1S Copies On 5.5 x 8.5 2 Side To 2 Side, UnCollated 250 Copies	269.01
500	Brochures - CALL FOR ENTRIES - 8.5 x 11 White 65# Cover Cougar Copies On 8.5 x 11 2 Side To 2 Side, UnCollated 500 Copies	634.67
500	Brochures - CALL FOR ENTRIES - 8.5 x 14 White 70# Accent Opaque Text SMOOTH Copies On 8.5 x 14 2 Side To 2 Side, UnCollated 1,018 Copies	843.82
		75.00
		48.00
		46.00
		308.89
500	Program - PROGRAM COVER - COLOR White 65# Cover Cougar Copies On 8.5 x 11 1 Side To 1 Side, UnCollated 253 Copies	69.38
500	Program - PROGRAM COVER - BW White 65# Cover Cougar Copies On 8.5 x 11 1 Side To 1 Side, UnCollated 505 Copies	69.38

Address  
Mail  
Tax

3126.2  
843.82  
75.00  
48.00  
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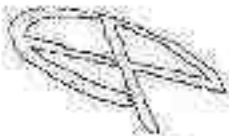
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## Proposal 9717

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50	✓ Poster--11 x 14 Paper Cover Coated 80# Mac Gloss Cover 11 x 14 Print One Side					64.00
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04/01/2009 - 04/30/2009		Blue Ridge Arts Center	
TOTAL ADVERTISER	TOTAL AD AMOUNT	TERMS OF PAYMENT	
\$1,201.50	\$0.00	N30	
CURRENT AD AMOUNT DUE	TAXES	ADTYPE	ADVERT DATES
\$1,201.50	\$0.00	\$0.00	60-00

STATEMENT NUMBER	PAGE#	BILLING DATE	ADVERTISER ACCOUNT NUMBER	ADVERTISER CONTACT NUMBER
110668	1	04/30/2009	38118	28138

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03/31		Previous Balance				0.00
04/01	Ad #278855 Order #57090	Art Opening Independent-Mail 3 Colors	3 x 5 1/2 15 1/2	1 17.50		262.50 22.50
04/28	Ad #278775 Order #56892	Open Studio Tour Independent-Mail	Inserts 23.500 7	1 30.00		918.50
04/23	Ad #279354 Order #57096	Art Opening Inserts 3 Colors	3 x 5 1/2 15 1/2	1		0.00 0.00
04/30		Balance Due				1,201.50

**STATEMENT OF ACCOUNT** (CILING OF PAST DUE AMOUNTS)

CURRENT AD AMOUNT DUE	TAXES	TOTAL	PAID AMOUNTS	UNPAID AD AMOUNT	TOTAL AMOUNT DUE
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STATEMENT NUMBER	BILLING PERIOD	ADVERTISER INFORMATION			
		ADVERTISER ACCOUNT NUMBER	ADVERTISER CONTACT NUMBER	ADVERTISER NAME	
110668	04/01/2009 - 04/30/2009	38118	28138	Blue Ridge Arts Center	



DEPARTMENT OF THE ARMY  
SAVANNAH DISTRICT, CORPS OF ENGINEERS  
100 W. OGLETHORPE AVENUE  
SAVANNAH, GEORGIA 31401-3643

April 20, 2009

Real Estate Division

SUBJECT: Lease No. DAC W31-1-82-1930, Oconee County, South Carolina, Hartwell Project

Mr. Dale Surret  
Oconee County Administrator  
415 South Pine Street  
Walhalla, South Carolina 29691

Dear Mr. Surret:

I am writing in reference to the meeting held with U.S. Army Corps of Engineers (Corps) personnel on February 18, 2009, concerning the subject expired lease between the Corps and Oconee County. This lease expired on June 30, 2007, and provided for County operation of various public recreation areas (eight total sites) located within Oconee County on Hartwell Lake.

In the above referenced meeting, you requested the Corps furnish additional information associated with the continued leasing of these areas. I will address each of your concerns/requests below.

One area of concern you raised is that of the Americans with Disabilities Act (ADA) requirements. Our leasing process required that the County accept the recreation areas with existing improvements when the lease was initiated in the early 1980's. We realize that none of these parks, because of construction dating back to the late 1950's to early 1960's, meet current ADA requirements. If Oconee County chose to renovate or add facilities, then the new facilities should be ADA compliant. Citizens of Oconee County currently have ADA compliant access areas located at Lawrence Bridge, Fair Play, Cokeross and Oconee Point recreation areas.

Another item you asked for clarification on regarded the Corps' inspection procedures. We realize the cost burden placed on surrounding counties that operate and maintain these park facilities. Therefore, when we perform required area and facility inspections, we historically concentrate on safety and sanitation issues. Per your request, I have enclosed a typical form used during the inspection process.

You also inquired as to the Corps' policy regarding tree cutting in areas operated and maintained by Oconee County. As a maintenance issue, we would expect the lessee to trim/remove trees if they pose a potential safety or operational hazard. If there is a large scale tree problem such as insect damage, the Corps would handle any removal and/or sale of the timber through a bid-type contract.

In the meeting you inquired as to the possibility of the Corps leasing directly to a subdivision to operate and maintain parks historically leased by Oconee County. We do not enter into public park and recreation leases with private entities. If Oconee County wishes to entertain a sublease (sublease must be approved by the Corps) with a private subdivision to operate and maintain a park, we would be receptive to that idea.

You also asked about an "exit clause". Condition 12 of the lease in question states, "This lease may be relinquished by the lessee at any time by giving to the Secretary of the Army, through the District Engineer, at least 30 days' notice in writing."

The issue as to whether or not Oconee County will continue to lease these sites has been ongoing for quite some time now. We cannot continue to allow the parks to remain open indefinitely without a current lease between Oconee County and the Corps. There is also a sublease agreement between Oconee County and Foxwood Hills Property Owners Association, Inc., associated with this lease that has also expired. Therefore, I request that the County reach a decision regarding the lease by June 30, 2009. If the County chooses not to lease these parks, given the current inventory of Corps managed recreation areas, we plan to close these eight sites. While we realize the importance of keeping the parks available for public use, our regulations severely restrict our options regarding the operation and maintenance of these areas if the lease is relinquished.

A copy of this letter has been forwarded to Congressman J. Gresham Barrett, 439 Cannon House Office Building, Washington, DC 20515. If you have any questions, please do not hesitate to contact Mr. Virgil Hobbs, Hartwell Project Manager, at (706) 856-0301, or Ms. Diane Hudson, Chief, Management & Disposal Branch, at (912) 652-6124.

Sincerely,



Ralph J. Werthmann  
Chief, Real Estate Division

Enclosure

## COMPLIANCE INSPECTION CHECKLIST

Yes No N/A

Yes No N/A

Yes No N/A

Yes No N/A

Yes No N/A

Yes No N/A

Yes No N/A

### Buildings/Structures

Roof/Ceiling Damage \_\_\_\_\_  
 Floor Damage/Slippage \_\_\_\_\_  
 Paint Peeling \_\_\_\_\_  
 Ceiling Required \_\_\_\_\_  
 No Fire Extinguisher or \_\_\_\_\_  
 Empty/Out of Date \_\_\_\_\_

### Grounds

Dead trees \_\_\_\_\_  
 Erosion \_\_\_\_\_  
 Debris/Litter/Trash \_\_\_\_\_  
 Grass needs mowing \_\_\_\_\_

### Electrical

GFI outlets needed \_\_\_\_\_  
     Docks \_\_\_\_\_  
     Restrooms \_\_\_\_\_  
     Kitchen \_\_\_\_\_  
 Outlet/Light covers \_\_\_\_\_  
 missing \_\_\_\_\_  
 Open breaker box spaces \_\_\_\_\_  
 or missing panel doors \_\_\_\_\_

### Plumbing

Illegal wastewater lines \_\_\_\_\_  
 Supply/wastewater line repairs required \_\_\_\_\_

### Electrical Certification

### Water Certification (Well)

### Sanitary Systems Certification (Septic Tank)

### Financial Statement

### Insurance Verification

### Americans with Disabilities Act Statement (ADA)

### Rental Up-To-Date

### Docks

"No Smoking" signs needed in the \_\_\_\_\_  
 fuel dock area \_\_\_\_\_  
 Boards \_\_\_\_\_  
     Rotter \_\_\_\_\_  
     Warped \_\_\_\_\_  
 Damaged anchor cable \_\_\_\_\_  
 Docks anchored to trees \_\_\_\_\_  
 Loose nails/screws \_\_\_\_\_  
 Electrical cords present \_\_\_\_\_  
 Dock boxes (illegal storage/lock) \_\_\_\_\_  
 Tripping hazards present \_\_\_\_\_  
 Covered dock repairs needed \_\_\_\_\_  
 Fish Cleaning (no containment) \_\_\_\_\_

### Storage

Flammables unmarked \_\_\_\_\_  
 Illegal storage of flammables \_\_\_\_\_  
 Illegal storage of chemicals \_\_\_\_\_  
 Fuel/Oil/Chemical spills \_\_\_\_\_  
 "No Smoking" signs needed \_\_\_\_\_

### Restaurant

Business License (Copy) \_\_\_\_\_  
 Health Dept Cert (Copy) \_\_\_\_\_  
 Liquor License (Copy) \_\_\_\_\_  
 Beer/Liquor signs present \_\_\_\_\_  
 (Not allowed) \_\_\_\_\_



**MISC:**

Road \_\_\_\_\_  
Parking Areas \_\_\_\_\_  
Bulletin Boards (Programs Displayed, etc.) \_\_\_\_\_

**PRIOR CHECK BEFORE INSPECTION:**

- \_\_\_\_\_ Review Office Files (Lease)
- \_\_\_\_\_ Review Previous or Most Recent Copy of Compliance Inspection Reports (Take Copy)
- \_\_\_\_\_ Review Other Pertinent Files
- \_\_\_\_\_ Actions Transpired Since Last Inspection
- \_\_\_\_\_ Annual Management Plan: (Is it Current) if Applicable
- \_\_\_\_\_ Subleases

**QUESTIONS/ISSUES TO ADDRESS DURING INSPECTION:**

- \_\_\_\_\_ Any new buildings built in last year (MUST BE APPROVED PRIOR TO CONSTRUCTION)
- \_\_\_\_\_ Check for Exclusive or Private uses (Quasi-Lease)
- \_\_\_\_\_ Any new development or program proposed
- \_\_\_\_\_ Is site being used specifically for park and recreational purposes
- \_\_\_\_\_ Address any issue not corrected from last inspection

**PRIVATE CLUB LEASES ONLY:**

- \_\_\_\_\_ Are boat repair services being done on leased site (NOT PERMITTED)
- \_\_\_\_\_ What programs and activities does the club have
- \_\_\_\_\_ How large a group does the site serve

**ISSUES TO ADDRESS/REQUESTS:**

Map of Area \_\_\_\_\_  
Subleases \_\_\_\_\_  
Copy of Health Department Certificate \_\_\_\_\_

**NON-TRANSIENT:**

- None at Hartwell
- Located at Thurmond

**AGENDA ITEM SUMMARY  
OCONEE COUNTY, SC**

**COUNCIL MEETING DATE: 6-16, 2009  
COUNCIL MEETING TIME: 7:00 PM**

**ITEM TITLE OR DESCRIPTION:**

South Cove County Park Electronic Gate request

**BACKGROUND OR HISTORY:**

County Council requested at a recent committee meeting to research alternatives to allow egress for those fishing beyond 11pm and allow easier operational procedures for gate opening/closure at South Cove Park. The initial request was to move the existing manual gate to a different location and allow 24 hour access to the boat ramp. This presents concerns of leaving a large area that includes the gate house, fee collection device, fishing pier and the tennis courts unsecured at night. My recommendation is to utilize local ATAX funds and PRT grant matching funds in the existing budget to install a new electronic gate at the entrance to South Cove. The PRT Commission unanimously supported this request at the May 28, 2009 meeting, but did not vote due to not having the budget quote at that time.

**SPECIAL CONSIDERATIONS OR CONCERNS:**

This gate would include features to allow for free egress, timer for automatic opening and closing that would allow early entry for fishing tournaments, keypad entry for those camping that work late and for emergency purposes.

**COMPLETE THIS PORTION FOR ALL PROCUREMENT REQUESTS:**

Does this request follow Procurement Ordinance 42001-15 guidelines? Yes / No (per Ordinance 42001-15 on Procurement's website).  
If no, explain briefly: Yes

**STAFF RECOMMENDATION:**

Staff recommends approval of an expenditure of up to \$13,000.00 to install an electronic gate at South Cove County Park. This is an approved expenditure of local atax funds as described in SC 6-1-530. Specs are being completed now and three quotes will be received with the award going to the lowest quote that meets the spec.

**FINANCIAL IMPACT:**

This project will not exceed \$13,000.00 with half the funds coming from the PRT Commission's 75% portion of the Local Accommodations Tax Fund with a 50% match from PRT grant match line item 010-202-99999 in the current budget. Current fund balance in the 75% Local Accommodations Tax is \$32,825.87.

**COMPLETE THIS PORTION FOR ALL GRANT REQUESTS:**

Are Matching Funds Available: Yes  
If yes, who is matching and how much: PRT- 50% of lowest quote

**ATTACHMENTS**

**Reviewed By/ Initials:**

\_\_\_\_\_ County Attorney

\_\_\_\_\_ Finance

\_\_\_\_\_ Grants

\_\_\_\_\_ Procurement

**Submitted or Prepared By:**

**Phil Shirley - PRT Director**  
Department Head/Elected Official

**Approved for Submittal to Council:**

**Kendra Brown - Interim County Administrator**

*Council has directed that they receive their agenda packages a week prior to each Council meeting, therefore, Agenda Items Summaries must be submitted to the Administrator for his review/approval no later than 12 days prior to each Council meeting. It is the Department Head / Elected Officials responsibility to ensure that all approvals are obtained prior to submission to the Administrator for inclusion on an agenda.*

*A calendar with due dates marked may be obtained from the Clerk to Council.*

**Beth Hulse**

**From:** Phil Shirley  
**Sent:** Monday, June 01, 2009 12:52 PM  
**To:** Beth Hulse  
**Cc:** Sean McGuffee; Rec Cobb, High Falls Park  
**Subject:** FW: Oconee County-Past dialogue with Surrency concerning badges

Please see information below from Adam Artigliere with the County Attorney's office regarding the use of badges and the concerns that come into play with non Law Enforcement Officers. Our Park Rangers are very professional, definitely understand what their authority limitations are regarding custodial arrest and always will call the Sheriff's office for assistance when they can't verbally handle a situation. Per Adam's comments below, this looks to be a County judgement call. Oconee County Park Rangers have had oval badges since the 1980's as far as I can tell and I request Council consider reinstating them as part of their uniform. Thank You!

*Phil Shirley*

Director of Parks, Recreation & Tourism  
 Oconee County, South Carolina

415 South Pine Street  
 Walhalla, SC 29691  
 (864) 868-1488  
 (864) 868-1489-Fax  
 pshirley@ococonesc.com  
 www.experienceoconee.com

**From:** Artigliere, Adam [mailto:AArtigliere@McNair.net]  
**Sent:** Monday, June 01, 2009 11:14 AM  
**To:** Phil Shirley  
**Cc:** Martin, Tom  
**Subject:** RE: Oconee County-Past dialogue with Surrency concerning badges

Phil-

We have reviewed the below and the information you attached. Thank you for getting us this information. We have also sought out various legal and practical viewpoints regarding whether park rangers and other non-law enforcement officers (LEO) should wear badges.

Throughout South Carolina, there are many fire departments, emergency services operations, and other non-LEO entities that issue badges. From a legal standpoint, the black-letter law regarding badges is limited. The South Carolina Code of Laws, 1976, as amended states as follows:

**SECTION 23-15-140. Badges for sheriffs and deputy sheriffs.**

- (A) The purpose of this section is to provide for uniformity among sheriffs and deputy sheriffs, and to aid the public in identifying a sheriff and deputy sheriff.  
 (B) A badge that consists of or incorporates the shape of a five-pointed or six-pointed star with a replica of the Great Seal of South Carolina inscribed in its center is the official badge to be worn by all sheriffs and deputy sheriffs throughout the State.  
 (C) It is unlawful for a person who is not a sheriff or deputy sheriff to present himself as such by wearing or presenting the official badge described in subsection (A).  
 (D) A person who violates the provisions of this section, upon conviction, must be fined not more than one hundred dollars, or imprisoned not more than thirty days.

From a practical standpoint, however, the issuance of badges is a judgment call. Although the former administrator stated some valid concerns regarding the granting of authority and liability, simply wearing a badge may not automatically create a clear-cut higher standard of care for the County. If the County decides to have badges for non-LEO employees, those employees should understand that the badge does not give them more authority and should not be used by the employee to imply they have authority that they do not have, namely the authority of custodial arrest. Practically speaking, the park ranger should never under any circumstances intimate that he or she has some authority that he or she does not have, whether a badge is used or not. Such behavior could likely cause a dangerous situation and create liability for the County.

I have also heard the argument that having the badge without the firearm may endanger the employee. Similar to above, the counter-argument is that the danger is not created by the message the badge may convey to the public, but whether an individual uses that badge improperly. Therefore, if given a badge, the employee should understand the responsibilities involved and should act accordingly.

It is not illegal for a non-LEO to wear a badge, so long as the badge does not offend S.C. Code, Section 23-15-140, 1976, as amended. Nevertheless, there are obviously differing points of view as to what liability or danger may be caused by issuance of a badge on one hand or what protection may be created on the other hand. Whether or not badges are issued to any employees is a judgment call to be made by the County.

I hope the above information helps you present this to the next Oconee County Administrator. Please let me know if you have any questions or comments.

Regards,  
Adam

PS- Since the question concerned the wearing of badges, I did not analyze the bulk of the document regarding the Park Policies and Procedures, so I am not offering any guidance in that regard. I did note the changes that were made by Mr. Surrett in the draft of the employee handbook, and I do not disagree with some of the changes he made regarding use of force. Again, I was not reviewing the document from that angle. In general, however, the policies should comport with the County-wide employee handbook with regard to job descriptions and other employee rules (if it does not already). You do not want a situation where you are creating different employee rules for different departments, besides the obvious differences in responsibilities (the clerk at the Auditor's office will have different responsibilities than the park ranger, etc.).

 McNair.org

Adam R. Artigliere  
Associate  
sartigliere@mcnair.net

McNair Law Firm, P.A.  
Anderson Office 500 South McDuffie Street | Anderson, SC 29524  
864 226 1588 Main | 864 225 6438 Fax  
Mailing Post: Office Box 4088 | Anderson, SC 29622  
VCard | Bio URL | Web site

-----Original Message-----

**From:** Phil Shirley [mailto:pshirley@oconeesc.com]  
**Sent:** Tuesday, May 26, 2009 2:27 PM  
**To:** Artigliere, Adam  
**Subject:** Oconee County-Past dialogue with Surrett concerning badges

Adam,

I've copied and pasted the emails below that dealt with the badge issue. You'll see that this was more than a badge issue. Dale did not think our Park Rangers should have any type of weapon or badge and was using every route to try and take them away. I've also attached our approved policy and procedure manual and the draft version that Mr. Surrett made changes to. The majority of the items that Dale marked through were recommended by Robert Benfield with SCAC. If you need further info, please let us know. If in your

opinion we can get those badges back for Class A or B uniform, I'll need to get Council to approved adding that back to our manual. Thanks.

**From:** Phil Shirley  
**Sent:** Monday, April 21, 2008 2:49 PM  
**To:** Dale Surratt  
**Cc:** Sean McGuffee; Rec Cobb; High Falls Park  
**Subject:** PRT

In reference to our conversation Friday, I would like you to entertain a conversation with the Park Supt's and myself concerning your thoughts about no badges, duty belts or blue lights and the reasoning for wanting to omit them? PRT has progressed a long way over the years to where it is today and there is a really good track record of success. Our Park Rangers are very professional in customer service and enforcement issues. We are currently caught in a spot where we have just enough authority to make it dangerous on the employee. Park Rangers can share information of how unsecure it was to the employee and the park patrons prior to there being any enforcement at all other than calling the Sheriff's office. The parks are much more family oriented when a deterrent is present. It provides a sense of security, as well as a necessary mode of enforcement. I'd like to schedule with Stephanie some time this week if possible. Thanks.

*Phil Shirley*  
Director  
Oconee County Parks, Recreation & Tourism

Phil,

I don't mind meeting with the group but make sure you have all the angles researched on the commissions and authorities as well as laws covering the carry/use of the weapons and blue lights.

The parks are just a reflection of society around us and I am not comfortable exposing employees to situations without the proper authority or training. I am not in support of a "bluff" approach or a false sense of security. Improper use of force/weapons can lead to tremendous liability to the County and to the individual employee's personal assets. It can very quickly rise to the level of a Federal Civil Rights Violation.

Coordinate with Stephanie when you are ready.

Dale

**From:** Phil Shirley  
**Sent:** Tuesday, April 22, 2008 9:08 AM  
**To:** Dale Surratt  
**Cc:** Sean McGuffee; Rec Cobb; High Falls Park  
**Subject:** RE: PRT

OK. Thanks. I am going to bring you a copy of Ordinance 97-6, the Ordinance that commissioned and appointed the Park Rangers as Code Enforcement officers by County Council. The Park Rangers who are wearing badges and enforcing these rules, appearing before the magistrate and dealing with the public, which are the Park Supt's and the Ranger II position have all satisfied the training requirements set forth in this document and are set for a training session this Thursday with the Sheriff's office training dept for upgrades and refresher courses on defensive tactics, the mindset of use of force, the baton and its uses and the subject control spray. The Park Rangers that have not satisfied this training call upon the Supt's when they need to for enforcement. I feel taking the badge away is a major step backwards and is putting our staff in an even bigger liability of being a commissioned Code enforcement officer with no badge for



verification or a deterrent. I spoke with Brad Norton when I first came aboard with the County to better understand that Ordinance and he explained that the County Council can commission as many Code enforcement officers as they deem necessary as long as we have the training required, which we do. I'm going to revisit with him to check again. Thanks.

Phil Shirley  
Director  
Oconee County Parks, Recreation & Tourism

Under Section V of the ordinance it mentions (3) Other certified law enforcement training courses as approved by County Council. Do you have documentation that this approval occurred?

Dale

We could not find any documentation in past minutes of Council approval of the Code Enforcement class. Attorney Brad Norton remembered the class and said that would have been something the supervisor would have approved. Dale told me that if we didn't have it in writing, the training never happened, even though we have the material and certificates to show it took place. Dale then told me we needed to attend the South Carolina Criminal Justice Academy for the Special Limited Duty class as described in the Ordinance for him to be satisfied that we've met the training requirements.

Phil,

Here are the dates and here is the link to the forms that you will need <http://www.sccja.org/Default.aspx?m=2&t=144>. This first link on that page <http://www.sccja.org/forms/101006/Doc%204%20Reg.pdf> tells you what other forms you will need to bring to registration.

You will need to have the Council approve the custodial arrest authority via changing the ordinance as well as putting together a set of procedures and having them approved. Call Robert Benfield with the Association of Counties (800) 922-6081 and tell him you want a use of force policy for less than lethal weapons used for defensive purposes only. He can give you some direction.

You need to consider which positions will be required to carry county issued weapons. After you make the determination, my position will be one chance - "no pass - no job". I want all badges removed until they complete the police academy. After the academy they can display badges while on duty. No carrying the badge in wallets. No purchasing of personal badges. Don't order any clothing in the future that has a badge emblem that is not assigned to a certified position. Certified or not, I don't want any term used in reference to the positions but park rangers. No use of police, officer, enforcement, code enforcement, military ranks, etc. that will give the appearance of law enforcement. No carry of personally owned weapon items such as sprays, batons, stun guns, hand cuffs, metal flashlights, etc.

In addition, I want you to order these covers for the blue lights to be used when they are off the park property [http://www.galls.com/google/style.html?assort=general\\_catalog&style=LB276](http://www.galls.com/google/style.html?assort=general_catalog&style=LB276).

Dale

Phil and the group,

See below.

Dale

---

**From:** Phil Shirley  
**Sent:** Thursday, June 12, 2008 12:45 PM  
**To:** Dale Surrent  
**Cc:** Terry Wilson; oannbm@bellsouth.net; Steven Jenkins; Curtis Rogers; Sean McGuffee; Rec.Cobb; High



Falls Park; Ann Leopard

**Subject:** Parks

I have met with Brad Norton and the Sheriff's office regarding the training of our Park Rangers, the procedures and protocol we are currently following and the understanding of authority the Park Rangers have.

Brad Norton suggested a simple fix that Council retroactively pass by resolution the training from 2001 to be accepted for compliance with Ordinance 97-6. I recommend we still pursue Basic Ltd duty training as you suggested, but this will protect us for sure with the Ordinance. He is to talk to you today and wants to bring it up tomorrow to clean that up (I don't see a need for the resolution based on Brad's interpretation that no training is needed by state law.)

The Sheriff's office agreed that we understood our role and that in their opinion, the procedures we are following are acceptable without overstepping our authority. The Sheriff's office is to prepare a memo of the meeting for you, Brad Norton and to file. In both meetings, it was thought necessary that the Park Ranger, acting as a Code Enforcement officer needed a badge. I would like to ask permission for Park Rangers to wear those badges while in their jurisdiction. (They are park rangers and I want them seen as that. I am uncomfortable with the badges because with the duty belt, baton, and spray they make them appear to be custodial law enforcement officers.) They would remove them from their duty belt when out of the park areas. (I do want those duty belts removed when they leave the park property. There is no need to wear a baton and pepper spray while off the park.) It was also discussed that instead of having an out of service Velcro cover that would have to be put on every time the car left a park, that we change the lenses from blue to green. (I am fine with the green.) You may want to add "Park Ranger" labeling to all of the park vehicles.) This should be a very minimal cost. With your permission, I would like to pursue having motor pool change those out. Upon your consideration of these items, I'll finalize the policy wording I have worked up and send to you. Thanks.

Again, focus the efforts on obeying basic park rules. If someone cannot obey the rules, ask them to leave the park. If they refuse to leave, walk away and call the Sheriff's Office. If someone feels that they were asked to leave for a petty or improper matter, then they should contact the Park Admn. office on the next working day.....DS

**From:** Phil Shirley

**Sent:** Thursday, August 07, 2008 9:53 AM

**To:** Dale Surrent

**Subject:** RE: academy

I had a good discussion with Robert Benfield this morning from SCAC. I sent him our Code Enforcement Ordinance. He said the easiest thing to do would be just to modify the existing Sheriff's Dept. Use of Force Policy, but he is going to pull some other use of Force Policies together from around the state and do some research for us and would like to come up and meet with us in the future. He asked about the academy. I told we were going to work to amend the ordinance to attend. He suggested during the training and completion of the academy, we should consider Tasers for our Rangers. I'll keep you informed, and I'll have you an AIS before the next Council meeting. Thanks.

*Phil Shirley*

Appreciate you getting Robert's input. The issue I see with the use of force is that traditional use of force policy hinges on obtaining compliance to a command. In our case it is only self defense and the first step in self defense is to retreat. I am a supporter of Tasers but not for our situation because we are going to retreat in a bad situation and call for LE.

DS

**From:** Phil Shirley

**Sent:** Tuesday, September 16, 2008 2:25 PM  
**To:** Dale Surratt  
**Cc:** Beth Hulse  
**Subject:** Park Rangers Use of Force

Dale,

Attached is the section of the proposed employee manual dealing with Park Rangers and Use of Force policy for 2<sup>nd</sup> reading of Ordinance 2008-15 next Tuesday. Council requested to see these guidelines before moving forward. I've taken out all the Ordinances so not to waste paper when Council looks at it but left the table of contents in so they could see what would be included in the manual.

The Use of Force Policy is set up per your recommendations of Self Defense Only. Please review to make sure I've covered everything that needs to be covered. Should I forward to Brad for his review or will you do that?

I'm also including below the initial responses from Lt. Chuck Giordano, Training Coordinator for the Oconee Sheriffs Office and Robert Benfield, Risk Manager for the South Carolina Association of Counties. Both have reviewed this policy. The PRT staff, as well as Chuck and Robert have liability concerns on how this is set up and whether or not there would be additional liability concerns for the County and the employee. The Park Rangers don't want to be law enforcement, but they do want the appropriate policy to cover them if they ever have to defend themselves.

It is my opinion and recommendation that self defense should be the only reason for utilizing any weapons and that Park Rangers should not exercise any authority including custodial arrest for compliance, but retreat and call the Sheriff's office. However, for liability protection in the policy, I believe that custodial arrest should not be completely banned, but be allowed upon physical assault of a Park Ranger or park occupants when disengaging is not possible. The Park Rangers would continue to act as they do today and still retreat on non compliant subjects in order to have the Sheriff's office as the agency to handle compliance issues. This allows guidelines to control the use of enforcement but does allow the Park Ranger to be able to exercise custodial arrest not as a compliance measure but as a last resort of protection. If you and/or Council consider this option, we will of course have to change the wording of the Use of Force policy to show these guidelines.

*Robert Benfield's response...*

Phil,

I hope you are doing well. I apologise for not responding earlier. I have been on the road conducting training for the past week.

I have reviewed the attached document. As we discussed, I have several concerns regarding the language and techniques/weapons available for the park rangers. While I am not an attorney, I do believe that the County could incur some liability if a violent incident occurred within the park, particularly at night when the gate is locked, and the park ranger on duty was not adequately trained and equipped to protect the park occupants.

I believe that sending the park rangers to the Criminal Justice Academy is a wise move and I commend your efforts for making this possible. I do believe that once the park rangers have been trained and certified that they be permitted to carry the ASP Baton, Pepper Spray, and Taser. Of course, it is up to the County to make this determination.

I believe that your attached policy is a good start.

I have attached the Horry County Detention Center Policy and Procedures manual for your review. You may find the policies on Use of Force #24 #11 interesting. They cover many of the topics you discussed and expand on decontamination of suspects, use of force reporting, and other issues.

While the language is geared toward inmates, you may be able to modify sections to apply to your situation.

We are conducting training today off site and I will be out of the office until late this afternoon. I will try to do some more research and contact you tomorrow.

Talk with you soon.

Best regards,  
RR

Chuck Giordano's response...

I am not a lawyer but there appears to be some issues. These officers are going to be commissioned by the county and certified by the state, but if they observe a crime in progress, such as an assault at a campground, will not be allowed to take action (Liability to county?). If they can or do intervene they will not be properly equipped to handle a deadly force encounter (liability to county?). Personal and liability protection for the officers?

One of the main things I have learned about policy is to try to make it mirror the law as much as possible. If the law allows you to do certain things but policy further restricts you there is a gray area of legally permissible but government restricted activities. This seems to be where employees have difficulty deciding what to do and opens up potential liability areas for all concerned.

I do not have the answer for your situation but I will try to get a look at your policy, I just skimmed it quickly earlier.

Chuck

Phil,

Why does this have more than self defense? Level 2 mentions soft hand techniques for control, Level 3 using force when they are resisting arrest, Level 5 is deadly force. Where did you pull this text from? It looks like a full law enforcement use of force policy.

DS

Phil/Brad,

Take a look at this version.

DS

**From:** Phil Shirley  
**Sent:** Friday, October 03, 2008 11:00 AM  
**To:** Dale Surrent  
**Cc:** Beth Hulse; brad norton; Amy E. Wilson  
**Subject:** RE: PRT Ordinance

Section n-6 means that if a Ranger is issuing a citation and can do so with a park user with no problems, then they should be able to do so without calling the Sheriff's office. This allows them to ask for identification in order to write a citation. I believe Park Rangers should continue to be able to issue citations when necessary as described in the Ordinance.

I only have two concerns with the revisions...

- 1) These revisions are in line with your thoughts from the beginning, which I understand. Per your direction, I sought advice from Robert Benfield and Chuck Giordano in writing this policy and in doing so, some liability concerns were discussed thus prompting us to add some additional items in there such as leaving custodial arrest in the policy for use only if physically attacked and adding a taser to their less lethal weapons. **If Brad is ok with the revisions you have made from a liability standpoint, I'm fine with it.** The emails from Robert and Chuck are below for Brad's reference.
- 2) I recommend that after successful training through the academy these Rangers should be able to wear their PRT badge.

Phil

I am not sure CC is going to be supportive of any weapons

If you take Benfield's point of view we should have someone patrolling 24/7. His liability angle is that we have a park and so we *could be* sued because of something happening to a patron. It is too broad. I could take Giordano's angle and sue the Sheriff because someone died in a car wreck from speeding because they don't focus 100% of their resources towards traffic enforcement or someone dies from a drug overdose and the Sheriff does not focus 100% of their resources on drug enforcement.

The training they receive at the SCCJA will relate to the legal background of making court cases and presenting them in court. They won't learn how to separate a domestic, go tactically dynamic for offensive combat or detect the likelihood that someone is intoxicated and may become agitated.

No badges.....they are not the police.

DS

Ordinance 2008-15 was passed October 21, 2008 to amend Ordinance 97-6 and allow our attendance to Class III certification at the SCCJA. The academy requested this change to the ordinance for attendance, then after it was changed to d.us we could not attend because we were not a law enforcement agency.

**From:** Phil Shirley  
**Sent:** Monday, December 01, 2008 10:04 AM  
**To:** Dale Surrent  
**Subject:** SCCJA

I spoke with Brandy Duncan, legal counsel at the SCCJA this morning, as well as with Robert Benfield concerning our attendance for Class III certification. Brandy explained we needed to be able to show that 51% of our time is spent in litter control functions and that our job descriptions should also state that. She explained for liability, if we can't show we spend an average of 51% of our time on litter control, then we are not certifiable under state statute. I explained to her our operating functions and what type of items we handle and when we ask for Sheriff's assistance.

Our indicators don't show that we spend anywhere close to 51% of our time in litter control. We show about 35% in Law Enforcement and 20-30% in maintenance during the season, but off season it switches to mostly maintenance. I would not feel comfortable making any type of change to our current description if we can't show it. Robert will be back in the office on Thursday and says he will meet with the academy again because he too understood that we would be good to register for this class.

How would you recommend we proceed?

*Phil Shirley*

It appears that SCCJA believes that these positions do not qualify. If that position prevails, I will remove the betons and spray from those positions.

DS

This was Dale's last email regarding badges and our attendance to the academy before being fired. If you have questions after you review, please call. Thanks!

*Phil Shirley*

Director of Parks, Recreation & Tourism  
Oconee County, South Carolina

415 South Pine Street  
Walhalla, SC 29691  
(864) 888-1488  
(864) 888-1489-Fax  
[pshirley@oconeesc.com](mailto:pshirley@oconeesc.com)  
[www.experienceoconee.com](http://www.experienceoconee.com)

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AGENDA ITEM SUMMARY  
OCONEE COUNTY, SC

COUNCIL MEETING DATE: June 16, 2009  
COUNCIL MEETING TIME: 7:00 PM

**ITEM TITLE OR DESCRIPTION:**

- 1) Award the first one (1) year renewal of ITB 07-35 Drilling and Blasting to Orica USA, of Ronda, NC in the amount of approximately \$350,000.00 for the Oconee County Rock Quarry.
- 2) Address County Councils preference on procedures for future renewals for other Bids or RFQs that have been previously approved by County Council.

**BACKGROUND OR HISTORY:**

On July 7, 2008, formal sealed bids were opened for a five (5) year drilling and blasting term contract. Six (6) companies were originally notified of this bid opportunity with three (3) responding. Orica USA, of Ronda, NC submitted the low bid of \$372,420.00 based on the approximate quantities the County anticipates using. County Council approved the Award on July 15, 2008 with the option to renew for four (4) additional years (see attached minutes).

Drilling and Blasting is a necessity to produce the 500,000 tons of stone needed to reach our annual production goal.

**SPECIAL CONSIDERATIONS OR CONCERNS:**

Note

**COMPLETE THIS PORTION FOR ALL PROCUREMENT REQUESTS:**

Does this request follow Procurement Ordinance #2001-15 guidelines? Yes

If no, explain briefly:

**STAFF RECOMMENDATION:**

Staff recommends that County Council approve the first 1 year renewal of the contract to Orica USA for an estimated amount of \$350,000.00 for Fiscal Year 2009-2010.

**FINANCIAL IMPACT:**

Contingent upon County Councils approval of FY 2009-10 funds, Drilling and Blasting services will be purchased from budget code 0: 7-719-50890.

**COMPLETE THIS PORTION FOR ALL GRANT REQUESTS:**

Are Matching Funds Available: N/A

If yes, who is matching and how much:

**ATTACHMENTS**

1. July 15, 2008 Minutes

**Reviewed By/ Initials:**

\_\_\_\_ County Attorney

 Finance

\_\_\_\_ Grants

\_\_\_\_ Procurement

Submitted or Prepared By:

Approved for Submittal to Council:

  
Pradya Courtwright by   
Department Head/Elected Official

  
Kendra Brown, Interim County Administrator

Council has directed that they receive their agenda packages a week prior to each Council meeting, therefore, Agenda Items Summaries must be submitted to the Administrator for his review/approval no later than 12 days prior to each Council meeting. It is the Department Head / Elected Officials responsibility to ensure that all approvals are obtained prior to submission to the Administrator for inclusion on an agenda.

A calendar with due dates marked may be obtained from the Clerk to Council.



## **Ordinances for Approval:**

### **Ordinance 2008-13:**

Mr. Norton outlined the ordinance noting that the fees included could be pulled out of the ordinance if Council desired and passed through a Resolution which would require only one reading at this time and in the future when the fee scheduled needs to be amended. Discussion followed. Mr. Norton was directed to provide a revised ordinance and resolution along with the original for council's consideration at the August 5, 2008 meeting.

Mr. Suarez made a motion, seconded by Mr. Crumpton, approved 5 - 0 that **Ordinance 2008-13 "AN ORDINANCE AMENDING ORDINANCE 1998-10, THE BUILDING CODE ORDINANCE OF OCONEE COUNTY, SOUTH CAROLINA"** be adopted on second reading.

## **Items for Consideration by Council:**

### **Memorandum of Agreement: SC Department of Juvenile Justice:**

Mr. Surret outlined the details of the Memorandum of Agreement noting that the county would be charged a daily fee of \$50.00 per juvenile.

Mr. Ables made a motion, seconded by Mr. Lyles, approved 5 - 0 to authorize the administrator to execute the Memorandum of Agreement as provided with the SC Department of Juvenile Justice for a period covering July 1, 2008 through June 30, 2009.

### **Bid #07-35: Drilling & Blasting for the Rock Quarry:**

Mr. Surret outlined the details of the bid and contract noting that three companies responded to the sealed bid. The contract period is for up to 5 years, noting that it is not subject to review each year by council. In addition, he noted that billing will be in accordance with the unit prices listed on the Bid Tab.

Mr. Crumpton made a motion, seconded by Mr. Suarez, approved 5 - 0 to award the drilling and blasting contract to Orica, USA for an estimated amount of \$350,000.00 for FY 2008-2009, with the option to renew for four additional one-year periods.

### **Economic Development: AdvancedSC Economic Development Funding Grant Request:**

Mr. Suarez made a motion, seconded by Mr. Ables, approved 5 - 0 to authorize Economic Development to apply for the AdvanceSC Economic Development Funding Grant to be used to translate select portions of the website into German, Chinese and Spanish.

### **Emergency Services: FY 08 Emergency Operations Center Grant Request:**

Mr. Surret outlined the grant request noting that "in-kind" describes equipment and services provided by the county that would be counted toward the match for this grant. Mr. Blanchard asked that accurate records be maintained on this grant to ensure that the county receives all the credit due.

**AGENDA ITEM SUMMARY  
OCONEE COUNTY, SC**

**COUNCIL MEETING DATE: June 16, 2009  
COUNCIL MEETING TIME: 7:00 PM**

**ITEM TITLE OR DESCRIPTION:**

Bid #08-28, Tires for Heavy Equipment for Vehicle Maintenance and Rock Quarry - Award bid #08-28 to Miller Brothers Giant Tire Service, Inc. for the estimated amount of \$184,736.80, for a period of one year with the option to renew for four additional one-year periods.  
Additionally, staff recommends that Council authorize the County Administrator to renew the bid for up to four one-year periods, provided their work is satisfactory.

**BACKGROUND OR HISTORY:**

The Rock Quarry purchases tires for six (6) loaders, six (6) off-road trucks, one (1) hydraulic forklift and one (1) motor grader. Tires for vehicle maintenance will be for a John Deere p/u and a Clark loader used by the Road Department. On June 2, 2009, formal sealed bids were opened for tires for heavy equipment. Three companies were originally notified of this bid opportunity. Three companies submitted bids, with Miller Brothers Giant Tire Service, Inc., of Irmo, SC submitting the lowest bid of \$184,736.80.

**SPECIAL CONSIDERATIONS OR CONCERNS:**

**COMPLETE THIS PORTION FOR ALL PROCUREMENT REQUESTS:**

Vendor must provide and maintain Mine Safety Health Association certification for every employee who will supply service(s) on mine property throughout duration of bid #08-28.

Consolidated Tires, Inc bid was disqualified from consideration because they did not bid on three of the tires requested in the Invitation to Bid. These tires are required for the Rock Quarry.

Does this request follow Procurement Ordinance #2001-15 guidelines? Yes

**STAFF RECOMMENDATION:**

Award bid #08-28 to Miller Brothers Giant Tire Service, Inc. for the estimated amount of \$184,736.80, for a period of one year with the option to renew for four additional one-year periods.  
Additionally, staff recommends that Council authorize the County Administrator to renew the bid for up to four one-year periods, provided their work is satisfactory.

**FINANCIAL IMPACT:**

Contingent upon County Council approval of FY 2009-10 funds for the purchase of tires. Tires for Vehicle Maintenance will be purchased using budget code 010-001-00040-71725 and charged back to 010-721-80601 Roads and Bridges-Vehicle Maintenance. Tires for the Rock Quarry will be charged to budget code 017-719-80719.

**COMPLETE THIS PORTION FOR ALL GRANT REQUESTS:**

Are Matching Funds Available? N/A

If yes, who is matching and how much:

**ATTACHMENTS**

1. Bid Tabulation

Reviewed By/ Initials:

\_\_\_\_ County Attorney

\_\_\_\_ Finance

\_\_\_\_ Grants

\_\_\_\_ Procurement

Submitted or Prepared By:

Approved for Submittal to Council:

*Bobyn Coutricht*  
Department Head/Elected Official

*Kendra Brown*  
Kendra Brown, Assistant County Administrator

*Jonda Sparman*

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*A calendar with due dates marked may be obtained from the Clerk to Council.*

Dee Dee County  
 Taxes for Heavy Equipment  
 Vehicle Maintenance and Rock Quarry

Legal Case: 04-000-00340-1025  
 110-1188070402000-5525100

Thereby certifying that the bid is for the best of the bids received  
 at the date of bid opening.

*Robert Courtwright by Jonida Spearman*  
 Procurement Officer

Bidders					Consolidated Tires, Inc.			33CR Tire Centers		Miller Brothers Giant Tire Service	
Address					PO Box 5284 Greenville, SC 29606			4010 College St Newberry, SC 29108		PO Box 3687 Irmo, SC 29063	
Item #	Approx Qty	Size	Ply	Tread	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	
A	2	1900 x 25	24	E-4	New	1,859.00	3,718.00	1,936.00	3,872.00	450.00	900.00
B	2	1900 x 25	24	E-4	Recap	1,226.00	2,452.00	574.11	1,148.22	350.00	700.00
C	4	17.5 x 25	16	E-1	Recap	267.50	1,069.50	677.85	1,271.60	300.00	1,200.00
D	2	1800R25	22	L-3	New	3,410.50	7,821.00	2,250.00	4,500.00	3,850.00	5,700.00
E	4	1800R25	22	L-3	Recap	1,279.00	5,116.00	1,074.12	4,296.48	1,550.00	5,200.00
F	6	1800R25	22	L-3	New	3,770.01	22,620.06	4,234.00	25,404.00	3,950.00	23,700.00
G	2	1800R25	22	L-3	Recap	1,555.00	3,110.00	1,973.50	3,947.00	1,550.00	3,100.00
H	4	26.5 x 25	25	L-4	New	2,716.02	10,864.08	2,520.00	10,080.00	2,580.00	10,320.00
I	4	26.5R25	25	L-4	New	4,047.31	16,189.24	1,136.00	4,544.00	1,500.00	6,000.00
J	4	26.5R25	25	L-4	Recap	1,050.00	4,200.00	1,369.41	5,477.64	1,250.00	5,000.00
K	2	26.5 x 25	25	L-4	Recap	1,200.00	2,400.00	1,569.41	3,138.82	2,440.00	4,880.00
L	4	29.5 x 25	22	L-4	New	3,600.00	14,400.00	4,101.00	16,404.00	3,100.00	12,400.00
M	4	29.5 x 25	22	L-4	New	No bid	No bid	4,603.00	18,412.00	4,300.00	17,200.00
N	4	29.5 x 25	22	L-1	Recap	2,010.00	8,040.00	2,852.00	11,408.00	2,475.00	9,900.00
O	4	29.5 x 25	28	L-4	Recap	No bid	No bid	2,282.00	9,128.00	2,975.00	11,900.00
P	4	60 x 35 x 33	26	E-4	New	No bid	No bid	7,794.00	31,176.00	6,130.00	24,520.00
Q	4	60 x 35 x 33	26	E-4	Recap	6,347.00	25,388.00	4,008.25	16,033.00	3,520.00	14,080.00
R	2	20.5R25	20	L-4	Recap	1,500.00	3,000.00	829.41	1,658.82	300.00	600.00
S		Road Service Call during business hrs					55.00		55.00		
T		Road Service Call other than regular hrs					125.00		125.00		55.00
U		Repairs (Please list type of repair & cost)				See other		See other		Price on bid form by tire size	
V		Section repair								100.00 - 1625.00	
W		Spot Repair								25.00 - 480.00	
X		Reinforcement								25.00 - 650.00	
Y		Other					Large Section 400.00		127.50 thru 651.75		Tire Life 25,000-gal
Z		Other					Small Section 230.00				
AA		Looper tire available for the following sizes:							29.5		no charge
BB		Charge for labor pre (if applicable) (cut mount & element)				25.00 each			R/W service call for tire		0.00
CC		Charge for element & mount				40.00					80.00
DD		Warranty					Manufacturer		Factory 5 yr		3 yr
EE		New					Manufacturer		10% of tread wearing customer casing guaranteed for 1 yr		3 yr
FF		Recap					Manufacturer		Guaranteed for 10% of cap/Retard only for 1 yr.		1 yr
GG		Repairs					Manufacturer				
HH		DELIVERY					24 hrs 7 days or less on backorder		As needed		2-10 Days
Subtotal							133,005.82		194,307.58		174,280.00
SC Sales Tax (6%)							8,028.35		11,658.15		10,458.80
<b>TOTAL</b>							<b>141,034.17</b>		<b>205,965.73</b>		<b>184,738.80</b>

CONSOLIDATED TIRES DID NOT BID ON THREE REQUIRED TIRES WHICH DISQUALIFIED THEM FROM CONSIDERATION.

AGENDA ITEM SUMMARY  
OCONEE COUNTY, SC

COUNCIL MEETING DATE: June 16, 2009  
COUNCIL MEETING TIME: 7:00 PM

**ITEM TITLE OR DESCRIPTION:**

Bid # 08-31, Wheels for 826G CAT Compactor for Solid Waste.

Award Bid # 08-31 to Road Machinery Services, Inc. of Statesville, NC in the amount of \$27,947.00.

**BACKGROUND OR HISTORY:**

The Caterpillar 826G compactor is used at the Seneca Landfill to push and compact construction and demolition materials. The wheels currently on the machine are the original wheels and were installed in 2004 when the machine was purchased. The tires on the wheels are worn down to the point of having holes in them and must be replaced.

On June 4, 2009 formal sealed bids were opened for wheels for 826G CAT compactor. Five companies were originally notified of this bid opportunity. Seven companies submitted bids, with Road Machinery Services, Inc., of Statesville, NC submitting the lowest bid of \$27,947.00.

**SPECIAL CONSIDERATIONS OR CONCERNS:**

None.

**COMPLETE THIS PORTION FOR ALL PROCUREMENT REQUESTS:**

Does this request follow Procurement Ordinance #2001-15 guidelines? Yes.

**STAFF RECOMMENDATION:**

Award Bid # 08-31 to Road Machinery Services, Inc. of Statesville, NC in the amount of \$27,947.00.

**FINANCIAL IMPACT:**

Current balance for vehicle and equipment maintenance for FY 2008-2009 is \$ 130,000.00. Budget code for this purchase will be 010-001-00030-71725 and then charged against 010-721-80718, Solid Waste/Vehicle Maintenance.

**ATTACHMENTS**

1. Bid Tabulation

**Reviewed By/ Initials:**

\_\_\_\_ County Attorney

 Finance

\_\_\_\_ Grants

 Procurement

Submitted or Prepared By:

Approved for Submittal to Council:

  
Department Head/Elected Official

  
Kendra Brown, Asst. County Administrator

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Approved Budget Estimate amount for bid item: \$20,000.00  
Budget Code: 310 001 0004 001 000

Please verify that the bid is for the correct item.

*Robyn Carroll*  
Production Director  
*Tronda Spearman*

Qty	Bidders	Blanchard Machinery	Flint Equipment Co.	HJ Industries	Landfill Equipment	Linder Machinery
	Address	224 Neely Ferry Rd Simpsonville, SC 29681	116 Corporate Dr Simpsonville, SC 29681	1375 Lear Ind. Park Avon, OH 44011	1535 McNutt Rd Herculanum, MO 63048	525 Old Jones Rd Greer, SC 29661
	Appendum 1 enclosed	Yes	Yes	Yes	No	Yes
	Delivery Time ARC	30 days	3-4 weeks	21 days	30 days-Remanufactured 120 days - New	30 days
4	Base Bid: (Unit Price) Remanufactured Wheels	13,180.45	11,823.75	8,260.00	15,447.50	0,130.85
	Make & Model	CAT 826G, New surplus	Terra 826G rebuilt wheels w/ Terra HDI 7.6" wedge cleats	Trac-Pac or Trac 2 Sneeple Cleat, designed to fit 826G	CAT 826G rebuilt wheels w/ griglet replaceable cleats	Caron 826G rebuilt w/ new 1.25" thick chopper blades
	Notes				3% discount if payment rec'd upon delivery	
	Subtotal	52,721.63	47,285.04	33,000.00	61,950.00	36,522.72
	S. C. Sales Tax (6%)	3,163.31	2,746.55	1,980.00	3,717.00	2,046.84
	<b>Grand Total</b>	<b>55,885.11</b>	<b>50,041.69</b>	<b>34,980.00</b>	<b>65,667.00</b>	<b>38,571.60</b>
4	Option 1: (Unit Price) New Wheels	17,504.29	No Bid	12,376.00	25,263.12	14,323.86
	Make & Model	826G CAT		Trac-Pac or Trac 2 Sneeple Cleat, designed to fit 826G	826G CAT new wheels w/ griglet replaceable cleats	Caron CAT factory built 826H
	Notes				3% discount if payment rec'd upon delivery	
	Subtotal	70,417.18	No Bid	49,500.00	101,352.48	57,293.44
	S. C. Sales Tax (6%)	4,225.03		2,970.00	6,063.15	3,437.73
	<b>Grand Total</b>	<b>74,642.18</b>	<b>No Bid</b>	<b>52,470.00</b>	<b>107,115.63</b>	<b>60,733.17</b>

Qty	Bidders	Road Machinery	Terra Compactor Wheel Corp			
	Address	PO Box 5382 Statesville, NC 28667	150B The Plaza Charlotte, NC 28205			
	Appendum 1 enclosed	Yes	Yes			
	Delivery Time ARC	2-3 weeks	Upon request			
4	Base Bid: (Unit Price) Remanufactured Wheels	9,612.60	9,571.25			
	Make & Model	RMS 826G-RM	200H 826G CAT			
	Notes					
	Subtotal	26,450.00	39,285.00			
	S. C. Sales Tax (5%)	1,497.00	2,287.15			
	<b>Grand Total</b>	<b>27,947.00</b>	<b>40,582.10</b>			
4	Option 1: (Unit Price) New Wheels	No bid	13,540.00			
	Make & Model		2004 826G CAT			
	Notes					
	Subtotal	No bid	54,160.00			
	S. C. Sales Tax (5%)		2,249.60			
	<b>Grand Total</b>	<b>No bid</b>	<b>57,409.60</b>			

**Beth Hulse**

**From:** Phil Shirley  
**Sent:** Monday, June 01, 2009 12:52 PM  
**To:** Beth Hulse  
**Car:** Sean Megaffee; Rob Cobb; High Falls Park  
**Subject:** FW: Oconee County-Past dialogue with Surrett concerning badges

Please see information below from Adam Artigliere with the County Attorney's office regarding the use of badges and the concerns that come into play with non Law Enforcement Officers. Our Park Rangers are very professional, definitely understand what their authority limitations are regarding custodial arrest and always will call the Sheriff's office for assistance when they can't verbally handle a situation. Per Adam's comments below, this looks to be a County judgement call. Oconee County Park Rangers have had oval badges since the 1980's as far as I can tell and I request Council consider reinstating them as part of their uniform. Thank You!

*Phil Shirley*

Director of Parks, Recreation & Tourism  
 Oconee County, South Carolina

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**From:** Artigliere, Adam [mailto:AArtigliere@McNair.net]  
**Sent:** Monday, June 01, 2009 11:23 AM  
**To:** Phil Shirley  
**Car:** Martin, Tom  
**Subject:** RE: Oconee County-Past dialogue with Surrett concerning badges

Phil-

We have reviewed the below and the information you attached. Thank you for getting us this information. We have also sought out various legal and practical viewpoints regarding whether park rangers and other non-law enforcement officers (LEO) should wear badges.

Throughout South Carolina, there are many fire departments, emergency services operations, and other non-LEO entities that issue badges. From a legal standpoint, the black-letter law regarding badges is limited. The South Carolina Code of Laws, 1978, as amended states as follows:

**SECTION 23-15-140. Badges for sheriffs and deputy sheriffs.**

- (A) The purpose of this section is to provide for uniformity among sheriffs and deputy sheriffs, and to aid the public in identifying a sheriff and deputy sheriff.  
 (B) A badge that consists of or incorporates the shape of a five-pointed or six-pointed star with a replica of the Great Seal of South Carolina inscribed in its center is the official badge to be worn by all sheriffs and deputy sheriffs throughout the State.  
 (C) It is unlawful for a person who is not a sheriff or deputy sheriff to present himself as such by wearing or presenting the official badge described in subsection (A).  
 (D) A person who violates the provisions of this section, upon conviction, must be fined not more than one hundred dollars, or imprisoned not more than thirty days.



From a practical standpoint, however, the issuance of badges is a judgment call. Although the former administrator stated some valid concerns regarding the granting of authority and liability, simply wearing a badge may not automatically create a clear-cut higher standard of care for the County. If the County decides to have badges for non-LEO employees, those employees should understand that the badge does not give them more authority and should not be used by the employee to imply they have authority that they do not have, namely the authority of custodial arrest. Practically speaking, the park ranger should never under any circumstances intimate that he or she has some authority that he or she does not have, whether a badge is used or not. Such behavior could likely cause a dangerous situation and create liability for the County.


I have also heard the argument that having the badge without the firearm may endanger the employee. Similar to above, the counter-argument is that the danger is not created by the message the badge may convey to the public, but whether an individual uses that badge improperly. Therefore, if given a badge, the employee should understand the responsibilities involved and should act accordingly.

It is not illegal for a non-LEO to wear a badge, so long as the badge does not offend S.C. Code, Section 23-15-140, 1978, as amended. Nevertheless, there are obviously differing points of view as to what liability or danger may be caused by issuance of a badge on one hand or what protection may be created on the other hand. Whether or not badges are issued to any employees is a judgment call to be made by the County.

I hope the above information helps you present this to the next Oconee County Administrator. Please let me know if you have any questions or comments.

Regards,  
Adam

PS- Since the question concerned the wearing of badges, I did not analyze the bulk of the document regarding the Park Policies and Procedures, so I am not offering any guidance in that regard. I did note the changes that were made by Mr. Surratt in the draft of the employee handbook, and I do not disagree with some of the changes he made regarding use of force. Again, I was not reviewing the document from that angle. In general, however, the policies should comport with the County-wide employee handbook with regard to job descriptions and other employee rules (if it does not already). You do not want a situation where you are creating different employee rules for different departments, besides the obvious differences in responsibilities (the clerk at the Auditor's office will have different responsibilities than the park ranger, etc.).

 Message

Adam R. Artigliere  
Associate  
aartigliere@mcneil.net

McNeil Law Firm, P.A.  
Anderson Office: 500 South McDuffie Street, Anderson, SC 29524  
864-278-1659 Main | 864-220-6436 Fax  
Mailing Post Office Box 4068, Anderson, SC 29622  
[vCard](#) | [Site URL](#) | [Web site](#)

-----Original Message-----

From: Phil Shirley (mailto:ps Shirley@oconeesc.com)  
Sent: Tuesday, May 26, 2009 2:27 PM  
To: Artigliere, Adam  
Subject: Oconee County-Past dialogue with Surratt concerning badges

Adam,

I've copied and pasted the emails below that dealt with the badge issue. You'll see that this was more than a badge issue. Dale did not think our Park Ranger's should have any type of weapon or badge and was using every ruse to try and take them away. I've also attached our approved policy and procedure manual and the draft version that Mr. Surratt made changes to. The majority of the items that Dale marked through were recommended by Ruben Bonifield with SCAC. If you need further info, please let us know. If in your

opinion we can get these badges back for Class A or B uniform, I'll need to get Council to approved adding that back to our manual. Thanks

**From:** Phil Shirley  
**Sent:** Monday, April 21, 2008 2:49 PM  
**To:** Dale Surratt  
**Cc:** Sean McGuffee; Rec Capt; High Falls Park  
**Subject:** PRT

In reference to our conversation Friday, I would like you to entertain a conversation with the Park Sup's and myself concerning your thoughts about no badges, duty belts or blue lights and the reasoning for wanting to omit them? PRT has progressed a long way over the years to where it is today and there is a really good track record of success. Our Park Rangers are very professional in customer service and enforcement issues. We are currently caught in a spot where we have just enough authority to make it dangerous on the employee. Park Rangers can share information of how unsecure it was to the employee and the park patrons prior to there being any enforcement at all other than calling the Sheriff's office. The parks are much more family oriented when a detainer is present. It provides a sense of security, as well as a necessary mode of enforcement. I'd like to schedule with Stephanie some time this week if possible. Thanks.

**Phil Shirley**  
Director  
Georgetown Parks, Recreation & Tourism

Phil,

I don't mind meeting with the group but make sure you have all the angles researched on the commissions and authorities as well as laws covering the carry/use of the weapons and blue lights.

The parks are just a reflection of society around us and I am not comfortable exposing employees to situations without the proper authority or training. I am not in support of a "bluff" approach or a false sense of security. Improper use of force/weapons can lead to tremendous liability to the County and to the individual employee's personal assets. It can very quickly rise to the level of a Federal Civil Rights Violation.

Coordinate with Stephanie when you are ready.

Dale

**From:** Phil Shirley  
**Sent:** Tuesday, April 22, 2008 9:08 AM  
**To:** Dale Surratt  
**Cc:** Sean McGuffee; Rec Capt; High Falls Park  
**Subject:** RE: PRT

OK, Thanks. I am going to bring you a copy of Ordinance 97-6, the Ordinance that commissioned and appointed the Park Rangers as Code Enforcement officers by County Council. The Park Rangers who are wearing badges and enforcing these rules: appearing before the magistrate and dealing with the public, which are the Park Sup's and the Ranger II position have all satisfied the training requirements set forth in this document and are set for a training session this Thursday with the Sheriff's office training dept for upgrades and refresher courses on defensive tactics, the mindset of use of force, the baton and its uses and the subject control spray. The Park Rangers that have not satisfied this training call upon the Sup's when they need to for enforcement. I feel taking the badge away is a major step backwards and is putting our staff in an even bigger liability of being a commissioned Code enforcement officer with no badge for

verification of a deterrent. I spoke with Brad Norton when I first came aboard with the County to better understand that Ordinance and he explained that the County Council can commission as many Code enforcement officers as they deem necessary as long as we have the training required, which we do. I'm going to revisit with him to check again. Thanks.

Phil Shirey  
Director  
Oconee County Parks, Recreation & Tourism

Under Section V of the ordinance it mentions (3) Other certified law enforcement training courses as approved by County Council. Do you have documentation that this approval occurred?

DS

We could not find any documentation in past minutes of Council approval of the Code Enforcement class. Aronway Brad Norton remembered the class and said that would have been something the supervisor would have approved. Dale told me that if we didn't have it in writing, the training never happened, even though we have the material and certificates to show it took place. Dale then told me we needed to attend the South Carolina Criminal Justice Academy for the Special Limited Duty class as described in the Ordinance for him to be satisfied that we've met the training requirements.

Phil,

Here are the dates and here is the link to the forms that you will need <http://www.socga.org/Default.aspx?m=7&t=144>. This first link on that page <http://www.socga.org/forms/101008/Doc%204%20Reg.pdf> tells you what other forms you will need to bring to registration.

You will need to have the Council approve the custodial arrest authority via changing the ordinance as well as putting together a set of procedures and having them approved. Call Robert Benfield with the Association of Counties (800) 922-6081 and tell him you want a use of force policy for less than lethal weapons used for defensive purposes only. He can give you some direction.

You need to consider which positions will be required to carry county issued weapons. After you make the determination, my position will be one chance - "no pass - no job". I want all badges removed until they complete the police academy. After the academy they can display badges while on duty. No carrying the badge in wallets. No purchasing of personal badges. Don't order any clothing in the future that has a badge emblem that is not assigned to a certified position. Certified or not, I don't want any term used in reference to the positions but park rangers. No use of police, officer, enforcement, code enforcement military ranks, etc. that will give the appearance of law enforcement. No carry of personally owned weapons items such as sprays, batons, stun guns, hand cuffs, metal flashlights, etc.

In addition, I want you to order these covers for the blue lights to be used when they are off the park property [http://www.galls.com/google/style.htm?assort=general\\_cat/og&style=B276](http://www.galls.com/google/style.htm?assort=general_cat/og&style=B276).

Dale

Phil and the group,

See below.

Dale

From: Phil Shirey  
Sent: Thursday, June 12, 2008 12:45 PM  
To: Dale Sumrett  
Cc: Terry Wilson; bannam@bellsouth.net; Steven Jenkins; Curtis Rogers; Sean McGuffee; Rec Coord; High

Falls Park; Ann Leppard  
**Subject:** Parks

I have met with Brad Norton and the Sheriff's office regarding the training of our Park Rangers, the procedures and protocol we are currently following and the understanding of authority the Park Rangers have.

Brad Norton suggested a simple fix that Council retroactively pass by resolution the training from 2001 to be accepted for compliance with Ordinance 97-6. I recommend we still pursue Basic 16 duty training as you suggested, but this will protect us for sure with the Ordinance. He is to talk to you today and wants to bring it up tomorrow to clean that up (I don't see a need for the resolution based on Brad's interpretation that no training is needed by state law.)

The Sheriff's office agreed that we understood our role and that in their opinion, the procedures we are following are acceptable without oversteering our authority. The Sheriff's office is to prepare a memo of the meeting for you, Brad Norton and to file. In both meetings, it was thought necessary that the Park Ranger acting as a Code Enforcement officer needed a badge. I would like to ask permission for Park Rangers to wear those badges while in their jurisdiction. (They are park rangers and wear them, soon as that I am uncomfortable with the badges because with the duty belt, baton, and spray they make them appear to be custodial law enforcement officers.) They would remove them from their duty belt when out of the park area. (I do want those duty belts removed when they leave the park property. There is no need to wear a baton and pepper spray while off the park.) It was also discussed that instead of having an out of service Velcro cover that would have to be out on every time the car left a park, that we change the lenses from blue to green. (I am fine with the green. You may want to add "Park Ranger" labeling to all of the park vehicles.) This should be a very minimal cost. With your permission, I would like to pursue having the or pool change those out. Upon your consideration of these items, I'll finalize the policy wording I have worked up and send to you. Thanks

Again, focus the efforts on obeying basic park rules. If someone cannot obey the rules, ask them to leave the park. If they refuse to leave, walk away and call the Sheriff's Office. If someone feels that they were asked to leave for a petty or improper matter then they should contact the Park Admin. office on the next working day. -- JS

**From:** Phil Shirley  
**Sent:** Thursday, August 07, 2008 9:53 AM  
**To:** Dale Sumrell  
**Subject:** RE: academy

I had a good discussion with Robert Benfield this morning from SCAC. I sent him our Code Enforcement Ordinance. He said the easiest thing to do would be just to modify the existing Sheriff's Dept. Use of Force Policy, but he is going to pull some other use of Force Policies together from around the state and do some research for us and would like to come up and meet with us in the future. He asked about the academy. I told we were going to work to amend the ordinance to attend. He suggested during the training and completion of the academy, we should consider Tasers for our Rangers. I'll keep you informed, and I'll have you an AIS before the next Council meeting. Thanks.

Phil Shirley

Appreciate you getting Robert's input. The issue I see with the use of force is that traditional use of force policy hinges on obtaining compliance to a command. In our case it is only self defense and the first step in self defense is to retreat. I am a supporter of Tasers out not for our situation because we are going to retreat in a bad situation and call for LE.

DS

**From:** Phil Shirley



**Sent:** Tuesday, September 16, 2008 2:25 PM  
**To:** Dale Surratt  
**Cc:** Beth Hulse  
**Subject:** Park Rangers Use of Force

Dale,

Attached is the section of the proposed employee manual dealing with Park Rangers and Use of Force policy for 2<sup>nd</sup> reading of Ordinance 2008-15 next Tuesday. Council requested to see these guidelines before moving forward. I've taken out all the Ordinances so not to waste paper when Council looks at it out left the table of contents in so they could see what would be included in the manual.

The Use of Force Policy is set up per your recommendations of Self Defense Only. Please review to make sure I've covered everything that needs to be covered. Should I forward to Brad for his review or will you do that?

I'm also including below the initial responses from Lt. Chuck Giordano, Training Coordinator for the Oconee Sheriff's Office and Robert Benfield, Risk Manager for the South Carolina Association of Counties. Both have reviewed the policy. The PRT staff, as well as Chuck and Robert have liability concerns on how this is set up and whether or not there would be additional liability concerns for the County and the employee. The Park Rangers don't want to be law enforcement, but they do want the appropriate policy to cover them if they ever have to defend themselves.

It is my opinion and recommendation that self defense should be the only reason for utilizing any weapons and that Park Rangers should not exercise any authority including custodial arrest for compliance, but retreat and call the Sheriff's office. However, for liability protection in the policy, I believe that custodial arrest should not be completely banned, but be allowed upon physical assault of a Park Ranger or park occupants when disengaging is not possible. The Park Rangers would continue to act as they do today and still retreat on non-compliant subjects in order to have the Sheriff's office as the agency to handle compliance issues. This allows guidelines to control the use of enforcement but does allow the Park Ranger to be able to exercise custodial arrest not as a compliance measure but as a last resort of protection. If you and/or Council consider this option, we will of course have to change the wording of the Use of Force policy to show these guidelines.

Robert Benfield's response...

Phil,

I hope you are doing well. I apologize for not responding earlier. I have been on the road conducting training for the past week.

I have reviewed the attached document. As we discussed, I have several concerns regarding the language and techniques/weapons available for the park rangers. While I am not an attorney, I do believe that the County could incur some liability if a violent incident occurred within the park, particularly at night when the gate is locked, and the park ranger on duty was not adequately trained and equipped to protect the park occupants.

I believe that sending the park rangers to the Criminal Justice Academy is a wise move and I commend your efforts for making this possible. I do believe that once the park rangers have been trained and certified that they be permitted to carry the ASP baton, Pepper Spray, and Taser. Of course, it is up to the County to make this determination.

I believe that your attached policy is a good start.

I have attached the Horry County Sheriff's Office Policy and Procedures manual for your review. You may find the policies on Use of Force and 833 interesting. They cover many of the topics you discussed and expand on documentation of suspects, use of force reporting, and other issues.

While the language is geared toward inmates, you may be able to modify sections to apply to your situation.

We are conducting training today off site and I will be out of the office until late this afternoon. I will try to do some more research and contact you tomorrow.

Talk with you soon.

Best regards,  
RJD

Chuck Glendene's response...

I am not a lawyer but there appears to be some issues. These officers are going to be commissioned by the county and certified by the state, but if they observe a crime in progress, such as an assault at a campground, will not be allowed to take action (Liability to county?). If they can or do intervene they will not be properly equipped to handle a deadly force encounter (liability to county?). Personal and liability protection for the officers?

One of the main things I have learned about policy is to try to make it mirror the law as much as possible. If the law allows you to do certain things but policy further restricts you there is a gray area of legally permissible but government restricted activities. This seems to be where employees have difficulty deciding what to do and opens up potential liability areas for all concerned.

I do not have the answer for your situation but I will try to get a look at your policy, I just skimmed it quickly earlier.

Chuck

Phil,

Why does this have more than self defense? Level 2 mentions soft/hard techniques for control, Level 3 using force when they are resisting arrest, Level 5 is deadly force. Where did you pull this text from? It looks like a full law enforcement use of force policy.

DS:

Phil/Brad,

Take a look at this version:

DS:

From: Phil Shirley  
Sent: Friday, October 03, 2008 11:00 AM  
To: Dale Surratt  
Cc: Ben Hulse; Brad Norton; Amy E. Wilson  
Subject: RE: PRT Ordinance

Section 4-6 means that if a Ranger is issuing a citation and can do so with a back user with no problems, then they should be able to do so without calling the Sheriff's office. This allows them to ask for identification in order to write a citation. I believe Park Rangers should continue to be able to issue citations when necessary as described in the Ordinance.



I only have two concerns with the revisions...

- 1) These revisions are in line with your thoughts from the beginning, which I understand. Per your direction, I sought advice from Robert Benfield and Chuck Giordano in writing this policy and in doing so, some liability concerns were discussed (thus prompting us to add some additional items in there such as leaving custodial arrest in the policy for use only if physically attacked and adding a taser to their less lethal weapons. If Brad is ok with the revisions you have made from a liability standpoint, I'm fine with it. The emails from Robert and Chuck are below for Brad's reference.
- 2) I recommend that after successful training through the academy these Rangers should be able to wear their PRT badge.

Phil,

I am not sure CC is going to be supportive of any weapons.

If you take Benfield's point of view we should have someone patrolling 24/7. His liability angle is that we have a park and so we could be sued because of something happening to a patron. It is too broad. I could take Giordano's angle and sue the Sheriff because someone died in a car wreck from speeding because they don't focus 100% of their resources towards traffic enforcement or someone dies from a drug overdose and the Sheriff does not focus 100% of their resources on drug enforcement.

The training they receive at the SCCJA will relate to the legal background of making court cases and presenting them in court. They won't learn how to separate a domestic, go tactically dynamic for offensive combat or detect the likelihood that someone is intoxicated and may become agitated.

No badges.....they are not the police.

DS

Ordinance 2008-15 was passed October 21, 2008 to amend Ordinance 97-6 and a low our attendance to Class III certification at the SCCJA. The academy requested this change to the ordinance for attendance, then after it was changed told us we could not attend because we were not a law enforcement agency.

**From:** Phil Shirley  
**Sent:** Monday, December 01, 2008 10:34 AM  
**To:** Dale Surratt  
**Subject:** SCCJA

I spoke with Brandy Dunder, legal counsel at the SCCJA this morning, as well as with Robert Benfield concerning our attendance for Class III certification. Brandy explained we needed to be able to show that 61% of our time is spent in inter-control functions and that our job descriptions should also state that. She explained for liability, if we can't show we spend an average of 61% of our time on inter-control, then we are not certifiable under state statute. I explained to her our operating functions and what type of items we handle and when we ask for Sheriff's assistance.

Our indicators don't show that we spend anywhere close to 61% of our time in inter-control. We show about 35% in Law Enforcement and 20-30 % in maintenance during the season, but off season it's 100% to mostly maintenance. I would not feel comfortable making any type of change to our current description if we can't show it. Robert will be in the office on Thursday and says he will meet with the academy again because he too understood that we would be good to register for this class.

How would you recommend we proceed?

*Phil Shirley*

It appears that SCCJA believes that these positions do not qualify. If that position prevails, I will remove the batons and spray from those positions.

DS

This was Dana's last email regarding badges and our attendance to the academy before being fired. If you have questions after you review, please call. Thank!

*Phil Shirley*

Director of Parks, Recreation & Tourism  
Oconee County, South Carolina

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30 Days Online  
7 Days in Big Box ad online  
\$3,256.00

#### *Greenville News*

Ad will run Saturday, June 13<sup>th</sup>, Sunday, June 14<sup>th</sup>, Saturday June 20<sup>th</sup>,  
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Online and in community paper  
\$2,006.70

#### *Daily Journal*

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Online x 1 week  
\$145.20

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Ad will run 6 days. Friday, June 12; Saturday, June 13; Sunday,  
June 14; Wednesday, June 17; Saturday, June 20; Sunday June 21  
7 Days on Charlotte Observer.com  
30 Days on Careerbuilder.com  
\$1,361.00

#### *The State*

Ad will run Saturday June 13<sup>th</sup>, Sunday June 14<sup>th</sup>, Saturday, June 20<sup>th</sup>,  
and Sunday June 21<sup>st</sup>.  
30 Days on Careerbuilder.com  
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**Total Cost for Newspaper Ads= \$8,403.42**