

# PROCUREMENT - AGENDA ITEM SUMMARY

OCONEE COUNTY, SC

COUNCIL MEETING DATE: **July 15, 2025**

## ITEM TITLE:

**Procurement: ITB 25-01      Title: South Cove Park Court Improvements      Department(s): PRT      Amount: \$1,556,020.79**  
**Contingency (20%): \$ 311,204.16**  
**Total: \$1,867,224.95**

## FINANCIAL IMPACT:

Procurement was approved by Council in Fiscal Year 2025-2026 budget process.

Budget: **\$1,867,224.95**      Project Cost: **\$1,867,224.95**      Balance: **\$0.00**      Finance Approval: \_\_\_\_\_

*(Funding from Parks Recreation and Tourism Capital Fund (330))*

## BACKGROUND DESCRIPTION:

South Cove County Park has experienced a remarkable increase in pickleball usage, with the courts reaching full capacity multiple times daily, seven days a week. This high demand has led to wait times for other patrons. Currently, the pickleball and tennis courts are in the same area, and there is insufficient parking, with patrons resorting to parking on the grass across from the courts.

This construction contract includes the provision of all labor, materials, and equipment necessary to complete the South Cove County Park Court Improvements. The scope of work consists of expanding the existing pickleball courts, construction of two new tennis courts, installation of updated lighting, development of two new parking lots, and the installing a new restroom facility with a septic system. The expansion will add approximately 12 pickleball courts and 2 tennis courts and approximately 108 parking spaces.

On June 24, 2025, formal sealed bids were opened for the ITB 25-01 South Cove Court Improvements. Forty-four companies were originally notified of this bid opportunity. Three (3) companies submitted bids, with Bliss Products & Services, Inc. of Lithia Springs, GA submitting the lowest, responsive bid of \$1,556,020.79.

Staff is requesting a 20% owners' contingency to allow for unforeseen items that may arise.

This project has received approval through Duke Energy and the Federal Energy Regulatory Commission (FERC).

## ATTACHMENT(S):

1. Thomas and Hutton Recommendation Letter and Bid Tab

## STAFF RECOMMENDATION:

It is the staff's recommendation that Council:

1. Approve the Award of ITB 25-01 South Cove Park Court Improvements to Bliss Products & Services, Inc. of Lithia Springs, GA in the amount of \$1,556,020.79;
2. Approve a 20% Owners Contingency in the amount of \$311,204.16;
3. Authorize the County Administrator to execute documents for this project and sign any change orders within the contingency amount.

**Submitted or Prepared by:** \_\_\_\_\_ **Approved for Submittal to Council:** \_\_\_\_\_  
**Tronda C. Popham, Procurement Director** **Amanda F. Brock, 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.*

**TH** **THOMAS & HUTTON**  
501 RIVER STREET, SUITE 200  
GREENVILLE, SC 29601 | 864.412.2222  
WWW.THOMASANDHUTTON.COM

June 27, 2025

Ms. Tronda Popham, CPPB  
Oconee County Procurement Director  
415 South Pine Street  
Walhalla, SC 29691

Re: Bid of June 24, 2025, at 2:00pm  
South Cove Court Improvements  
Recommendation for Award  
Oconee Bid No. ITB 25-01

Dear Tronda:

Three (3) bids were received for the above referenced project on June 24, 2025. An abstract of the bids is attached.

We offer the following comments on the bids received:

1. All bidders submitted the required Bid Bond for the project.
2. All bidders acknowledged receipt of the one (1) addendum issued.
3. The apparent low bidder based on Total Base Bid is Bliss Products.
6. The bids are subject to acceptance for sixty (60) days from the bid date.

Based on our review, we believe the lowest responsive bidder is Bliss Products and we recommend the project be awarded based on available funding for the estimated bid quantities in the amount of \$1,556,020.79

At your authorization, we will prepare notice of award and contract documents for execution by Oconee County. We will then schedule a corresponding pre-construction conference to execute contracts at the appropriate time. If there are any questions, please do not hesitate to contact us.

Sincerely,  
**THOMAS & HUTTON**



Jeffrey L. Halliburton, P.E.  
Consultant / Project Manager

Encl: Bid Abstract

Bidders				Bliss Products & Services		Foothills Contracting Service		Hogan Construction		
Address				Lithia Springs, GA		Central, SC		Easley, SC		
Item #	Approx Qty	Units	Description							
			<b>CLEARING &amp; GRADING</b>							
1	1	LS	Performance Bond	14,603.00	14,603.00	30,000.00	30,000.00	9,296.00	9,296.00	
2	1	LS	Payment Bond	14,603.00	14,603.00	30,000.00	30,000.00	9,296.00	9,296.00	
3	1	LS	Erosion Control	25,750.00	25,750.00	16,500.00	16,500.00	70,754.00	70,754.00	
4	1	LS	Selective Demolition	8,500.00	8,500.00	6,300.00	6,300.00	14,014.00	14,014.00	
5	1	LS	Clearing	17,000.00	17,000.00	35,000.00	35,000.00	35,761.00	35,761.00	
6	1	LS	Grading-Unclassified	13,500.00	13,500.00	130,000.00	130,000.00	117,976.00	117,976.00	
7	50	CY	Unsuitable Material	90.00	4,500.00	50.00	2,500.00	37.24	1,862.00	
8	50	CY	Off-Site Borrow	70.00	3,500.00	30.00	1,500.00	37.24	1,862.00	
9	1	LS	Modular Block Wall	18,500.00	18,500.00	6,000.00	6,000.00	8,067.00	8,067.00	
10	10000	SY	Grassing	0.35	3,500.00	1.20	12,000.00	2.48	24,800.00	Math Error - Bidder listed 24,821.00
11	1000	SY	Sodding	3.70	3,700.00	12.50	12,500.00	22.34	22,340.00	Math Error - Bidder Listed \$22,339.00
12	1	LS	4' Orage Security Fence	19,760.00	19,760.00			4,964.00	4,964.00	
			<b>SUBTOTAL CLEARING &amp; GRADING</b>		<b>147,416.00</b>		<b>282,300.00</b>		<b>320,992.00</b>	
			<b>Restroom Facility</b>				-		-	
1	1	LS	Restroom Facility Complete	165,500.00	165,500.00	150,000.00	150,000.00	105,490.00	105,490.00	
2	1	LS	Concrete Ramp w/ Handrails	1,200.00	1,200.00	20,000.00	20,000.00	22,339.00	22,339.00	
3	1	EA	2000 Gallon Septic Tank	3,022.00	3,022.00	4,500.00	4,500.00	14,893.00	14,893.00	
4	160	LF	6" Septic Lateral/Header Pipe	40.62	6,499.20	20.00	3,200.00	5,585.00	5,585.00	Entered LS - I think
5	450	LF	Septic Tile Field - Primary	9.11	4,099.50	30.00	13,500.00	4,716.00	4,716.00	Entered LS - I think

6	270	LF	1" Water Service Lateral	16.66	4,498.20	15.00	4,050.00	11.11	2,999.70	Entered on Bid form in wrong colum
7	1	EA	Connect water to exising main	3,500.00	3,500.00	4,500.00	4,500.00	3,205.00	3,205.00	
			<b>SUBTOTAL RESTROOM FACILITY</b>		<b>188,318.90</b>		<b>199,750.00</b>		<b>159,227.70</b>	
			<b>TENNIS COURT</b>				-		-	
1	1630	SY	Fine Grading	10.00	16,300.00	5.00	8,150.00	3.10	5,053.00	Bidder listed \$5,057.00
2	1630	SY	5: GAB Base	11.65	18,989.50	13.50	22,005.00	12.41	20,228.30	
3	1630	SY	Asphalt Binder	20.86	34,001.80	29.50	48,085.00	18.62	30,350.60	Math Error - Bidder listed 30,344.00
4	1630	SY	Asphalt Surface	21.22	34,588.60	23.00	37,490.00	12.41	20,228.30	
5	1	LS	2 Color Court Painting System	29,088.00	29,088.00	14,500.00	14,500.00	24,821.00	24,821.00	
6	2	EA	Install New Tennis Netting / Posts /Accessories	2,147.00	4,294.00	670.00	1,340.00	2,482.00	4,964.00	
7	240	LF	Windscreen	18.75	4,500.00	15.00	3,600.00	99.28	23,827.20	
8	460	LF	10' Fencing	92.40	42,504.00	77.00	35,420.00	39.71	18,266.60	
9	1	EA	4'x 10' - Pedestrian Gate	6,800.00	6,800.00	1,150.00	1,150.00	1,737.00	1,737.00	
10	1	EA	Double 6'x10' - Gate	1,200.00	1,200.00	4,000.00	4,000.00	1,241.00	1,241.00	
11	1	EA	Shelter Complete	19,000.00	19,000.00	17,600.00	17,600.00	21,718.00	21,718.00	
12	1	LS	LSI Lighting System Complete	87,900.00	87,900.00	70,800.00	70,800.00	186,158.00	186,158.00	
13	2	EA	Sports Fans Complete	2,500.00	5,000.00	1,600.00	3,200.00	9,308.00	18,616.00	
14	2	EA	Power Outlets Complete	3,000.00	6,000.00	1,000.00	2,000.00	1,861.50	3,723.00	
15	1	EA	24' x 8' Backstop	4,600.00	4,600.00	10,200.00	10,200.00	4,344.00	4,344.00	
16	2	EA	Benches	2,000.00	4,000.00	3,300.00	6,600.00	1,241.00	2,482.00	
17	1	EA	Trash Receptacle	1,500.00	1,500.00	1,200.00	1,200.00	1,179.00	1,179.00	
			<b>SUBTOTAL TENNIS COURT</b>		<b>320,265.90</b>		<b>287,340.00</b>		<b>388,937.00</b>	
							-		-	
			<b>PICKLEBALL COURT</b>				-		-	
1	1	LS	Remove Existing Fence to be reused	5,000.00	5,000.00	8,000.00	8,000.00	1,862.00	1,862.00	
2	610	SY	Fine Grading	10.00	6,100.00	5.00	3,050.00	3.10	1,891.00	Math Error - Bidder listed \$1893.00
3	610	SY	Asphalt Binder - Extra Depth to Match Existing Surface Elevation	11.65	7,106.50	13.50	8,235.00	12.41	7,570.10	

4	610	SY	Existing Surface Elevation	24.67	15,048.70	52.00	31,720.00	18.62	11,358.20	Math Error - Bidder listed \$11,356.00
5	1	LS	Prepare Existing Court for New Surface course	60,294.00	60,294.00	3,400.00	3,400.00	1,862.00	1,862.00	
6	3560	SY	1.25" Asphalt Surface	24.61	87,611.60	14.50	51,620.00	12.41	44,179.60	Math Error - Bidder listed \$44,182.00
7	1	LS	3 Color Court Painting System	61,020.00	61,020.00	39,000.00	39,000.00	37,232.00	37,232.00	
8	12	EA	New Netting / Posts / Accessories	1,333.50	16,002.00	450.00	5,400.00	2,482.00	29,784.00	
9	600	LF	Windscreen	15.00	9,000.00	16.00	9,600.00	99.29	59,574.00	Math Error - Bidder listed \$59,571.00
10	520	LF	Install Reused 10' Fence	48.08	25,001.60	26.00	13,520.00	6.21	3,229.20	Math Error - Bidder listed \$3,227.00
11	1	EA	Install Reused Double 6' x 10'- Gates	5,000.00	5,000.00	3,300.00	3,300.00	621.00	621.00	
12	190	LF	10' Fencing - New	105.26	19,999.40	83.00	15,770.00	39.72	7,546.80	
13	560	LF	6' Fencing - New	39.28	21,996.80	56.00	31,360.00	24.80	13,888.00	Math Error - Bidder listed \$13,900.00
14	240	LF	4' Fencing New	64.58	15,499.20	50.00	12,000.00	19.86	4,766.40	
15	1	EA	4'x 10' - Pedestrian Gate New	2,500.00	2,500.00	1,200.00	1,200.00	1,241.00	1,241.00	
16	6	EA	Double 6' x 6' - Gate New	833.35	5,000.10	2,400.00	14,400.00	1,241.00	7,446.00	
17	12	EA	4' x 6' Pedestrian Gate New	670.00	8,040.00	900.00	10,800.00	620.50	7,446.00	
18	2	EA	Shelter Complete	19,000.00	38,000.00	17,600.00	35,200.00	21,718.50	43,437.00	
19	1	LS	LSI Lighting System Complete	187,740.00	187,740.00	158,000.00	158,000.00	165,000.00	165,000.00	
20	4	EA	Sports Fans Complete	2,500.00	10,000.00	1,600.00	6,400.00	9,308.00	37,232.00	
21	4	EA	Power Outlets Complete	2,500.00	10,000.00	1,000.00	4,000.00	1,861.50	7,446.00	
22	1	EA	24' x 8' Baskstop	4,600.00	4,600.00	10,000.00	10,000.00	4,344.00	4,344.00	
23	12	EA	Benches	1,200.00	14,400.00	3,230.00	38,760.00	1,241.00	14,892.00	Math Error - Bidder listed \$14,893.00
24	2	EA	Trash Receptacle	1,500.00	3,000.00	1,200.00	2,400.00	1,179.00	2,358.00	
			<b>SUBTOTAL PICKLEBALL COURT</b>		<b>637,959.90</b>		<b>517,135.00</b>		<b>516,206.30</b>	
			<b>STORM DRAINAGE</b>						-	
1	113	LF	18" R.C.P.	22.13	2,500.69	90.00	10,170.00	68.26	7,713.38	
2	183	LF	12" R.C.P.	40.98	7,499.34	85.00	15,555.00	62.05	11,355.15	
3	2	EA	Grate Inlet	629.50	1,259.00	3,400.00	6,800.00	3,102.50	6,205.00	

4	1	EA	18" FES	900.00	900.00	1,900.00	1,900.00	4,344.00	4,344.00	
5	2	EA	12" FES	1,420.50	2,841.00	1,700.00	3,400.00	3,103.00	3,103.00	Struck through and Quoted 1
6	53	SY	Rip-Rap	71.70	3,800.10	105.00	5,565.00	62.06	3,289.18	
7	1100	LF	Swales	0.68	748.00	12.00	13,200.00	2.48	2,728.00	
8	2	EA	Sand Filter	450.00	900.00	6,500.00	13,000.00	1,241.00	2,482.00	
			<b>SUBTOTAL STORM DRAINAGE</b>		<b>20,448.13</b>		<b>69,590.00</b>		<b>41,219.71</b>	
			<b>VEHICULAR PAVING</b>				-		-	
1	136	LF	18" Roll-Over Curb & Gutter	84.75	11,526.00	45.00	6,120.00	29.79	4,051.44	
2	610	LF	18" Standard Curb & Gutter	49.18	29,999.80	45.00	27,450.00	28.54	17,409.40	Math Error - Bidder listed \$17,412.00
3	4450	SY	6" Aggregate Base Course	11.65	51,842.50	14.00	62,300.00	14.89	66,260.50	Math Error - Bidder listed \$66,272.00
4	4450	SY	2" Asphaltic Concrete Surface Course	12.30	54,735.00	16.50	73,425.00	22.34	99,413.00	Math Error - Bidder listed \$99,408.00
5	27	SY	Remove & Replace Asphalt Paving	664.18	17,932.86	330.00	8,910.00	124.11	3,350.97	
6	17	EA	Wheel Stop	1,000.00	17,000.00	185.00	3,145.00	124.12	2,110.04	
7	345	SY	Sidewalk	99.64	34,375.80	90.00	31,050.00	78.19	26,975.55	
8	4	EA	Removable Bollards	2,000.00	8,000.00	1,500.00	6,000.00	558.50	2,234.00	
9	52	SY	River Rock	100.00	5,200.00	115.00	5,980.00	62.06	3,227.12	
10	1	EA	Swing Gate	4,500.00	4,500.00	3,500.00	3,500.00	1,862.00	1,862.00	
11	200	LF	4" Conduit	32.50	6,500.00	29.00	5,800.00	124.11	24,822.00	
			<b>SUBTOTAL PAVING</b>		<b>241,611.96</b>		<b>233,680.00</b>		<b>251,716.02</b>	
					-		-		-	
<b>Grand Total</b>					<b>1,556,020.79</b>		<b>1,589,795.00</b>		<b>1,678,298.73</b>	

Did not provide price

Rounded

# PROCUREMENT - AGENDA ITEM SUMMARY

OCONEE COUNTY, SC

COUNCIL MEETING DATE: July 15, 2025

## ITEM TITLE:

Procurement #: PO 56593 Dobbs Equipment Southeast LLC	Department(s): Vehicle Maintenance	Amount: PO 56593: \$39,323.44
Change Order #1	Solid Waste	<u>Change Order 1: \$12,633.25</u>
		Purchase Order Total: \$51,956.69
		<u>Contingency (10%): \$ 5,195.67</u>
		Total: \$57,152.36

## FINANCIAL IMPACT:

Procurement was approved by Council in Fiscal Year 2024-2025 & 2025-2026 budget process. Finance Approval: \_\_\_\_\_  
Budget: **57,152.36**    Project Cost: **57,152.36**    Balance: **0.00**

## BACKGROUND DESCRIPTION:

On May 10, 2025, Procurement issued Purchase Order Number 56593 to Dobbs Equipment Southeast, LLC of Simpsonville, SC, in the amount of \$39,323.44 for the diagnosis and repair of the 2018 John Deere 1050K Dozer (Unit 235.04). The initial repair addressed a cooling system pressurization issue and included replacement of the cooling pack.

On June 11, 2025, Vehicle Maintenance was notified of an issue with the oil coolers, which was identified during the tear-down phase of the repair. The required corrective action involves replacement of the oil coolers at an additional cost of \$12,633.25, increasing the total purchase order amount to \$51,956.69.

Staff recommends approval of Change Order One to Purchase Order Number 56593 in the amount of \$12,633.25, resulting in a revised total of \$51,956.69. In addition, staff is requesting approval of a 10% contingency (\$5,195.67) to cover any unforeseen repair costs that may arise.

## SPECIAL CONSIDERATIONS OR CONCERNS:

Dobbs Equipment Southeast, LLC is an Authorized Full-Service Equipment Dealership for John Deere equipment.

## ATTACHMENT(S):

1. PO 56593 Change Order Summary Spreadsheet
2. Dobbs Equipment Service Estimate No. 446511

## STAFF RECOMMENDATION:

It is the staff's recommendation that Council

1. Approve PO 56593, Change Order #1 to Dobbs Equipment Southeast LLC in the amount of \$12,633.25, for a total purchase order amount of \$51,956.69.
2. Approve a 10% contingency in the amount of \$5,195.67.
3. Authorize the County Administrator to execute documents for this change order and sign any additional change orders within the contingency amount.

Submitted or Prepared By: \_\_\_\_\_ Approved for Submittal to Council: \_\_\_\_\_  
Tronda C. Popham, Procurement Director Amanda F. Brock, County Administrator

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



**DOBBS**  
EQUIPMENT

## Service Estimate

Qty	Part Number / Labor	Description		Each	Total
		REPAIR DESCRIPTION			
10		Shop Labor ONLY		\$173.00	\$1,730.00
1		Parts Quote		\$9,908.73	\$9,908.73
		Add Sales Tax			
		Add Freight			
		COD Customer's Understand Must Pay in Advance			
					\$ -
		ESTIMATE IS BASED ON VISUAL INSPECTION			\$ -
		PARTS AND LABOR MAY BE ADDITIONAL			\$ -
		UPON ACTUAL DISASSEMBLY OF COMPONENTS			\$ -
					\$ -

\* Estimate excludes sales tax and additional charges for freight, parts/labor not included in the above mentioned. This estimate does not obligate customer or Dobbs Equipment in any way. Should Customer later request Dobbs Equipment to perform the work, and if Dobbs Equipment agrees to do so, the work will be performed in accordance with Dobbs Equipment customary terms and conditions. Reusing old hardware is not recommended due to corrosion, rust and stretch factors. If old hardware is reused, Dobbs Equipment is not responsible for items that loosen up after installation.

Sub Total

Misc

Shop Fee //EPA Fee

Estimate

\$12,038.73

+

6999969+99++++



# DOBBS

## EQUIPMENT

www.dobbsequipment.com

**Dobbs Equipment Southeast, LLC.**

116 Corporate Drive  
Simpsonville, SC 29681  
Phone: 864-963-5835

**Remit Payment to:**

Dobbs Equipment  
PO Box 5197  
Memphis, TN 38101-5197



**JOHN DEERE**

### PARTS QUOTATION

Invoice To Account No: 129125



Deliver To:

OCONEE COUNTY  
15026 WELLS HWY  
SENECA SC 29678  
US

OCONEE COUNTY  
15026 WELLS HWY  
SENECA SC 29678

Home Ph: Mob Ph:864-718-1000  
Work Ph: 864-888-1446

Quotation No: 999214  
Date: 6/10/2025  
Page: 1 of 1

Supplied Quantity	Back Order Quantity	Part Number	Part Description	Weight	Bin Loc	List Price	Net Price	Extended Price
1.00	0	AT422219	OIL COOLER	151.68		6,547.55	6,547.55	\$6,547.55
Comments: 1 STOCK ILLINOIS-NEXT AVAILABILITY DALLAS								
1.00	0	AT422216	Oil Cooler	56.68		3,361.18	3,361.18	\$3,361.18
Comments: STOCK ATLANTA								
				<b>Total Weight:</b>	208.36			

Returnable Parts subject to a 25% Restocking Fee - Please see your local Parts or Service manager for current Promotions!

Customer PO No:  
Tax Exempt No:  
Salesperson: Brandon Kowalski

Delivery Note:  
qt'd per w/o 445611

Sub Total: \$9,908.73  
Sales Tax: \$0.00  
Total: \$9,908.73  
Deposit Received: \$0.00  
Balance Due: \$9,908.73

EXCLUDES TAX

# 1T01050KVJF327275

Model 1050K

Base Machine 2430T

Built 26.2.2018

Delivered 30.11.2020

Days Rented 221

Maintenance Plans No

Amount of Use 4345 H

Status Used machine

No Open PIPs

Go to Product Tracking

Next

## Customer

OCONEE COUNTY  
415 S PINE ST  
WALHALLA, SC 296912145  
US  
(864) 6384141  
TPOPHAM@OCONEESC.COM

Warranty Coverage

Parts Coverage Search

Basic Warranty

Expired

Starts 31.12.2019

Expires 31.12.2020

Default Warranty

Expired

Starts 8.3.2018

Expires 30.12.2019

Emissions Warranty

Expired

Starts 31.12.2019

Expires 31.12.2024

Time Limit 3000 Hour

Limited Basic

Expired

Starts 23.4.2020

Expires 23.4.2025

Time Limit 10000 Hour

StructurALL

Expired

Starts 31.12.2019

Expires 30.12.2022

Time Limit 10000 Hour

Factory Undercarriage

Expired

Starts 31.12.2019

Expires 30.12.2022

Time Limit 4000 Hour

Extended Warranty (Comprehensive)

Expired

Plan Name PowerGard (C&F)

Contract Purchased 9.12.2020

Contract Type NEW

Starts 31.12.2019

Expires 29.12.2024

Time Limit 5000 Hour

Deductible 200 USD

Diagnostics Covered

## Purchase Information

Purchaser Type  
GOVERNMENT - COUNTY/DISTRICT  
End Use Code  
LANDFILL & REFUSE  
Operator's Manual Number  
License Plate Number  
Delivered 30.11.2020  
Registered 30.11.2020  
Expected First Use 30.11.2020  
Responsible Dealer  
Dobbs Equipment Southeast, LLC dba  
177353 (C&F)  
SIMPSONVILLE, SC  
Invoice Number 050677  
Invoiced 23.3.2018  
Settled 30.11.2020

Expand All Collapse All

## Machine Information

60M / 10,000-hour engine power core coverage. "Power Core" includes:  
the block, head and internal hard parts (crank, bearings, pistons, valve train, oil pump, timing gears, head gasket). This coverage excludes  
engine external parts (fuel system and injectors, aftertreatment, turbos, coolant pump, crank dampener, torsional isolator, starter, alternator, coolers, tubes, lines, hoses, harnesses, etc.).

## Amount of Use History (43)

John Deere 1050 (Unit 235.04) Under Carriage Diagnosis - PO 56593	
Description	Total Price
Environmental Fee	\$156.91
Travel / Mileage	\$520.00
Shop Supplies	\$156.91
Labor	\$1,961.42
Sub Total Parts & Labor	\$2,795.24
	\$18.82
<b>TOTAL</b>	<b>\$2,814.06</b>

John Deere 1050 Running Hot Diagnose and Repair - PO 56593	
Description	Total Price
Labor to address Cooling System Pressurization issue and replace cooling pack	\$13,321.00
Parts	\$18,438.09
Field Labor	\$1,464.00
Travel / Mileage	\$1,280.00
Freight	\$500.00
Shop / EPA Fee	\$400.00
Sub Total Parts & Labor	\$35,403.09
	\$1,106.29
<b>TOTAL</b>	<b>\$36,509.38</b>

John Deere 1050 Oil Cooler(s) Replacement - PO 56593 Change Order #1	
Description	Total Price
Labor to Remove and Replace Oil Cooler(s)	\$1,730.00
Parts	\$9,908.73
Shop / EPA Fee	\$400.00
Sub Total Parts & Labor	\$12,038.73
	\$594.52
<b>TOTAL</b>	<b>\$12,633.25</b>

<b>Grand Total Estimated Repair</b>	<b>\$51,956.69</b>
10% Contingency	\$5,195.67
<b>Grand Total Award Amount</b>	<b>\$57,152.36</b>

**STATE OF SOUTH CAROLINA  
COUNTY OF OCONEE  
ORDINANCE 2025-12**

**AN ORDINANCE AMENDING THE OCONEE COUNTY  
CONSERVATION BANK ORDINANCE, O.C. CODE SECTIONS  
2-398 THROUGH 2-409.**

**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 governing body, the Oconee County Council (the “County Council”), has adopted multiple ordinances for the effective, efficient governance of the County, which, subsequent to adoption, are codified in the Oconee County Code of Ordinances (the “Code of Ordinances”);

**WHEREAS**, the County, acting by and through the County Council, is authorized by Sections 4-9-30 and 4-9-170 of the South Carolina Code of Laws, among other sources, to create boards and commissions for the betterment of the County;

**WHEREAS**, Sections 2-398 through 2-409 of the Code of Ordinances contains terms, provisions, and procedures applicable to the County Conservation Bank (the “Conservation Bank Ordinance”); and

**WHEREAS**, County Council recognizes that there is a need to revise the law of the County to meet the changing needs of the County, and that there is a need to amend, specifically, the Conservation Bank Ordinance, and to affirm and preserve all other provisions of the Code of Ordinances not specifically or by implication amended hereby.

**NOW, THEREFORE**, it is hereby ordained by the Oconee County Council, in meeting duly assembled, that:

1. The Conservation Bank Ordinance is hereby revised, rewritten, and amended to read as set forth in Exhibit A, which is attached hereto and incorporated herein by reference. Attached hereto as Exhibit B is a copy of the Conservation Bank Ordinance that specifies the changes reflected in Exhibit A. Exhibit B is for illustrative purposes only and shall not be codified.
2. Should any part or provision of this Ordinance be deemed unconstitutional or unenforceable by any court of competent jurisdiction, such determination shall not affect the rest and remainder of this Ordinance, all of which is hereby deemed separable.
3. All ordinances, orders, resolutions, and actions of County Council inconsistent herewith are, to the extent of such inconsistency only, hereby repealed, revoked, and rescinded.
4. All other terms, provisions, and parts of the Code of Ordinances not amended hereby, directly or by implication, shall remain in full force.

5. This Ordinance shall take effect and be in full force from and after third reading and enactment by County Council

ORDAINED in meeting, duly assembled, this \_\_\_\_ of \_\_\_\_\_, 2025.

**ATTEST:**

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Jennifer C. Adams  
Clerk to Oconee County Council

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Matthew Durham  
Chair, Oconee County Council

First Reading: May 20, 2025  
Second Reading: June 03, 2025  
Third Reading: July 15, 2025  
Public Hearing: July 15, 2025

## **EXHIBIT A**

### **DIVISION 9. - COUNTY CONSERVATION BANK**

#### **Sec. 2-398. Establishment of bank.**

There is hereby established the Oconee County Conservation Bank (the "OCCB") in order to protect lands with significant natural, cultural, and/or historic resources in Oconee County that meet the criteria set forth in section 2-403, by providing a financial incentive to willing landowners to convey either a conservation easement or fee simple title to Eligible Recipients (as defined herein), and by supporting other voluntary conservation projects that preserve or enhance such resources, consistent with the criteria set forth in section 2-403.

#### **Sec. 2-399. Definitions.**

Application means an application to participate in the program addressed by this division, including its grants.

Bank or OCCB for purposes of this division means the Oconee County Conservation Bank.

Board means the governing board of the Bank.

Community Conservation Initiatives means voluntary, community-led conservation projects that involve local participation in preserving, restoring, or enhancing natural, cultural, or historic resources. This term includes, but is not limited to, community gardens, pollinator habitat projects, public green-space cleanups, and educational workshops or programs that promote environmental stewardship.

Conservation Easement means an interest in real property as defined by Chapter 8 of Title 27, South Carolina Code of Laws (the South Carolina Conservation Easement Act of 1991).

Council or County Council means Oconee County Council.

County means Oconee County, South Carolina.

Eligible OCCB Recipient or Recipient means any of the following:

- (1) Oconee County;
- (2) A municipality in Oconee County;
- (3) An independent agency or commission in Oconee County whose mission directly relates to the conservation of lands and natural, cultural and historic resources;
- (4) A not-for-profit charitable corporation or trust authorized to do business in this state and organized and operated for natural resource conservation, land conservation, or historical preservation purposes, and having tax-exempt status as a public charity under the Internal Revenue Code of 1986, as amended, and having the power to acquire, hold, and maintain Interests in Land for these purposes;
- (5) Federal, state, and local agencies organized and operated for natural resource protection, land conservation, or historical preservation purposes.

Interests in Land means fee simple titles to land or Conservation Easements on land.

Land means real property, including highlands and wetlands of any description.

Sustainable Private Water Infrastructure means privately owned water supply systems, including residential wells and related equipment, that provide independent, sustainable water access for properties (particularly in rural or unincorporated areas) as an alternative to municipal water service. This term is intended to encompass projects that enable landowners to secure reliable water sources on-site, thereby supporting environmentally sound rural land use by virtue of lower energy consumption, lower chemical usage, and reduced infrastructure demands, while also avoiding forced municipal annexation for utility access that, among other issues, may create sprawl.

**Sec. 2-400. Board.**

- (a) The Bank will be governed by a seven-member Board ("Board") appointed by Oconee County Council in accordance with the following requirements and recommendations:
  - (1) Each Board member's primary residence shall be located in Oconee County; and
  - (2) At least one of the appointed Board members shall be from each of the County Council districts; and
  - (3) The Council shall endeavor to appoint but not require candidates to be appointed as follows:
    - A Board member or executive officer of a charitable corporation or trust authorized to do business in this state that is one of the following:
      - (i) Actively engaged in the acquisition of Interests in Land from voluntary sellers for the purposes of natural resource or land conservation in Oconee County; or
      - (ii) Is organized for historic or cultural preservation purposes; or
      - (iii) Is an organization that represents hunting, fishing, or outdoor recreation interests; and
    - A Board member who is an owner of rural real property who is actively engaged in the management and operation of forestlands, farmlands, or wildlife habitat; and
    - A Board member who is actively engaged in one of the following:
      - (i) The real estate business; or
      - (ii) The business of appraising forestland, farmland, or Conservation Easements; or
      - (iii) The business of banking, finance, or accounting; or
      - (iv) A licensed attorney admitted to practice before the South Carolina Supreme Court with an emphasis in real estate or land use law.
    - To the extent possible, all appointed Board members should have a demonstrated background, experience, and interest in the conservation of lands with significant natural, cultural and/or historical resources.
- (b) The initial terms of the at-large Board members shall be for two years, the terms of the Board members from County Council district numbers 1, 3 and 5 shall be for three years, and the terms for the Board members from County Council district numbers 2 and 4 shall be for four years. Thereafter, all terms shall be for four years. All members may be reappointed. Vacancies shall be filled for the unexpired portion of the term.
- (c) Members shall serve without compensation, but may receive such mileage and per diem as may be authorized and appropriated by Oconee County Council. The Board shall elect a chair and other officers as the Board deems necessary. The Board shall adopt rules and procedures to conduct its meetings, consistent with those used by County Council.

- (d) The Board is a public body and its members are hereby expressly subject to, among other applicable laws and regulations, the South Carolina Ethics Act and the South Carolina Freedom of Information Act, as amended, and shall perform their duties in accordance with their provisions.
- (e) The Board shall meet at least three times per year in regularly scheduled meetings and in special meetings as the chair may call, all open to the public (except for executive sessions when duly held in accordance with law). All meetings shall be conducted in accordance with the South Carolina Freedom of Information Act.
- (f) The Board shall report to County Council any Board member who, without adequate excuse (such as documented illness), misses three consecutive meetings or a majority of meetings in any calendar year.

**Sec. 2-401. Board duties and responsibilities.**

- (a) The Board is authorized to:
  - (1) Award grants from the "OCCB fund" (defined herein) to Eligible OCCB Recipients for the purchase of land or Interests in Land or for "Eligible Conservation Activities" (defined herein), all as evaluated under the criteria contained in Section 2-403; and
  - (2) Apply for and receive funding for the OCCB fund, for the Bank, from federal, state, private and other sources, to be used as provided in this division; and
  - (3) Receive charitable contributions and donations, including through endowment funding to the OCCB, to the OCCB fund, for the Bank, to be used as provided in this division;<sup>1</sup> and
  - (4) Receive contributions to the OCCB fund, for the Bank, in satisfaction of any public or private obligation for environmental mitigation or habitat conservation, whether such obligation arises out of law, equity, contract, regulation, administrative proceeding, or judicial proceeding. Such contributions shall be used as provided for in this division; and
  - (5) To, upon approval by County Council, transfer OCCB funds to a conservation-related endowment, or similar entity or agreement, for the purposes stated herein.
- (b) To carry out its functions, the Bank shall:
  - (1) Operate a program which includes:
    - a. Developing a ranking system for Applications for program participation, including grants, pursuant to the criteria contained in section 2-403;
    - b. Receiving grant and participation Applications from Eligible OCCB Recipients pursuant to section 2-404;
    - c. Evaluating Applications from Eligible OCCB Recipients for eligibility for grants and to participate in the program pursuant to section 2-404;
    - d. Reviewing and ranking Applications from Eligible OCCB Recipients for grants and to participate in the program pursuant to the ranking system;
    - e. Recommending the approval of certain Applications to County Council pursuant to section 2-404;
  - (2) Establish additional guidelines and procedures, consistent with this division, as necessary to implement this division; and
  - (3) Submit an annual report to Oconee County Council concerning all matters addressed by this division.
- (c) The county administrator is directed to provide administrative resources and support needed to operate and manage the OCCB, other than financial resources and support, to the extent possible, and within existing

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<sup>1</sup> Funding held and disbursed by the OCCB shall not be derived from tax or fee revenue, but shall be comprised of donations, grants, or other similar non-taxpayer funded sources.



resources of the County. When and if deemed appropriate by the Board, the Board may seek County Council's approval to hire permanent staff, who will be County staff, reporting to the Administrator.

- (d) Operating expenses of the Bank may be paid out of the OCCB fund in accordance with Oconee County Policies and Procedures, and, as authorized and appropriated by County Council, provided such expenses shall not exceed ten percent of the total annual OCCB funding amount. Notwithstanding any other provision of this division, Oconee County tax dollars shall not be used for the operation or purposes of the Bank.

**Sec. 2-402. OCCB fund.**

The Oconee County Treasurer shall establish an account separate and distinct from all other funds appropriated by County Council, called the Oconee County Conservation Bank Fund (the "OCCB fund"). The OCCB fund shall receive monies, awards, and assets from third parties, including but not limited to donors, the state, or from the County according to one or more funding measures approved by Oconee County Council. The Council acknowledges and agrees that County funding measures should be undertaken as soon as feasible, consistent with overall budget priorities of the County, in order to avoid escalating land costs and lost acquisition opportunities. The OCCB fund shall be used only for the purposes set forth herein. Funds donated to the OCCB by third parties shall not be re-directed by Council.

**Sec. 2-403. Criteria.**

- (a) The Board shall use the following conservation criteria in developing a ranking system for Applications pursuant to subsection 2-401(b)(1):
  - (1) Environmental sensitivity.
    - a. Presence of wetlands.
    - b. Frontage on USGS Blue Line Stream.
    - c. Water quality classification of such stream by the South Carolina Department of Environmental Services.
    - d. Presence of threatened/endangered species.
    - e. Habitat suitable for threatened/endangered species.
    - f. Habitat suitable for native wildlife species.
    - g. Extent of biological diversity.
    - h. Presence of unique geological/natural features.
    - i. Plans for restoration.
  - (2) Percentage of property sharing a boundary with protected land.
  - (3) Historic/cultural features.
    - a. Contains feature designated on the National Historic Register.
    - b. Contains feature eligible for the National Historic Register.
    - c. Contains historic/prehistoric structures.
    - d. Contains historic/prehistoric site or location of a historic event.
  - (4) Percentage of property containing prime/statewide important soil types.
  - (5) Extent of active farming on property and extent proposed to be kept as wooded land or farmland.
  - (6) Extent of public visibility of property.
    - a. Visibility from public roads.

- b. Visibility from public land.
- (7) Scenic view from property or preservation of general scenic nature of that part of County.
- (8) Extent of public access.
- (9) Location of property.
- (10) Threat of development.
- (11) Size of property.
- (12) Potential water quality impact on a wetland or water body that is not part of the property.
- (b) The Board shall use the following financial criteria in developing the ranking system for Applications for participation in the program and grants pursuant to subsection 2-402(b)(l).
  - (1) Funding percentage of the appraised fee simple interest or Conservation Easement value requested or as to the Eligible Conservation Activity proposed;
  - (2) Amount of applicable partnerships, matching contributions, management agreements, management leases, and similar collaborations among state agencies, federal agencies, Eligible OCCB Recipients, and local governments, boards, and commissions;
  - (3) No matching funds or other contributions are required to receive grants from the OCCB fund. However, the commitment of such other funds shall be a factor considered by the Board in its evaluation and recommendation of the Applications.
- (c) Eligible Conservation Activities: In addition to land or easement acquisitions, the Board may consider and prioritize grants for projects involving the following categories of conservation activities, provided such projects support the purposes of this division and meet applicable criteria:
  - (1) Habitat Restoration Projects. Projects focused on restoring native ecosystems or wildlife habitat are eligible for OCCB support. Eligible activities include reforestation or planting of native species; wetland restoration (including removal of invasive plants and reestablishment of natural hydrology); and the enhancement or creation of wildlife corridors. Projects should demonstrate a direct benefit to local biodiversity and, where feasible, align with state or federal conservation priorities (for example, the restoration of habitat for threatened or endangered species).
  - (2) Water Quality Improvements. Projects that improve surface or groundwater quality are eligible. Eligible activities include establishing vegetative riparian buffers along streams or rivers; streambank stabilization to reduce erosion and sedimentation; and installation of rainwater capture or stormwater management systems for agricultural or community use. Projects must positively impact water quality within Oconee County, with priority given to projects located in designated watershed protection areas or addressing identified water quality issues.
  - (3) Agricultural and Forestry Best Practices. Projects implementing sustainable agriculture or forestry practices are eligible. Eligible activities include soil conservation measures (such as contour farming or cover cropping); establishment of rotational grazing systems to prevent overuse of pastureland; and development of forest management plans that incorporate sustainable timber harvesting. Projects should increase the long-term productivity of working lands while reducing environmental impact. Applicants may be required to provide a multi-year management plan (for example, a ten-year stewardship plan) outlining measurable conservation outcomes.
  - (4) Historic and Cultural Preservation. Projects to preserve or restore sites with historic or cultural significance are eligible. Eligible activities include the preservation, rehabilitation, or restoration of historically significant buildings or sites; documentation and protection of cultural, archaeological, or

heritage sites; and development of educational materials or programs to raise public awareness of local history and culture. Projects must pertain to sites or resources officially documented or evaluated as having historic or cultural importance, and should be conducted in accordance with recognized preservation standards (such as those of the National Register of Historic Places or the Secretary of the Interior's Standards).

- (5) **Public Access and Recreational Infrastructure.** Projects that enhance public access to natural areas or improve outdoor recreational infrastructure are eligible. Eligible activities include creation or improvement of hiking and biking trails, greenways, boat landings, fishing piers, picnic areas, or campgrounds; installation of educational or interpretive signage highlighting natural or historical features; and establishment of wildlife observation platforms or small nature centers. Projects must increase or improve public access to outdoor recreation opportunities while maintaining the conservation values of the site. Applicants shall provide a plan for the long-term maintenance of any improvements funded.
- (6) **Community Conservation Initiatives.** Locally driven conservation projects that engage and benefit the community are eligible for support. Eligible activities include creating pollinator gardens or native plant habitats in community parks or school grounds; organizing cleanup and habitat restoration efforts for community green spaces, streams, or lakes; and conducting conservation-related educational workshops, events, or youth programs. Projects should involve community participation and have demonstrated local support. While matching funds or in-kind volunteer contributions are encouraged for these initiatives, they are not required.
- (7) **Sustainable Private Water Infrastructure.** Projects that develop or improve private water supply infrastructure for the purpose of sustaining rural land use and avoiding unnecessary municipal expansion are eligible. Eligible activities include the drilling and installation of new residential potable water wells, the rehabilitation or upgrade of existing private wells, and associated infrastructure improvements to secure independent water access for properties. Projects must primarily serve properties in unincorporated or rural areas where public water service is not available or where connecting to a public water system would require annexation or otherwise infringe on property rights. All such projects shall comply with applicable well permitting and groundwater safety regulations. This category is intended to preserve the County's rural character by enabling landowners to obtain essential water resources without reliance on municipal systems, thereby supporting environmentally sound rural land use by virtue of lower energy consumption, lower chemical usage, and reduced infrastructure demands, while also avoiding forced municipal annexation for utility access that, among other issues, may create sprawl.

#### **Sec. 2-404. Program and procedures.**

##### **(a) *Application.***

- (1) An Eligible OCCB Recipient independently or in conjunction with the landowner may apply for a grant from the OCCB by submitting an Application in accordance with the rules and procedures established by the Board under and consistent with this division;
- (2) Prior to the submission of its Application, the Eligible OCCB Recipient must notify in writing the owner of the land that is the subject of the Application of the following:
  - a. That Interests in Land purchased with OCCB funds result in a permanent conveyance of such Interests in land from the landowner to the Eligible OCCB Recipient and its assigns; and
  - b. That it may be in the landowner's interest to retain independent legal counsel, perform appraisals, create surveys, and seek other professional advice; and

The Application must contain an affirmation that the notice requirement of this subsection has been met, along with the commitment of the landowner to convey title to or an easement on the property if grant funds are approved for an Interest in Land in the property, all signed by the landowner and duly notarized by a notary public of the State of South Carolina.

- (3) At the time of the submission of its Application, the Eligible OCCB Recipient must notify in writing all landowners adjacent to the property and all lessees of the property of the submission of its Application and informing the adjacent landowners and lessees that they have 30 days from receipt of said notice to submit to the Board, in writing, their views in support of or in opposition to the Application.
  - (4) In each Application, the Eligible OCCB Recipient must provide information regarding how the proposal meets the criteria contained in section 2-403.
  - (5) For each grant Application the applicant shall specify:
    - a. The purpose of the Application;
    - b. How the Application satisfies the criteria contained in section 2-403;
    - c. The uses to which the land or activity will be put;
    - d. The party responsible for managing and maintaining the land or activity; and
    - e. The parties responsible for enforcing any Conservation Easement or other restrictions upon the land.
  - (6) Where an Eligible OCCB Recipient seeks an OCCB grant to acquire fee title to land, the Eligible OCCB Recipient must demonstrate both the expertise and financial resources to manage the land for the purposes set forth in its Application. The Board shall require an Eligible OCCB Recipient acquiring fee simple title to land to place a Conservation Easement on such property.
  - (7) Where an Eligible OCCB Recipient seeks an OCCB grant to acquire a Conservation Easement, the Eligible OCCB Recipient must demonstrate both the expertise and financial resources to monitor and enforce the restrictions placed upon the land for the purposes set forth in its Application. The Board shall evaluate each proposal to determine the qualifications of the proposed managing party and to determine whether the proposed management is consistent with the purposes set forth in the Application.
  - (8) The Board shall establish reasonable procedures and requirements to ensure that the personal information of Eligible OCCB Recipients and landowners is protected as permitted by the South Carolina Freedom of Information Act.
- (b) *Application review.*
- (1) The Board shall accept Applications throughout the calendar year.
  - (2) The Board shall evaluate each Application according to the criteria contained in section 2-403 of this division and recommend approval of the Application and associated grants to County Council based on how well the proposals meet these criteria. The more criteria a proposal satisfies, the higher priority it shall be given.
  - (3) The Board shall evaluate each Application and submit recommendations to County Council within 90 days of the submission of an Application. The recommendation of an Application may be for full approval, partial approval, or disapproval.
  - (4) In recommending the awarding of a grant from the OCCB fund, the Board shall set forth findings that address the items below. The Board may delegate to one of its members this duty to write a report summarizing the Board's findings and delivering it to Council:
    - a. How the Application meets the criteria set forth in section 2-403;
    - b. The purpose of the award and the use to which the land or activity will be put;

- c. The party responsible for managing and maintaining the land or activity;
  - d. The party responsible for monitoring and enforcing any Conservation easements or other restrictions upon the land;
  - e. How the parties designated in items c. and d. possess the expertise and financial resources to fulfill their obligations;
  - f. The availability of funds in the OCCB fund for the award;
  - g. Any other findings or information relevant to the award.
- (5) County Council shall take action on the Board's recommendations within 30 days of the Board's submission thereof. The Council shall consider and vote on each recommendation individually. The Council shall accept the recommendation of the Board for the award of a grant unless (i) it is determined that there are not sufficient funds in the OCCB fund for the award or (ii) at least a majority of the Council members present and voting vote to reject the recommendation. If the Board's recommendation for the award of a grant is approved by Council, the award shall be made and the transaction closed in accordance with Subsection (c).
- (6) The Board may only authorize grants to purchase Interests in Land at or below fair market value pursuant to a current (within 12 months of grant approval by County Council), independent certified appraisal. The Board may accept a market analysis update covering the time period from the date of the original appraisal to the present in the form of a letter prepared and signed by the original appraiser. Said market analysis update letter must be submitted to the Board no later than 30 days prior to the next scheduled Board meeting. The Board shall establish reasonable procedures and requirements to ensure the confidentiality of appraisals.

(c) *Grant award.*

- (1) The Board shall notify the Eligible OCCB Recipient of its recommendation and the action taken by County Council on the Application.
- (2) If the Board recommends the Application in whole or in part and the recommendation is approved by County Council in accordance with subsection (b)(5), the Eligible OCCB Recipient shall have a period of four months from the date of the County Council's approval to decide whether to accept the award. At closing, the Eligible OCCB Recipient shall execute and record a grant agreement or memorandum thereof, which shall be in a form approved by the Board. Said grant agreement shall include provisions for the indemnification and reimbursement of the OCCB for improperly used OCCB funds, or title issues or defects, perpetual monitoring and enforcement, and other actions pursuant to section 2-405.
- (3) The Eligible OCCB Recipient shall submit the following documents to the Board prior to closing a transaction involving a transfer of an Interest in Land, and the Board and the County Attorney or an attorney designated by the County Administrator on recommendation of the Board shall review and approve the documents before OCCB funds can be disbursed:
  - a. A certified appraisal satisfying the requirements of subsection 2-404(b)(6);
  - b. Final drafts of the:
    - i. Conservation easement and/or deed,
    - ii. Settlement statement,
    - iii. Title insurance commitment and exceptions,
    - iv. Grant agreement required pursuant to subsection 2-404(c)(2),
    - v. Subordination agreement and any other documents that will be recorded at or after closing.

- c. A Phase 1 environmental site assessment. In order to identify potential liability pursuant to applicable state or federal environmental laws or regulations, a certified Phase 1 environmental site assessment shall be conducted on lands before the disbursement of OCCB funds for the acquisition of any interest in such lands where the Application is for more than \$30,000.00 or ten percent of the appraised fair market value of either the Conservation easement or fee simple acquisition, whichever value is smaller. However, the Board shall have the discretion to require a Phase 1 environmental site assessment for Applications for grants of \$30,000.00 or less if it determines that the circumstances warrant an assessment. In the event that a Phase 1 environmental site assessment reveals issues of concern on or at the property, the Board may determine and require that follow-up by the Eligible OCCB recipient is necessary prior to the disbursement of OCCB funds.
- (4) The Eligible OCCB Recipient shall submit any documents or information required by the Board and/or County Council prior to receiving OCCB funding to pursue an Eligible Conservation Activity.
- (5) Eligible OCCB recipients receiving monies from the OCCB fund shall retain all records of acquisition of Interests in Land with OCCB funds including, but not limited to deeds, title documents, contracts, surveys, inventories, appraisals, title insurance policies, environmental assessments, Applications, and closing documents and provide copies of the executed settlement statement, title insurance commitment and exceptions, and all recorded documents showing the Register of Deeds time and date stamp to the OCCB.
- (6) The Board shall disburse OCCB funds to Eligible OCCB Recipients and the closing shall occur after all applicable requirements of this section are fully satisfied, provided the closing shall take place no later than one year after the Eligible OCCB Recipient and owner of the Interest in Land decide to accept the award unless the Board, for good cause shown, extends the deadline for a period not to exceed six months.
- (7) No later than 60 days after the day of closing, the OCCB grant recipient shall submit a report to the Board describing how the OCCB grant funds were distributed or used and the status of the project. The report shall include supporting documentation, such as the closing settlement statement, disbursement statement, and the recorded Conservation Easement or deed.

#### **Sec. 2-405. Use of funds.**

- (a) Only Eligible OCCB Recipients may acquire Interests in Land or be awarded funding for an Eligible Conservation Activity with OCCB funds.
- (b) The Bank may purchase an Interest in Land on behalf of Oconee County subject to the criteria contained in section 2-403.
- (c) OCCB funds shall be used only by Eligible OCCB Recipients for the acquisition of Interests in Land, including closing costs, or Eligible Conservation Activities, as described in Section 2-403, above. "Closing costs" shall include recording fees, deed transfer or documentary stamp fees, the costs of performing the work and providing the documentation required under subsection 2-404(c)(3), attorney's fees, and the cost of obtaining surveys or an updated market analysis pursuant to subsection 2-404(b)(6). The Board shall have the discretion to allow the OCCB funds to be used solely for closing costs after considering the amount of the award, the value of the project, the amount of the closing costs, or other factors. In the event that OCCB determines that OCCB funds were spent for purposes other than those listed in this subsection or the grant agreement, the Eligible OCCB Recipient or landowner shall reimburse the OCCB in the amount of the improperly used funds, plus interest.

- (d) All Interests in Land acquired with OCCB funds shall be held by the Eligible OCCB Recipient approved by the Board to acquire the Interest in Land; except that an Interest in Land obtained with OCCB funds may be assigned from one Eligible OCCB Recipient to another upon approval of the Board by majority vote. In the event that there is a mortgage on any property interest protected through the use of OCCB funds, the Eligible OCCB Recipient and landowner, if any, shall notify and inform the mortgagee or debtholder that the mortgage will be subordinate to the Conservation Easement or conservation provisions in the deed. The Eligible OCCB Recipient shall provide the OCCB with a copy of the notice and information to the mortgagee.
- (e) The owner of the fee simple title to property for which a Conservation Easement was purchased with OCCB funds, whether the original owner that conveyed the Conservation Easement or a successor-in-interest, may reacquire and terminate or extinguish the Conservation Easement, whether in whole or in part, only by complying with all of the following: (i) proving that the original conservation and/or historic values of the protected land have been lost or substantially impaired by factors beyond the owner's control such as through eminent domain; (ii) obtaining unanimous approval by the OCCB Board; (iii) obtaining unanimous approval by County Council; (iv) obtaining approval by the Oconee County Court of Common Pleas; and (v) making payment in cash to the OCCB fund of whichever is higher of the amount of the grant or its equivalent percent of the current conservation value. Equivalent percent means the ratio of the grant to the original conservation value, as determined by a certified appraisal paid for by the owner of fee simple title to the property.
- (f) If an Eligible OCCB Recipient acquires fee simple title to land for conservation and/or historic purposes with OCCB funds, that land may not be sold, transferred, assigned, alienated, or converted to a use other than the use set forth in the grant award except by complying with all of the following: (i) proving that the original conservation and/or historic values of the protected land have been lost or substantially impaired by factors beyond the owner's control, such as through eminent domain; (ii) obtaining unanimous approval by the OCCB Board; (iii) obtaining unanimous approval by the County Council; (iv) obtaining approval by the Oconee County Court of Common Pleas; and (v) making payment in cash to the OCCB fund of whichever is higher of the amount of the grant or its equivalent percent of the current conservation value. Equivalent percent means the ratio of the grant to the original conservation value, as determined by a certified appraisal paid for by the Eligible OCCB Recipient.
- (g) If any Interests in Land that have been acquired by an Eligible OCCB Recipient with OCCB funds are extinguished, terminated, sold, transferred, assigned, alienated, or converted pursuant to subsections (e) and (f), the Eligible OCCB Recipient extinguishing, selling, transferring, assigning, alienating, or converting the Interests in Land shall replace them with the Interests in Land of substantially equal current fair market value, with any excess from the sale of the prior Interests in Land being used by contribution to the OCCB fund. The replacement land shall have the same or greater significance when evaluated under the criteria set forth in section 2-403. The Board shall verify that suitable replacement Interests in Land have been identified and will be obtained before authorizing that any Interest in land purchased with OCCB funds be extinguished, sold, transferred, assigned, alienated, or conveyed. Where replacement in whole or in part is impossible, funds realized which are not used for replacement Interests in land must be credited to the OCCB fund. Where funding for an original acquisition was from multiple sources, funds realized must be credited to the OCCB fund under this section in proportion equal to the contribution that OCCB funds made to the original acquisition.
- (h) The Eligible OCCB Recipient or landowner shall notify the Board in the event that a claim against the title to the property has been made.
- (i) In the event that the title to the protected property interest is invalidated or otherwise found to be deficient, the Board shall be reimbursed by the Eligible OCCB Recipient and/or landowner in an amount up to the amount of the award approved by County Council and disbursed to the Eligible OCCB Recipient.
- (j) In the event that there is no Conservation Easement on a property funded by the OCCB, the County Administrator shall be responsible for ensuring that landowner complies with the ordinance and for

enforcing the provisions of the ordinance. The grant agreement shall specify that the County shall be able to access the property for monitoring and/or enforcement purposes in perpetuity.

**Sec. 2-406. Eminent domain or condemnation proceedings.**

OCCB funds may not be used to acquire Interests in Land or other interests in real property through the exercise of any power of eminent domain or condemnation proceedings.

**Sec. 2-407. Recreational and economic use.**

The provisions of this division shall not be construed to eliminate or unreasonably restrict hunting, fishing, farming, forestry, timber management, or wildlife habitat management, as regulated by the law of this state, upon lands for which Interests in Land are obtained pursuant to this division. These and other traditional and compatible activities may be conducted, where appropriate, upon lands protected with OCCB funds.

**Sec. 2-408. Conservation easements.**

When OCCB funds are used to purchase a Conservation Easement on land, the Conservation Easement shall be the controlling legal document regarding what is and what is not permitted upon the land, how the land will be protected, and what rights are vested with the Eligible OCCB Recipient and its assigns which holds the Conservation Easement. If any inconsistencies or ambiguities arise between the provisions of this division and the terms and conditions of the Conservation Easement purchased with OCCB funds, the terms and conditions of the Conservation easement shall prevail. The Eligible OCCB Recipient shall have sole responsibility for monitoring the property subject to the Conservation Easement and for enforcing the terms and conditions thereof.

**Sec. 2-409. Historic properties.**

The Board may authorize up to ten percent of the annual OCCB appropriation to acquire Interests in Land that qualify solely as a historic or cultural feature according to the criteria contained in section 2-403.



## EXHIBIT B

### DIVISION 9. ~~---~~ COUNTY CONSERVATION BANK

#### Sec. 2-398. ~~---~~ Establishment of bank.

There is hereby established the Oconee County Conservation Bank ~~(the "OCCB")~~ in order to protect lands with significant natural, cultural, and/or historic resources in Oconee County that meet the criteria set forth in section 2-403, by providing a financial incentive to willing landowners to convey either a conservation easement or fee simple title to Eligible Recipients (as defined herein~~---~~), and by supporting other voluntary conservation projects that preserve or enhance such resources, consistent with the criteria set forth in section 2-403.

#### Sec. 2-399. ~~---~~ Definitions.

Application means an application to participate in the program addressed by this division, including its grants.

Bank or OCCB for purposes of this division means the Oconee County Conservation Bank.

Board means the governing board of the Bank.

Community Conservation Initiatives means voluntary, community-led conservation projects that involve local participation in preserving, restoring, or enhancing natural, cultural, or historic resources. This term includes, but is not limited to, community gardens, pollinator habitat projects, public green-space cleanups, and educational workshops or programs that promote environmental stewardship.

Conservation Easement means an interest in real property as defined by Chapter ~~8~~ of Title ~~27~~, South Carolina Code of Laws~~---~~ (the South Carolina Conservation Easement Act of 1991~~---~~).

Council or County Council means Oconee County Council.

County means Oconee County, South Carolina.

Eligible OCCB Recipient or Recipient means any of the following:

- (1) ~~---~~ Oconee County;
- (2) ~~---~~ A municipality in Oconee County;
- (3) ~~---~~ An independent agency or commission in Oconee County whose mission directly relates to the conservation of lands and natural, cultural and historic resources;

(4) ~~—~~ A not-for-profit charitable corporation or trust authorized to do business in this state and organized and operated for natural resource conservation, land conservation, or historical preservation purposes, and having tax-exempt status as a public charity under the Internal Revenue Code of 1986, as amended, and having the power to acquire, hold, and maintain Interests in Land for these purposes;

(5) ~~—~~ Federal, state, and local agencies organized and operated for natural resource protection, land conservation, or historical preservation purposes.

Interests in Land means fee simple titles to land or Conservation Easements on land.

Land means real property, including highlands and wetlands of any description.

Sustainable Private Water Infrastructure means privately owned water supply systems, including residential wells and related equipment, that provide independent, sustainable water access for properties (particularly in rural or unincorporated areas) as an alternative to municipal water service. This term is intended to encompass projects that enable landowners to secure reliable water sources on-site, thereby supporting environmentally sound rural land use by virtue of lower energy consumption, lower chemical usage, and reduced infrastructure demands, while also avoiding forced municipal annexation for utility access that, among other issues, may create sprawl.

#### **Sec. 2-400. Board.**

(a) The Bank will be governed by a seven-member Board ("Board") appointed by Oconee County Council in accordance with the following requirements and recommendations:

- (1) Each Board member's primary residence shall be located in Oconee County; and
- (2) At least one of the appointed Board members shall be from each of the County Council districts; and
- (3) The Council shall endeavor to appoint but not require candidates to be appointed as follows:
  - A Board member or executive officer of a charitable corporation or trust authorized to do business in this state that is one of the following:
    - (i) Actively engaged in the acquisition of Interests in Land from voluntary sellers for the purposes of natural resource or land conservation in Oconee County; or
    - (ii) Is organized for historic or cultural preservation purposes; or
    - (iii) Is an organization that represents hunting, fishing, or outdoor recreation interests; and
  - A Board member who is an owner of rural real property who is actively engaged in the management and operation of forestlands, farmlands, or wildlife habitat; and
  - A Board member who is actively engaged in one of the following:
    - (i) The real estate business; or
    - (ii) The business of appraising forestland, farmland, or Conservation Easements; or
    - (iii) The business of banking, finance, or accounting; or
    - (iv) A licensed attorney admitted to practice before the South Carolina Supreme Court with an emphasis in real estate or land use law.

- To the extent possible, all appointed Board members should have a demonstrated background, experience, and interest in the conservation of lands with significant natural, cultural and/or historical resources.
- (b) The initial terms of the at-large Board members shall be for two years, the terms of the Board members from County Council district numbers 1, 3 and 5 shall be for three years, and the terms for the Board members from County Council district numbers 2 and 4 shall be for four years. Thereafter, all terms shall be for four years. All members may be reappointed. Vacancies shall be filled for the unexpired portion of the term.
  - (c) Members shall serve without compensation, but may receive such mileage and per diem as may be authorized and appropriated by Oconee County Council. The Board shall elect a chair and other officers as the Board deems necessary. The Board shall adopt rules and procedures to conduct its meetings, consistent with those used by County Council.
  - (d) The Board is a public body and its members are hereby expressly subject to, among other applicable laws and regulations, the South Carolina Ethics Act, and the South Carolina Freedom of Information Act, as amended, and shall perform their duties in accordance with their provisions.
  - (e) The Board shall meet at least three times per year in regularly scheduled meetings and in special meetings as the chair may call, all open to the public (except for executive sessions when duly held in accordance with law). All meetings shall be conducted in accordance with the South Carolina Freedom of Information Act.
  - (f) The Board shall report to County Council any Board member who, without adequate excuse (such as documented illness),<sup>1</sup> misses three consecutive meetings or a majority of meetings ~~for~~in any calendar year.

#### **Sec. 2-401. Board duties and responsibilities.**

- (a) The Board is authorized to:
  - (1) Award grants from the "OCCB fund" (defined herein) to Eligible OCCB Recipients for the purchase of land or Interests in ~~land that meet~~Land or for "Eligible Conservation Activities" (defined herein), all as evaluated under the criteria contained in Section 2-403; and
  - (2) Apply for and receive funding for the OCCB fund, for the Bank, from federal, state, private and other sources, to be used as provided in this division; and
  - (3) Receive charitable contributions and donations, including through endowment funding to the OCCB, to the OCCB fund, for the Bank, to be used as provided in this division;<sup>1</sup> and
  - (4) Receive contributions to the OCCB fund, for the Bank, in satisfaction of any public or private obligation for environmental mitigation or habitat conservation, whether such obligation arises out of law, equity, contract, regulation, administrative proceeding, or judicial proceeding. Such contributions shall be used as provided for in this division; and
  - (5) To, upon approval by County Council, transfer OCCB funds to a conservation-related endowment, or similar entity or agreement, for the purposes stated herein.
- (b) To carry out its functions, the Bank shall:
  - (1) Operate a program which includes:
    - a. Developing a ranking system for Applications for program participation, including grants, pursuant to the criteria contained in section 2-403;
    - b. Receiving grant and participation Applications from Eligible OCCB Recipients pursuant to section 2-404;

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<sup>1</sup> Funding held and disbursed by the OCCB shall not be derived from tax or fee revenue, but shall be comprised of donations, grants, or other similar non-taxpayer funded sources.

- c. Evaluating Applications from Eligible OCCB Recipients for eligibility for grants and to participate in the program pursuant to section 2-404;
  - d. Reviewing and ranking Applications from Eligible OCCB Recipients for grants and to participate in the program pursuant to the ranking system;
  - e. Recommending the approval of certain Applications to County Council pursuant to section 2-404;
- (2) Establish additional guidelines and procedures, consistent with this division, as necessary to implement this division; and
- (3) Submit an annual report to Oconee County Council concerning all matters addressed by this division.
- (c) The county administrator is directed to provide administrative resources and support needed to operate and manage the OCCB, other than financial resources and support, to the extent possible, and within existing resources of the County. When and if deemed appropriate by the Board, the Board may seek County Council's approval to hire permanent staff, who will be County staff, reporting to the Administrator.
- (d) Operating expenses of the Bank may be paid out of the OCCB fund in accordance with Oconee County Policies and Procedures, and, as authorized and appropriated by County Council, provided such expenses shall not exceed ten percent of the total annual OCCB funding amount. Notwithstanding any other provision of this division, Oconee County tax dollars shall not be used for the operation or purposes of the Bank.

#### **Sec. 2-402. OCCB fund.**

The Oconee County Treasurer shall establish an account separate and distinct from all other funds appropriated by County Council, called the Oconee County Conservation Bank Fund (the "OCCB fund"). The OCCB fund shall receive monies, awards, and assets from third parties, including but not limited to donors, the state, or from the County according to one or more funding measures approved by Oconee County Council. The Council acknowledges and agrees that County funding measures should be undertaken as soon as feasible, consistent with overall budget priorities of the County, in order to avoid escalating land costs and lost acquisition opportunities. The OCCB fund shall be used only for the purposes set forth herein. Funds donated to the OCCB by third parties shall not be re-directed by Council.

#### **Sec. 2-403. Criteria.**

- (a) The Board shall use the following conservation criteria in developing a ranking system for Applications pursuant to subsection 2-401(b)(1):
  - (1) Environmental sensitivity.
    - a. Presence of wetlands.
    - b. Frontage on USGS Blue Line Stream.
    - c. Water quality classification of such stream by the South Carolina Department of ~~Health and~~ Environmental ~~Control~~ Services.
    - d. Presence of threatened/endangered species.
    - e. Habitat suitable for threatened/endangered species.
    - f. Habitat suitable for native wildlife species.
    - g. Extent of biological diversity.
    - h. Presence of unique geological/natural features.
    - i. Plans for restoration.
  - (2) Percentage of property sharing a boundary with protected land.

- (3) Historic/cultural features.
    - a. Contains feature designated on the National Historic Register.
    - b. Contains feature eligible for the National Historic Register.
    - c. Contains historic/prehistoric structures.
    - d. Contains historic/prehistoric site or location of a historic event.
  - (4) Percentage of property containing prime/statewide important soil types.
  - (5) Extent of active farming on property and extent proposed to be kept as wooded land or farmland.
  - (6) Extent of public visibility of property.
    - a. Visibility from public roads.
    - b. Visibility from public land.
  - (7) Scenic view from property or preservation of general scenic nature of that part of County.
  - (8) Extent of public access.
  - (9) Location of property.
  - (10) Threat of development.
  - (11) Size of property.
  - (12) Potential water quality impact on a wetland or water body that is not part of the property.
- (b) The Board shall use the following financial criteria in developing the ranking system for Applications for participation in the program and grants pursuant to subsection 2-402(b)(l).
- (1) Funding percentage of the appraised fee simple interest or Conservation Easement value requested or as to the Eligible Conservation Activity proposed;
  - (2) Amount of applicable partnerships, matching contributions, management agreements, management leases, and similar collaborations among state agencies, federal agencies, Eligible OCCB Recipients, and local governments, boards, and commissions;
  - (3) No matching funds or other contributions are required to receive grants from the OCCB fund. However, the commitment of such other funds shall be a factor considered by the Board in its evaluation and recommendation of the Applications.
- (c) Eligible Conservation Activities: In addition to land or easement acquisitions, the Board may consider and prioritize grants for projects involving the following categories of conservation activities, provided such projects support the purposes of this division and meet applicable criteria:
- (1) Habitat Restoration Projects. Projects focused on restoring native ecosystems or wildlife habitat are eligible for OCCB support. Eligible activities include reforestation or planting of native species; wetland restoration (including removal of invasive plants and reestablishment of natural hydrology); and the enhancement or creation of wildlife corridors. Projects should demonstrate a direct benefit to local biodiversity and, where feasible, align with state or federal conservation priorities (for example, the restoration of habitat for threatened or endangered species).
  - (2) Water Quality Improvements. Projects that improve surface or groundwater quality are eligible. Eligible activities include establishing vegetative riparian buffers along streams or rivers; streambank stabilization to reduce erosion and sedimentation; and installation of rainwater capture or stormwater management systems for agricultural or community use. Projects must positively impact water quality

within Oconee County, with priority given to projects located in designated watershed protection areas or addressing identified water quality issues.

- (3) Agricultural and Forestry Best Practices. Projects implementing sustainable agriculture or forestry practices are eligible. Eligible activities include soil conservation measures (such as contour farming or cover cropping); establishment of rotational grazing systems to prevent overuse of pastureland; and development of forest management plans that incorporate sustainable timber harvesting. Projects should increase the long-term productivity of working lands while reducing environmental impact. Applicants may be required to provide a multi-year management plan (for example, a ten-year stewardship plan) outlining measurable conservation outcomes.
- (4) Historic and Cultural Preservation. Projects to preserve or restore sites with historic or cultural significance are eligible. Eligible activities include the preservation, rehabilitation, or restoration of historically significant buildings or sites; documentation and protection of cultural, archaeological, or heritage sites; and development of educational materials or programs to raise public awareness of local history and culture. Projects must pertain to sites or resources officially documented or evaluated as having historic or cultural importance, and should be conducted in accordance with recognized preservation standards (such as those of the National Register of Historic Places or the Secretary of the Interior's Standards).
- (5) Public Access and Recreational Infrastructure. Projects that enhance public access to natural areas or improve outdoor recreational infrastructure are eligible. Eligible activities include creation or improvement of hiking and biking trails, greenways, boat landings, fishing piers, picnic areas, or campgrounds; installation of educational or interpretive signage highlighting natural or historical features; and establishment of wildlife observation platforms or small nature centers. Projects must increase or improve public access to outdoor recreation opportunities while maintaining the conservation values of the site. Applicants shall provide a plan for the long-term maintenance of any improvements funded.
- (6) Community Conservation Initiatives. Locally driven conservation projects that engage and benefit the community are eligible for support. Eligible activities include creating pollinator gardens or native plant habitats in community parks or school grounds; organizing cleanup and habitat restoration efforts for community green spaces, streams, or lakes; and conducting conservation-related educational workshops, events, or youth programs. Projects should involve community participation and have demonstrated local support. While matching funds or in-kind volunteer contributions are encouraged for these initiatives, they are not required.
- (7) Sustainable Private Water Infrastructure. Projects that develop or improve private water supply infrastructure for the purpose of sustaining rural land use and avoiding unnecessary municipal expansion are eligible. Eligible activities include the drilling and installation of new residential potable water wells, the rehabilitation or upgrade of existing private wells, and associated infrastructure improvements to secure independent water access for properties. Projects must primarily serve properties in unincorporated or rural areas where public water service is not available or where connecting to a public water system would require annexation or otherwise infringe on property rights. All such projects shall comply with applicable well permitting and groundwater safety regulations. This category is intended to preserve the County's rural character by enabling landowners to obtain essential water resources without reliance on municipal systems, thereby supporting environmentally sound rural land use by virtue of lower energy consumption, lower chemical usage, and reduced infrastructure demands, while also avoiding forced municipal annexation for utility access that, among other issues, may create sprawl.

**Sec. 2-404. Program and procedures.**

**(a) Application.**

- (1) An Eligible OCCB Recipient independently or in conjunction with the landowner may apply for a grant from the OCCB by submitting an Application in accordance with the rules and procedures established by the Board under and consistent with this division;
- (2) Prior to the submission of its Application, the Eligible OCCB Recipient must notify in writing the owner of the land that is the subject of the Application of the following:
  - a. That Interests in Land purchased with OCCB funds result in a permanent conveyance of such Interests in land from the landowner to the Eligible OCCB Recipient and its assigns; and
  - b. That it may be in the landowner's interest to retain independent legal counsel, perform appraisals, create surveys, and seek other professional advice; and

The Application must contain an affirmation that the notice requirement of this subsection has been met, ~~and~~along with the commitment of the landowner to convey title to or an easement on the property if grant funds are approved for an Interest in Land in the property, all signed by the landowner and duly notarized by a notary public of the State of South Carolina.

- (3) At the time of the submission of its Application, the Eligible OCCB Recipient must notify in writing all landowners adjacent to the property and all lessees of the property of the submission of its Application and informing the adjacent landowners and lessees that they have 30 days from receipt of said notice to submit to the Board, in writing, their views in support of or in opposition to the Application.
- (4) In each Application, the Eligible OCCB Recipient must provide information regarding how the proposal meets the criteria contained in section 2-403.
- (5) For each grant Application the applicant shall specify:
  - a. The purpose of the Application;
  - b. How the Application satisfies the criteria contained in section 2-403;
  - c. The uses to which the land or activity will be put;
  - d. The party responsible for managing and maintaining the land or activity; and
  - e. The parties responsible for enforcing any Conservation Easement or other restrictions upon the land.
- (6) Where an Eligible OCCB Recipient seeks an OCCB grant to acquire fee title to land, the Eligible OCCB Recipient must demonstrate both the expertise and financial resources to manage the land for the purposes set forth in its Application. The Board shall require an Eligible OCCB Recipient acquiring fee simple title to land to place a Conservation Easement on such property.
- (7) Where an Eligible OCCB Recipient seeks an OCCB grant to acquire a Conservation Easement, the Eligible OCCB Recipient must demonstrate both the expertise and financial resources to monitor and enforce the restrictions placed upon the land for the purposes set forth in its Application. The Board shall evaluate each proposal to determine the qualifications of the proposed managing party and to determine whether the proposed management is consistent with the purposes set forth in the Application.
- (8) The Board shall establish reasonable procedures and requirements to ensure that the personal information of Eligible OCCB Recipients and landowners is protected as permitted by the South Carolina Freedom of Information Act.

**(b) Application review.**

- (1) The Board shall accept ~~three rounds of~~ Applications ~~per throughout the~~ calendar year ~~in accordance with the following deadlines: April 1st, August 1st, and November 1st.~~
  - (2) The Board shall evaluate each Application according to the criteria contained in section 2-403 of this division and recommend approval of the Application and associated grants to County Council based on how well the proposals meet these criteria. The more criteria a proposal satisfies, the higher priority it shall be given.
  - (3) The Board shall evaluate each Application and submit recommendations to County Council within 90 days of ~~each the submission of an~~ Application ~~deadline referred to in subsection (b)(1).~~ The recommendation of an Application may be for full approval, partial approval, or disapproval.
  - (4) In recommending the awarding of a grant from the OCCB fund, the Board shall set forth findings that ~~indicate~~address the items below. The Board may delegate to one of its members this duty to write a report summarizing the Board's findings and delivering it to Council:
    - a. How the Application meets the criteria set forth in section 2-403;
    - b. The purpose of the award and the use to which the land or activity will be put;
    - c. The party responsible for managing and maintaining the land or activity;
    - d. The party responsible for monitoring and enforcing any Conservation easements or other restrictions upon the land;
    - e. How the parties designated in items c. and d. possess the expertise and financial resources to fulfill their obligations;
    - f. The availability of funds in the OCCB fund for the award;
    - g. Any other findings or information relevant to the award.
  - (5) County Council shall take action on the Board's recommendations within 30 days of the Board's submission thereof. The Council shall consider and vote on each recommendation individually. The Council shall accept the recommendation of the Board for the award of a grant unless (i) it is determined that there are not sufficient funds in the OCCB fund for the award or (ii) at least a majority of the Council members present and voting vote to reject the recommendation. If the Board's recommendation for the award of a grant is approved by Council, the award shall be made and the transaction closed in accordance with Subsection (c).
  - (6) The Board may only authorize grants to purchase Interests in Land at or below fair market value pursuant to a current (within 12 months of grant approval by County Council), independent certified appraisal. The Board may accept a market analysis update covering the time period from the date of the original appraisal to the present in the form of a letter prepared and signed by the original appraiser. Said market analysis update letter must be submitted to the Board no later than 30 days prior to the next scheduled Board meeting. The Board shall establish reasonable procedures and requirements to ensure the confidentiality of appraisals.
- (c) *Grant award.*
- (1) The Board shall notify the Eligible OCCB Recipient of its recommendation and the action taken by County Council on the Application.
  - (2) If the Board recommends the Application in whole or in part and the recommendation is approved by County Council in accordance with subsection (b)(5), the Eligible OCCB Recipient shall have a period of four months from the date of the County Council's approval to decide whether to accept the award. At closing, the Eligible OCCB Recipient shall execute and record a grant agreement or memorandum thereof, which shall be in a form approved by the Board. Said grant agreement shall include provisions for the indemnification and reimbursement of the OCCB for improperly used OCCB funds, or title issues or defects, perpetual monitoring and enforcement, and other actions pursuant to section 2-405.



- (3) The Eligible OCCB Recipient shall submit the following documents to the Board prior to closing ~~the~~ transaction involving a transfer of an Interest in Land, and the Board and the County Attorney or an attorney designated by the County Administrator on recommendation of the Board shall review and approve the documents before OCCB funds can be disbursed:
- a. A certified appraisal satisfying the requirements of subsection 2-404(b)(6);
  - b. Final drafts of the:
    - i. Conservation easement and/or deed,
    - ii. Settlement statement,
    - iii. Title insurance commitment and exceptions,
    - iv. Grant agreement required pursuant to subsection 2-404(c)(~~42~~),
    - v. Subordination agreement and any other documents that will be recorded at or after closing.
  - c. A Phase 1 environmental site assessment. In order to identify potential liability pursuant to applicable state or federal environmental laws or regulations, a certified Phase 1 environmental site assessment shall be conducted on lands before the disbursement of OCCB funds for the acquisition of any interest in such lands where the Application is for more than \$30,000.00 or ten percent of the appraised fair market value of either the Conservation easement or fee simple acquisition, whichever value is smaller. However, the Board shall have the discretion to require a Phase 1 environmental site assessment for Applications for grants of \$30,000.00 or less if it determines that the circumstances warrant an assessment. In the event that a Phase 1 environmental site assessment reveals issues of concern on or at the property, the Board may determine and require that follow-up by the Eligible OCCB recipient is necessary prior to the disbursement of OCCB funds.
- ~~(4)~~ The Eligible OCCB Recipient shall submit any documents or information required by the Board and/or County Council prior to receiving OCCB funding to pursue an Eligible Conservation Activity.
- (5) Eligible OCCB recipients receiving monies from the OCCB fund shall retain all records of acquisition of Interests in ~~land~~Land with OCCB funds including, but not limited to deeds, title documents, contracts, surveys, inventories, appraisals, title insurance policies, environmental assessments, Applications, and closing documents and provide copies of the executed settlement statement, title insurance commitment and exceptions, and all recorded documents showing the Register of Deeds time and date stamp to the OCCB.
- (~~5~~6) The Board shall disburse OCCB funds to Eligible OCCB Recipients and the closing shall occur after all applicable requirements of this section are fully satisfied, provided the closing shall take place no later than one year after the Eligible OCCB Recipient and owner of the Interest in ~~land~~Land decide to accept the award unless the Board, for good cause shown, extends the deadline for a period not to exceed six months.
- (~~6~~7) No later than 60 days after the day of closing, the OCCB grant recipient shall submit a report to the Board describing how the OCCB grant funds were distributed or used and the status of the project. The report shall include supporting documentation, such as the closing settlement statement, disbursement statement, and the recorded Conservation Easement or deed.

**Sec. 2-405. Use of funds.**

- (a) Only Eligible OCCB Recipients may acquire Interests in Land or be awarded funding for an Eligible Conservation Activity with OCCB funds.
- (b) The Bank may purchase an Interest in Land on behalf of Oconee County subject to the criteria contained in section 2-403.
- (c) OCCB funds shall be used only by Eligible OCCB Recipients for the acquisition of Interests in Land, including closing costs ~~-, or Eligible Conservation Activities, as described in Section 2-403, above.~~ "Closing costs" shall include recording fees, deed transfer or documentary stamp fees, the costs of performing the work and providing the documentation required under subsection 2-404(c)(3), attorney's fees, and the cost of obtaining surveys or an updated market analysis pursuant to subsection 2-404 ~~(f)~~(b)(6). The Board shall have the discretion to allow the OCCB funds to be used solely for closing costs after considering the amount of the award, the value of the project, the amount of the closing costs, or other factors. In the event that OCCB determines that OCCB funds were spent for purposes other than those listed in this subsection or the grant agreement, the Eligible OCCB Recipient or landowner shall reimburse the OCCB in the amount of the improperly used funds, plus interest.
- (d) All Interests in Land acquired with OCCB funds shall be held by the Eligible OCCB Recipient approved by the Board to acquire the Interest in Land; except that an Interest in Land obtained with OCCB funds may be assigned from one Eligible OCCB Recipient to another upon approval of the Board by majority vote. In the event that there is a mortgage on any property interest protected through the use of OCCB funds, the Eligible OCCB Recipient and landowner, if any, shall notify and inform the mortgagee or debtholder that the mortgage will be subordinate to the Conservation Easement or conservation provisions in the deed. The Eligible OCCB Recipient shall provide the OCCB with a copy of the notice and information to the mortgagee.
- (e) The owner of the fee simple title to property for which a Conservation Easement was purchased with OCCB funds, whether the original owner that conveyed the Conservation Easement or a successor-in-interest, may reacquire and terminate or extinguish the Conservation Easement, whether in whole or in part, only by complying with all of the following: (i) proving that the original conservation and/or historic values of the protected land have been lost or substantially impaired by factors beyond the owner's control such as through eminent domain; (ii) obtaining unanimous approval by the OCCB Board; (iii) obtaining unanimous approval by County Council; (iv) obtaining approval by the Oconee County Court of Common Pleas; and (v) making payment in cash to the OCCB fund of whichever is higher of the amount of the grant or its equivalent percent of the current conservation value. Equivalent percent means the ratio of the grant to the original conservation value, as determined by a certified appraisal paid for by the owner of fee simple title to the property.
- (f) If an Eligible OCCB Recipient acquires fee simple title to land for conservation and/or historic purposes with OCCB funds, that land may not be sold, transferred, assigned, alienated, or converted to a use other than the use set forth in the grant award except by complying with all of the following: (i) proving that the original conservation and/or historic values of the protected land have been lost or substantially impaired by factors beyond the owner's control, such as through eminent domain; (ii) obtaining unanimous approval by the OCCB Board; (iii) obtaining unanimous approval by the County Council; (iv) obtaining approval by the Oconee County Court of Common Pleas; and (v) making payment in cash to the OCCB fund of whichever is higher of the amount of the grant or its equivalent percent of the current conservation value. Equivalent percent means the ratio of the grant to the original conservation value, as determined by a certified appraisal paid for by the Eligible OCCB Recipient.
- (g) If any Interests in Land that have been acquired by an Eligible OCCB Recipient with OCCB funds are extinguished, terminated, sold, transferred, assigned, alienated, or converted pursuant to subsections (e) and (f), the Eligible OCCB Recipient extinguishing, selling, transferring, assigning, alienating, or converting the Interests in Land shall replace them with the Interests in Land of substantially equal current fair market

value, with any excess from the sale of the prior Interests in Land being used by contribution to the OCCB fund. The replacement land shall have the same or greater significance when evaluated under the criteria set forth in section 2-403. The Board shall verify that suitable replacement Interests in Land have been identified and will be obtained before authorizing that any Interest in land purchased with OCCB funds be extinguished, sold, transferred, assigned, alienated, or conveyed. Where replacement in whole or in part is impossible, funds realized which are not used for replacement Interests in land must be credited to the OCCB fund. Where funding for an original acquisition was from multiple sources, funds realized must be credited to the OCCB fund under this section in proportion equal to the contribution that OCCB funds made to the original acquisition.

- (h) The Eligible OCCB Recipient or landowner shall notify the Board in the event that a claim against the title to the property has been made.
- (i) In the event that the title to the protected property interest is invalidated or otherwise found to be deficient, the Board shall be reimbursed by the Eligible OCCB Recipient and/or landowner in an amount up to the amount of the award approved by County Council and disbursed to the Eligible OCCB Recipient.
- (j) In the event that there is no Conservation Easement on a property funded by the OCCB, the County Administrator shall be responsible for ensuring that landowner complies with the ordinance and for enforcing the provisions of the ordinance. The grant agreement shall specify that the County shall be able to access the property for monitoring and/or enforcement purposes in perpetuity.

#### **Sec. 2-406. Eminent domain or condemnation proceedings.**

OCCB funds may not be used to acquire Interests in Land or other interests in real property through the exercise of any power of eminent domain or condemnation proceedings.

#### **Sec. 2-407. Recreational and economic use.**

The provisions of this division shall not be construed to eliminate or unreasonably restrict hunting, fishing, farming, forestry, timber management, or wildlife habitat management, as regulated by the law of this state, upon lands for which Interests in Land are obtained pursuant to this division. These and other traditional and compatible activities may be conducted, where appropriate, upon lands protected with OCCB funds.

#### **Sec. 2-408. Conservation easements.**

When OCCB funds are used to purchase a Conservation Easement on land, the Conservation Easement shall be the controlling legal document regarding what is and what is not permitted upon the land, how the land will be protected, and what rights are vested with the Eligible OCCB Recipient and its assigns which holds the Conservation Easement. If any inconsistencies or ambiguities arise between the provisions of this division and the terms and conditions of the Conservation Easement purchased with OCCB funds, the terms and conditions of the Conservation easement shall prevail. The Eligible OCCB Recipient shall have sole responsibility for monitoring the property subject to the Conservation Easement and for enforcing the terms and conditions thereof.

**Sec. 2-409. Historic properties.**

The Board may authorize up to ten percent of the annual OCCB appropriation to acquire Interests in Land that qualify solely as a historic or cultural feature according to the criteria contained in section 2-403.

**STATE OF SOUTH CAROLINA  
COUNTY OF OCONEE  
ORDINANCE 2025-13**

**AN ORDINANCE AMENDING CHAPTER 20 (LAW ENFORCEMENT) OF THE OCONEE COUNTY CODE OF ORDINANCES BY ADDING ARTICLE V, ENTITLED “*PROHIBITED OR RESTRICTED CONDUCT – SOLICITATION, OBSTRUCTION OF PUBLIC STREETS, UNAUTHORIZED CAMPING,*” IN ORDER TO ADDRESS CERTAIN HAZARDS AND PUBLIC HARM RELATED THERETO; AND OTHER RELATED MATTERS.**

**WHEREAS**, consistent with the powers granted county governments by S.C. Code § 4-9-25 and S.C. Code § 4-9-30, Oconee County (“County”), a body politic and corporate and a political subdivision of the State of South Carolina, acting by and through its governing body, the Oconee County Council (“County Council”), has the authority to enact regulations, resolutions, and ordinances, not inconsistent with the Constitution and the general law of the State of South Carolina, including the exercise of such powers in relation to health and order within its boundaries and respecting any subject as appears to it necessary and proper for the security, general welfare, and convenience of the County or for preserving health, peace, order, and good government therein;

**WHEREAS**, the County has adopted multiple ordinances for the effective, efficient governance of the County, which, subsequent to adoption, are codified in the Oconee County Code of Ordinances (“Code of Ordinances”), as amended; and

**WHEREAS**, County Council recognizes that there is a need to revise the law of the County to meet the changing needs of the County, and that there is a need to amend, specifically, Article 20 (Law Enforcement) of the Code of Ordinances by adding Article V, entitled “Prohibited or Restricted Conduct – Solicitation, Obstruction of Public Streets, Unauthorized Camping,” in order to address certain hazards and public harm related thereto, and to affirm and preserve all other provisions of the Code of Ordinances not specifically or by implication amended thereby.

**NOW, THEREFORE**, it is hereby ordained by the Oconee County Council, in meeting duly assembled, that:

1. Chapter 20 (Law Enforcement) of the Oconee County Code of Ordinances is hereby amended by the addition of Article V, entitled “Prohibited or Restricted Conduct – Solicitation, Obstruction of Public Streets, Unauthorized Camping” as set forth in Exhibit A, attached hereto and incorporated herein by reference.

2. Should any part or provision of this Ordinance be deemed unconstitutional or unenforceable by a court of competent jurisdiction, such determination shall not affect the rest and remainder of this Ordinance, all of which is hereby deemed separable.

3. All ordinances, orders, resolutions, and actions of County Council inconsistent herewith are, to the extent of such inconsistency only, hereby repealed, revoked, and rescinded.

4. All other terms, provisions, and parts of the Code of Ordinances not amended hereby, directly or by implication, shall remain in full force.

5. This Ordinance shall take effect and be in full force from and after third reading and enactment by County Council.

ORDAINED in meeting, duly assembled, this \_\_\_\_ of \_\_\_\_\_, 2025.

**ATTEST:**

\_\_\_\_\_  
Jennifer C. Adams  
Clerk to Oconee County Council

\_\_\_\_\_  
Matthew Durham  
Chair, Oconee County Council

First Reading: July 15, 2025  
Second Reading: August 19, 2025  
Third Reading: September 02, 2025  
Public Hearing: September 02, 2025

## EXHIBIT A

### ARTICLE V. - PROHIBITED OR RESTRICTED CONDUCT – SOLICITATION, OBSTRUCTION OF PUBLIC STREETS, UNAUTHORIZED CAMPING.

#### 1. APPLICATION.

This chapter applies to all unincorporated areas of the Oconee County, and to any other areas under its jurisdiction by intergovernmental agreement, operation of law, or otherwise.

#### 2. DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- a. *Aggressive Manner* shall mean any of the following:
  - i. Before, during or after soliciting, approaching or speaking to a person, or following a person, if that conduct is intended or is likely to cause reasonable persons to fear bodily harm to themselves or to another, or damage to or loss of property, or to otherwise be intimidated into giving money or any other thing of value;
  - ii. In the course of soliciting, intentionally touching or causing physical contact with another person or an occupied vehicle without that person's consent;
  - iii. Intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact with the solicitor;
  - iv. Before, during or after soliciting, using violent or threatening gestures toward a person;
  - v. Persisting in closely following or approaching a person, after the person has informed the solicitor by words or conduct that such person does not want to be solicited or does not want to give money or any other thing of value to the solicitor; or
  - vi. Before, during or after the solicitation, using profane, offensive or abusive language which is likely to cause the person solicited to be threatened by such language.
- b. *Right-of-Way or Rights-of-Way*. A public road over which a person or entity has the legal right to access.
- c. *Soliciting or Solicitation*. To approach someone with a request or plea for funds or items of value, whether in exchange for something of value or not.
- d. *Solicitor*. A person who engages in soliciting.
- e. *Special Event*. A pre-planned activity sponsored by an individual, group, organization or entity, to be held on public property, including public streets, sidewalks, trails, facilities, parks or other property owned or managed by the county, which event would

significantly impact either public property and/or normal vehicular and pedestrian traffic or require the use of county services, and which shall include but not be limited to a parade, foot race, bike or wheeled race, celebration, amusement event, cultural recognition, sporting event, demonstration, competition, commercial movie or television production, photography shoot, commercial for-profit event, charitable cause, or other similar activity.

### 3. SOLICITING.

- a. The provisions of this section do not apply to a permitted special event.
- b. Obstructing public ways and means of ingress to and egress from private property.
  - i. Solicitors shall not obstruct or otherwise inhibit the free, safe, and efficient flow of vehicular or pedestrian traffic on any public sidewalks, streets, rights-of-way, or other public property.
  - ii. Solicitors shall not obstruct or otherwise inhibit the free, safe, and efficient flow of vehicular or pedestrian traffic into and out of private property adjacent to any public right-of-way.
- c. Soliciting during certain hours prohibited. No person shall engage in soliciting between sunset and sunrise.
- d. Approaching vehicular traffic prohibited. Under no circumstances shall a person soliciting approach any moving vehicle or step into the roadway to approach a vehicle stopped at an intersection.
- e. Soliciting unlawful on private property. It shall be unlawful to engage in soliciting on any property where a sign is posted that states "No Trespassing," "No Peddlers," "No Solicitors," "No Buskers," or words of similar import.
- f. Blocking rights-of-way.
  - i. Solicitors shall position themselves so that they, and any crowd that they may draw, will not:
    1. Block roadways, fire apparatus access roads, sidewalks, crosswalks, driveways, doors, stairways, curb cuts, or handicapped access ramps;
    2. Block access to buildings, parks, conveyances, businesses, or traffic control poles containing a pedestrian crosswalk button(s);
    3. Be within three feet of a utility apparatus or appurtenance; or
    4. Be within twenty (20) feet of a fire hydrant, fire department connection, fire alarm or other emergency communication device. At a minimum, there shall be at least a five-foot passageway on the sidewalk.
  - ii. If a solicitor shall attract a crowd sufficient to violate this section, then a law enforcement officer shall have authority to disperse that portion of the crowd that is in violation.



- iii. Personal property used for soliciting shall not be left unattended on any public right-of-way or other publicly-owned place.
- iv. Noise. The conduct and behavior of all solicitors shall otherwise comply in all respects with existing noise ordinances at all times.
- v. Littering. Solicitors shall remove all trash and debris that has been generated during the time of their solicitation.
- vi. Aggressive solicitation prohibited. No person shall solicit in an aggressive manner on a public right-of-way, sidewalk, or other publicly-owned property.
- g. Prohibited areas for solicitors. There shall be no soliciting within fifty (50) feet of the perimeter of a(n):
  - i. Automatic teller machine (ATM);
  - ii. Church grounds, while in session;
  - iii. School grounds, while in session;
  - iv. Library;
  - v. Hospital;
  - vi. Funeral home;
  - vii. Bank or other financial institution;
  - viii. Hotel, motel, or other lodging accommodations generally open to the public;
  - ix. Outdoor dining or merchandise area;
  - x. Entrance or exit of a performance venue;
  - xi. Special event;
  - xii. Food or merchant "drive-through" area;
  - xiii. Transit stop;
  - xiv. Parking lot;
  - xv. Daycare; or
  - xvi. Construction areas. During times of construction work on the streets, sidewalks or other public infrastructure, the county may from time to time temporarily prohibit solicitors from the area near such construction work.

#### 4. PROHIBITED BEHAVIOR ON PUBLIC OR PRIVATE PROPERTY.

- a. Obstructing streets. Any person who remains standing, lying, or sitting down on any public sidewalk, street, alley, or other public property in such a manner as to obstruct or impede the free passage of pedestrians or public travel, after being requested to

immediately move by a law enforcement officer, shall be found in violation of this section (obstructing streets).

b. Disorderly conduct – Unauthorized camping; damaging county property.

i. Any person who shall occupy, lodge, or sleep in any building, structure, or place, whether public or private, or in any motor vehicle, without the written permission of the owner or person entitled to possession or in control thereof, shall be found in violation of this section (disorderly conduct).

ii. Camping on public property.

1. It shall be unlawful for any person, except as may be specifically authorized by the appropriate governmental authority, to use any of the streets, sidewalks, parks, or playgrounds, or any other public property for the purpose of camping at any time; or to cause or permit any vehicle to remain in any of said places to the detriment of public travel or convenience.

2. It shall be unlawful for any person, except as may be specifically authorized by the appropriate governmental authority, to light or use a campfire or a bonfire on public property.

3. It shall be unlawful for any person, except as may be specifically authorized by appropriate governmental authority, to hang, fasten, or attach any rope, wire, chain, or electrical device or power cord to any public property, including buildings, bridges, overpasses, or utility poles.

iii. Damaging county property. It is unlawful for any person, except as may be specifically authorized by appropriate governmental authority, to willfully or negligently to cut, mutilate, deface or otherwise injure any building, tree, shrub, lamppost, fence, bridge, hydrant, cart, vehicle, or other real or personal property belonging to or under the control of the county, or used for any public purpose.

5. PENALTY.

Any person who violates any provision of this ordinance may be fined not more than \$500, imprisoned for not more than 30 days, or both.

**STATE OF SOUTH CAROLINA  
COUNTY OF OCONEE  
ORDINANCE 2025-14**

**AN ORDINANCE AMENDING CHAPTER 20 (LAW ENFORCEMENT) OF THE OCONEE COUNTY CODE OF ORDINANCES BY ADDING ARTICLE VI, ENTITLED “PUBLIC NUISANCES,” IN ORDER TO ADDRESS CERTAIN HAZARDS AND PUBLIC HARM RELATED THERETO; AND OTHER RELATED MATTERS.**

**WHEREAS**, consistent with the powers granted county governments by S.C. Code § 4-9-25 and S.C. Code § 4-9-30, Oconee County (“County”), a body politic and corporate and a political subdivision of the State of South Carolina, acting by and through its governing body, the Oconee County Council (“County Council”), has the authority to enact regulations, resolutions, and ordinances, not inconsistent with the Constitution and the general law of the State of South Carolina, including the exercise of such powers in relation to health and order within its boundaries and respecting any subject as appears to it necessary and proper for the security, general welfare, and convenience of the County or for preserving health, peace, order, and good government therein;

**WHEREAS**, the County has adopted multiple ordinances for the effective, efficient governance of the County, which, subsequent to adoption, are codified in the Oconee County Code of Ordinances (“Code of Ordinances”), as amended; and

**WHEREAS**, County Council recognizes that there is a need to revise the law of the County to meet the changing needs of the County, and that there is a need to amend, specifically, Article 20 (Law Enforcement) of the Code of Ordinances by adding Article VI, entitled “Public Nuisances,” in order to address certain hazards and public harm related thereto, and to affirm and preserve all other provisions of the Code of Ordinances not specifically or by implication amended thereby.

**NOW, THEREFORE**, it is hereby ordained by the Oconee County Council, in meeting duly assembled, that:

1. Chapter 20 (Law Enforcement) of the Oconee County Code of Ordinances is hereby amended by the addition of Article VI, entitled “Public Nuisances” as set forth in Exhibit A, attached hereto and incorporated herein by reference.
2. Should any part or provision of this Ordinance be deemed unconstitutional or unenforceable by a court of competent jurisdiction, such determination shall not affect the rest and remainder of this Ordinance, all of which is hereby deemed separable.
3. All ordinances, orders, resolutions, and actions of County Council inconsistent herewith are, to the extent of such inconsistency only, hereby repealed, revoked, and rescinded.

4. All other terms, provisions, and parts of the Code of Ordinances not amended hereby, directly or by implication, shall remain in full force.

5. This Ordinance shall take effect and be in full force from and after third reading and enactment by County Council.

ORDAINED in meeting, duly assembled, this \_\_\_\_ of \_\_\_\_\_, 2025.

**ATTEST:**

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Jennifer C. Adams  
Clerk to Oconee County Council

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Matthew Durham  
Chair, Oconee County Council

First Reading: July 15, 2025  
Second Reading: August 19, 2025  
Third Reading: September 02, 2025  
Public Hearing: September 02, 2025

## EXHIBIT A

### ARTICLE VI. - PUBLIC NUISANCES.

#### 1. DEFINITIONS.

- a. *Business* means any commercial establishment, use, property or structure used in, or part of, a business or commercial use or establishment. Business does not include purely residential property.
- b. *Continuous breach of the peace* means a pattern of repeated acts or conduct which either (1) directly disturbs the public peace or (2) disturbs the public peace by inciting or tending to incite violence.
- c. *Public nuisance* means conduct, conditions, events, circumstances, or the unreasonable interference or the causing of unreasonable interference with rights of the public, wherever occurring, including, but not limited to, a business or commercial establishment, a public place, or where the public congregates or is invited or permitted to congregate.

Public nuisance includes those conditions or circumstances constituting a nuisance as set forth in S.C. Code § 15-43-10, specifically, the construction, establishment, continuance, maintenance, use, ownership, occupation, the leasing or releasing of any property, building or other place used for the purposes of lewdness, assignation, prostitution, human trafficking, repeated acts of unlawful possession or sale of controlled substances, or continuous breach of the peace.

Public nuisance also includes and is founded upon the sound principle set forth in South Carolina case law that "if one maintains a place where the laws are publicly, repeatedly, persistently, and intentionally violated, then such place would become a common or public nuisance." *State v. Turner*, 198 S.C. 499, 505, 18 S.E.2d 376, 378 (1942).

#### 2. NUISANCES OFFENDING PUBLIC DECENCY, PEACE AND ORDER. The following are hereby declared to be public nuisances affecting public decency, peace and order, whether such violations are of an intermittent, cyclical, continual, reoccurring or constant nature; and including when the responsible party generates, enables, or contributes to the occurrence of the unlawful behavior by an absence or failure of property management policy or practice, absence or failure of control over the property, absence or failure of supervision of guests or invitees, or clients, customers, patrons, or any other person providing some form of compensation for some type of product or service, or absence or failure of security measures:

- a. Any business where gambling devices, slot machines, punch boards and other such contrivances of similar character involving any elements of chance as a consideration or any type of gambling, bookmaking, wagering or betting is carried on, and all gambling equipment, except where such specific form of gambling is permitted by law;
- b. Any business operated as a bawdy house, house of assignation, place of prostitution or used and maintained for the commercial or criminal purposes of unlawful sexual activity or human trafficking in violation of federal or state law or local ordinances;
- c. Any business where alcohol or intoxicating liquors are manufactured, sold, bartered or given away in violation of federal or state law or local ordinances, or where alcohol or intoxicating liquors are kept for sale, barter or distribution in violation of federal or state

law or local ordinances, and all alcohol, liquors, bottles, kegs, pumps, bars and other property kept at and used for maintaining such a place; or where required fire marshal or other safety plans are not in place, or where persistent violations of law occur under a failed or ineffective fire marshal or other safety plan;

- d. Any business where acts of sale, manufacture, possession or distribution of controlled substances occur in violation of federal or state law or local ordinances;
- e. Any business where violations against federal or state law or local ordinances occur with such frequency or intensity that they require an excessive public safety response cost. "Excessive public safety response" means:
  - i. The recurring deployment of law enforcement officers, peace or code enforcement officers commissioned pursuant to S.C. Code § 4-9-145, fire marshals or emergency services personnel to an emergency scene at a business as a result of an unlawful act which results in or could result in great bodily injury or death, or the recurring need for public safety or county code enforcement personnel or emergency vehicles at a business when compared to the frequency or intensity of law or regulation enforcement required at other similarly situated businesses; or
  - ii. There have been six (6) or more law or peace officer enforcement dispatches, incident reports, citations, or search warrants executed, or a combination thereof, at a business for any of the following during the preceding twelve (12) months:
    - 1. Violation of any federal, state, or local alcohol law;
    - 2. Violation of any federal, state, or local narcotics law;
    - 3. Violation of any federal, state, or local gun law;
    - 4. Assaults;
    - 5. Crimes of violence against another person(s); or
    - 6. Crimes against property.

### 3. CRIMINAL ENFORCEMENT. PENALTIES.

A person who erects, establishes, continues, maintains, uses, owns, occupies, leases, or releases, or serves as lessor or lessee of any building in such a way as to create a public nuisance shall be guilty of a misdemeanor and shall be subject to a fine not exceeding five hundred dollars (\$500.00) and imprisonment not exceeding thirty (30) days. Court costs are not included in any fine imposed by the court.

Each day any violation of this ordinance continues shall constitute a separate offense.

The Oconee County Sheriff's Office shall enforce this ordinance with the consultation and concurrence of the County Administrator ("Administrator"). The Oconee County Sheriff ("Sheriff") and the Administrator, acting jointly, may declare a business in violation of this ordinance a public nuisance, and the Sheriff or any Deputy Sheriff may enforce the provisions of this ordinance upon the declaration of a public nuisance as provided for herein by uniform traffic ticket, or warrant or by any other lawful process.

4. **REMEDIES NOT EXCLUSIVE.** The provisions of this ordinance are in addition to, and not in lieu of, any other enforcement provision or process permitted by law. Nothing in this ordinance supplants, alters, or limits a statutory or common law right of a person to bring an action in court or the right of Oconee County to prosecute a person for the establishment of a nuisance.

DRAFT

# THE JOURNAL

## PUBLISHER'S AFFIDAVIT

STATE OF SOUTH CAROLINA COUNTY OF OCONEE

OCONEE COUNTY COUNCIL

IN RE:

*BEFORE ME* the undersigned, a Notary Public for the State and County above named, This day personally came before me, Hal Welch, who being first duly sworn according to law, says that he is the General Manager of **THE JOURNAL**, a newspaper published Tuesday through Saturday in Seneca, SC and distributed in **Oconee County, Pickens County** and the Pendleton area of **Anderson County** and the notice (of which the annexed is a true copy) was inserted in said papers on

**June 25, 2025**

the rate charged therefore is not in excess of the regular rates charged private individuals for similar insertions.

Hal Welch  
General Manager

Subscribed and sworn to before me this  
6/25/2025



Velma J. Nelson  
Notary Public  
State of South Carolina



Norfolk Southern	NSC	201.63	277.60	257.46	+0.88	+0.3%	▲	▲	▲
Oracle Corp.	ORCL	118.86	216.60	215.27	+8.23	+4.0%	▲	▲	▲
Pfizer Inc.	PFE	20.91	31.54	24.31	+2.8	+1.2%	▲	▲	▼
Philip Morris Internat. Inc.	PM	100.92	186.69	184.49	-0.46	-0.2%	▲	▲	▲
Schlumberger	SLB	31.11	50.94	33.50	-0.23	-0.7%	▼	▲	▼
Sonoco	SON	39.48	56.77	44.26	+5.55	+1.3%	▲	▼	▼
AT&T Class A	T-A	19.15	22.77	19.97	+1.16	+0.8%	▲	▲	▼
Truist Financial Corp.	TFC	33.56	49.05	41.45	+4.40	+1.0%	▲	▲	▲
Verizon	VZ	37.59	47.35	42.63	+2.27	+0.6%	▲	▼	▼
Wells Fargo	WFC	50.15	81.50	78.11	+1.10	+1.4%	▲	▲	▲
Walmart	WMT	66.55	105.30	98.00	+1.13	+0.1%	▲	▼	▲
Exxon Mobil	XOM	97.80	126.34	108.34	-3.40	-3.0%	▼	▲	▼
Archer Daniels Midland Co.	ADM	40.98	66.08	52.93	+1.11	+0.2%	▼	▲	▲

# US stocks approach their all

BY STAN CHOE, DAVID MCHUGH  
AND ELAINE KURTENBACH  
ASSOCIATED PRESS

NEW YORK — U.S. stocks rose toward their all-time high on Tuesday after oil prices eased further on hopes that Israel's war with Iran will not damage the global flow of crude.

The S&P 500 climbed 1.1%, following up on big gains for stocks across Europe and Asia, after President Donald Trump said late Monday that Israel and Iran had agreed to a "complete and total ceasefire." The main measure of Wall Street's health is

back within 0.8% of its record set in February after falling roughly 20% below during the spring.

The Dow Jones Industrial Average jumped 507 points, or 1.2%, and the Nasdaq composite rallied 1.4%.

The strongest action was again in the oil market, where a barrel of benchmark U.S. crude fell 6% to settle at \$64.37. Brent crude, the international standard, had a similar drop.

The fear throughout the Israel-Iran conflict has been that it could squeeze the world's supply of oil, which would pump up prices for gasoline and hurt

the global economy. A major production cut could also trigger a rise in the price of Hormuz, which 20% of the world's oil needs passes through. Oil prices have risen sharply on speculation that Iran has launched a new limited retaliation against the United States, one that did not include a reduction or halt in oil exports. The price kept falling as the conflict continued, but hostilities ended later said that "in effect."

## CLASSIFIEDS

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Mike@BKRLaw.net

### NOTICE OF ORDER APPOINTING COUNSEL AND GUARDIAN AD LITEM NISI

TO: THE DEFENDANTS HEREIN, NAMES AND ADDRESSES UNKNOWN, BEING AS A CLASS DESIGNATED AS JOHN DOE AND RICHARD ROE, INCLUDING ANY THEREOF WHO MAY BE MINORS, IMPRISONED PERSONS, INCOMPETENT PERSONS, UNDER OTHER LEGAL DISABILITY OR IN THE MILITARY, IF ANY, WHETHER RESIDENTS OR NON-RESIDENTS OF SOUTH CAROLINA AND TO THE NATURAL, GENERAL, TESTAMENTARY GUARDIAN OR COMMITTEE, OR OTHERWISE, AND TO THE PERSON WITH WHOM THEY MAY RESIDE, IF ANY THERE BE: PLEASE TAKE NOTICE that motion for an Order and an Order appointing Kelley Yarbrough Woody, Esquire, as Counsel and Guardian ad Litem Nisi, for all persons, who are or may be collectively designated as John Doe and Richard Roe, Defendants herein, names and addresses unknown, including any thereof who may be minors, imprisoned persons, incompetent persons, in the military service or under other legal disability, whether

residents or non-residents of South Carolina, was filed in the Office of the Clerk of Court for Oconee County, South Carolina.

YOU WILL FURTHER TAKE NOTICE that unless the said minors or persons under other legal disability, if any, or someone in their behalf or in behalf of any of them, shall within thirty (30) days after service of notice of this Order upon them by publication, exclusive of the day of such service, procure to be appointed for them, or either of them, a Counsel and/or Guardian ad Litem to represent them for the purposes of this action, the appointment of said Counsel and/or Guardian ad Litem Nisi shall be made absolute. s/Michael S. Chambers SC Bar No. 1178 Bradley K. Richardson, PC Attorney for the Petitioner/Plaintiff 133 Straight Drive Anderson, S.C. 29625 (864) 222-0292 Mike@BKRLaw.net

Oconee County Council will hold a public hearing at 6 pm on Tuesday, July 15, 2025 in Oconee County Council Chambers located at 415 S. Pine St., Walhalla, SC for the following:

ORDINANCE 2025-12 AN ORDINANCE AMENDING THE OCONEE COUNTY CONSERVATION BANK

### ORDINANCE, O.C. CODE SECT 2-398 THROUGH 2-409.

Notice of Public Hearing of the Oconee County Board of Zoning Appeals. When: Monday, July 28, at 6 P.M. Where: This meeting will be held at person at 415 S. Pine St. Walhalla, SC 29691 in Council Chambers. You may also view on youtube.com subscribe to "YourOconee".

The Oconee County Board of Zoning Appeals will consider the following requests: VA25-000007 — a request by Arthur Covert for a 4' reduction to side setback for an elevated walkway at 184 N Port Bass Dr. Fairplay, SC TMS 334-02-01-060.

VA25-000008, a request by Laura Tilton for a 20' reduction to front setback for a residence at 305 Shareview Dr. West Union SC #162-05-01-038. VA25-000009 a request by MCI Investments LLC for a 7' reduction to the front setback for a residence at 314 Forest Creek Dr. Seneca SC #268-00-06-086 VA25-000010, a request by Cindy Bargaola for reduction of 20' to front setbacks on Crystal Rd and 14' on Paradise Cove Dr. detached garage at 405 Paradise Dr. Mountain Rest SC TMS #10-02-037.

There are two methods of providing public input prior to the meeting.



# THE JOURNAL

## PUBLISHER'S AFFIDAVIT

STATE OF SOUTH CAROLINA COUNTY OF OCONEE

OCONEE COUNTY COUNCIL

IN RE:


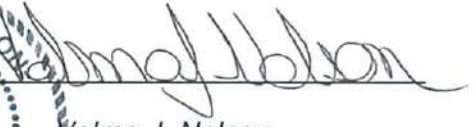
**BEFORE ME** the undersigned, a Notary Public for the State and County above named, This day personally came before me, Hal Welch, who being first duly sworn according to law, says that he is the General Manager of THE JOURNAL, a newspaper published Tuesday through Saturday in Seneca, SC and distributed in **Oconee County, Pickens County** and the Pendleton area of **Anderson County** and the notice (of which the annexed is a true copy) was inserted in said papers on

**January 11, 2025**

the rate charged therefore is not in excess of the regular rates charged private individuals for similar insertions.

  
\_\_\_\_\_  
Hal Welch  
General Manager

Subscribed and sworn to before me this  
1/11/2025

  
  
\_\_\_\_\_  
Velma J. Nelson  
Notary Public  
State of South Carolina



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J BREAZEALE

Address: 124 LOLA DRIVE FAIR  
PLAY, SC 29643

Estate: EDWARD TATE ZEIGLER  
SR

Date of Death: 9/22/2024

Case Number: 2024ES3700851

Personal Representative: ED-  
WARD T ZEIGLER JR

Address: 38 LANNEAU DRIVE  
GREENVILLE, SC 29605

The Oconee County Council will meet in 2025 on the first and third Tuesday of each month with the following exceptions: July, August, and November meetings, which will be only on the third Tuesday of each of these months; March, June and December meetings, which will be only on the first Tuesday of each of these months.

All Council meetings, unless otherwise noted, are held in Council Chambers, Oconee County Administrative Offices, 415 South Pine Street, Walhalla, South Carolina.

Oconee County Council will also hold a Planning Retreat beginning at 9:00 a.m. on Thursday, February 20, 2025 to establish short- and long-term goals. This meeting will be held off-site in the Tri-County Technical College, Oconee Campus, conference room located at 552 Education Way, Westminster, South Carolina.

Oconee County Council will also meet on Tuesday, January 6, 2026 in Council Chambers at which point they will establish their 2026 Council and Committee meeting schedules.

Additional Council meetings, workshops, and/or committee meetings may be added throughout the year as needed.

Oconee County Council Committees will meet in 2025 prior to County Council meetings on the following dates/times in Council Chambers located at 415 South Pine Street, Walhalla, South Carolina unless otherwise advertised.

The Law Enforcement, Public Safety, Health, & Welfare Committee at 4:30 p.m. on the following dates: February 18, May 20, July 15, & September 16, 2025.

The Transportation Committee at 4:30 p.m. on the following dates: February 18, May 20, July 15, & September 16, 2025.

The Real Estate, Facilities, & Land Management Committee at 4:30 p.m. on the following dates: April 1, June 3, August 19, & October 21, 2025.

The Planning & Economic Development Committee at 4:30 p.m. on the following dates: April 1, June 3, August 19, & October 21, 2025.

The Budget, Finance, & Administration Committee at 9:00 a.m. on the following dates: February 20 [Strategic Planning Retreat] and 4:30 p.m. on the following dates: March 4 [4 p.m.], April 15, & May 6, 2025.

South Carolina Department of Revenue for a license/permit that will allow the sale and On Premises consumption of Beer, Wine and Liquor at 671 Highway 123 Bypass Seneca SC 29678.

To object to the issuance of this permit/license, written protest must be postmarked no later than January 26, 2025.

For a protest to be valid, it must be in writing, and should include the following information:

(1) The name, address and telephone number of the person filing the protest;

(2) The specific reasons why the application should be denied;

(3) That the person protesting is willing to attend a hearing (if one is requested by the applicant);

(4) That the person protesting resides in the same county where the proposed place of business is located or within five miles of the business; and,

(5) The name of the applicant and the address of the premises to be licensed. ent of Revenue, ABL SECTION, P.O. Box 125, Columbia, SC 29214-097.

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(5) The name of the applicant and the address of the premises to be licensed. ent of Revenue, ABL SECTION, P.O. Box 125, Columbia, SC 29214-097.

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## NOTICE OF APPLICATION

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# Oconee County Council

Oconee County  
Administrative Offices  
415 South Pine Street  
Walhalla, SC 29691

Phone: 864-718-1023  
Fax: 864 718-1024

E-mail:  
[jennifercadams@oconeesc.com](mailto:jennifercadams@oconeesc.com)

John Elliott  
District I

Matthew Durham  
Chairman  
District II

Don Mize  
Vice Chairman  
District III

Thomas James  
District IV

J. Glenn Hart  
Chairman Pro Tem  
District V



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The Budget, Finance, & Administration Committee at 9:00 a.m. on the following dates: February 20 [Strategic Planning Retreat] and 4:30 p.m. on the following dates: March 4 [4 p.m.], April 15, & May 6, 2025.

Sec. 2-61. - Access to and conduct at county meetings, facilities and property.

(a) *Purpose.* The county council has determined that it is necessary to regulate access to county facilities, grounds and property in order to ensure the safety and security of the public who visit these areas or the county employees who serve them. The conduct of persons who visit county facilities and/or who have contact with county employees must also be regulated to preserve public order, peace and safety. The regulation of access and conduct must be balanced with the right of the public to have reasonable access to public facilities and to receive friendly, professional service from county employees. These regulations apply to all county facilities and meetings, as defined below, for and over which county council exercises control and regulation, and to the extent, only, not pre-empted by state or federal law.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Facility* means any building, structure, or real property owned, leased, rented, operated or occupied by the county or one of its departments, offices or agencies.

*Meeting* means any assemblage of persons for the purpose of conducting county governmental business, operations or functions or any assemblage of persons within a county governmental facility. The term "meeting" includes, but is not limited to, county council meetings, county board and committee and staff meetings, trials, hearings and other proceedings conducted in the courts of general sessions and common pleas, family court, master-in-equity, probate court and magistrate's court; and other meetings by entities duly authorized by the county council.

(c) *Prohibited acts.* It shall be unlawful for any person to:

- (1) Utter loud, obscene, profane, threatening, disruptive or abusive language or to engage in any disorderly or disruptive conduct that impedes, disrupts or disturbs the orderly proceedings of any meeting, or operations of any department or function of the county government, including, without limitation, speaking when not explicitly recognized and authorized to do so by the presiding official in such meeting.
- (2) Bring, carry, or otherwise introduce any firearm, knife with blade longer than two inches or other dangerous weapon, concealed or not concealed, into any facility or meeting. This prohibition does not apply to law enforcement personnel or any other person whose official, governmental duties require them to carry such firearm, knife, or other weapon.
- (3) Engage in partisan political activity, including speech, in any meeting not authorized and called for the purpose of partisan political activity and explicitly authorized for such purpose in the facility in which such activity is to be conducted, or refusing to cease such activity when

the presiding official of the meeting in question has ruled that the activity in question is partisan political activity and has directed that such activity stop.

- (4) Interfere with, impede, hinder or obstruct any county governmental official or employee in the performance of his duties, whether or not on county government property.
- (5) Enter any area of a county government facility, grounds or property when such entry is prohibited by signs, or obstructed or enclosed by gates, fencing or other physical barriers. Such areas include rooms if clearly marked with signs to prohibit unauthorized entry.
- (6) Enter by vehicle any area of a county governmental facility, grounds or property when such area is prohibited by signs or markings or are obstructed by physical barriers; or park a vehicle in such restricted areas; or park in a manner to block, partially block or impede the passage of traffic in driveways; or park within 15 feet of a fire hydrant or in a fire zone; or park in any area not designated as a parking space; or park in a handicapped parking space without proper placarding or license plate; or park in a reserved parking space without authorization.
- (7) Use any county governmental facility, grounds or other property for any purpose not authorized by law or expressly permitted by officials responsible for the premises.
- (8) Enter without authorization or permission or refuse to leave any county governmental facility, grounds or other property after hours of operation.
- (9) Obstruct or impede passage within a building, grounds or other property of any county governmental facility.
- (10) Enter, without legal cause or good excuse, a county governmental facility, grounds or property after having been warned not to do so; or, having entered such property, fail and refuse without legal cause or good excuse to leave immediately upon being ordered or requested to do so by an official, employee, agent or representative responsible for premises.
- (11) Damage, deface, injure or attempt to damage, deface or injure a county governmental property, whether real property or otherwise.
- (12) Enter or attempt to enter any restricted or nonpublic ingress point or any restricted access area, or bypass or attempt to bypass the designated public entrance or security checkpoint of a facility without authorization or permission.
- (13) Perform any act which circumvents, disables or interferes with or attempts to circumvent, disable or interfere with a facility's security system, alarm system, camera system, door lock or other intrusion prevention or detection device. This includes, without limitation, opening, blocking open, or otherwise disabling an alarmed or locked door or other opening that would allow the entry of an unauthorized person into a facility or restricted access area of the facility.
- (14) Exit or attempt to exit a facility through an unauthorized egress point or alarmed door.

- (d) *Penalty for violation of section.* Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished in accordance with section 1-7. In addition, vehicles that are improperly parked on any county property, facility, or other premises may be towed at the owner's expense.

(Ord. No. 2003-04, §§ 1—4, 4-15-2003; Ord. No. 2012-06, § 1, 4-3-2012)

**From:** [Stuart, Alan Witten](#)  
**To:** [David A. Root](#)  
**Subject:** General approach for OCCB fund reimbursement  
**Date:** Thursday, July 10, 2025 1:53:06 PM

---

Hi David,

Here is the general approach for reimbursement of Oconee County Conservation Bank funding to Duke Energy:

- Oconee County Council (Council) approves Oconee County Conservation Bank (OCCB) fund reimbursement to Duke Energy
- Duke Energy will submit a formal Memorandum of Understanding to Oconee County (OC) detailing the reimbursement process below within 30 days of Council approval
- OC will reimburse Duke Energy within 90 days of Council approval a prorated amount consisting of the remaining OCCB fund balance less any Council approved but not yet unpaid land conservation projects and less the \$13,700 in private donations provided to the OCCB.
- Duke Energy will request OC provide all OCCB reimbursed funds with a check made payable to the Foothills Community Foundation, (FCF) fiduciary manager of the Keowee-Toxaway Relicensing Agreement sponsored Habitat Enhancement Program (HEP).
  - FCF will establish a separate account and place the OCCB funds into the account to keep the funding separate from the HEP general fund until the KTRA signatories determine the final disposition for the OCCB funds.
  - FCF will provide a receipt to Duke Energy the funds have been deposited and account established; Duke Energy will provide OC a copy of the receipt.
- Duke Energy will convene the K-T relicensing agreement signatories within 45 days of receiving the OCCB funding to discuss where to permanently place the funds with the understanding the funds will only be used and disbursed for land conservation purposes in OC.
  - Duke Energy's initial recommendation to the KTRA signatories will be to keep the OCCB money in a separate account with the FCF and manage through the K-T HEP at the discretion of Proposal Review Committee (comprised of KTRA Signatories of which Oconee County is an active participant on the committee) with future funding disbursement(s) only supporting land conservation projects in OC.
  - Majority agreement among all KTRA signatories, including OC as a signatory to the KTRA, will be obtained on final disposition/placement of the OCCB funds.
- Duke Energy will provide, in writing to OC, a letter indicating the final resting place for the reimbursed OCCB funding resulting from discussions with the KTRA signatories

I think this is clear but if not, I'll be happy to discuss any questions you may have.

Just give me a call at my cellphone number below.

Thanks !

Alan

**Alan Stuart**

Senior Project Manager, Regulated & Renewable Energy



Duke Energy  
526 S. Tryon St., DEP – 35B | Charlotte, NC 28202  
Office 980-373-2079 | Cell 803-640-8765

**From:** [JOSEPH GONGLEFSKI](#)  
**To:** [Council Clerk Info](#)  
**Cc:** [JOSEPH GONGLEFSKI](#)  
**Subject:** 2025-12  
**Date:** Saturday, July 12, 2025 10:18:19 AM

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All Council Members

Urgent Opposition!!!

I and my entire Family are in full disagreement to adopting 2025-12. Especially since no one can “remember” how or why this ordinance originated. Sounds incredibly fishy to us.

The Gonglefski Family

Sent from my iPad

**From:** [Christina Passafaro](#)  
**To:** [Council Clerk Info](#)  
**Subject:** amendment (2025-12) Environmental Protections  
**Date:** Thursday, June 26, 2025 7:34:16 AM

---



Dear County Representatives,

I am writing as a concerned constituent to express my strong opposition to the proposed amendment (2025-12) to the Oconee County Conservation Bank (OCCB) ordinance. This amendment would allow OCCB funds—originally intended for the **permanent conservation** of land—to be diverted to unrelated and often temporary projects like private wells, boat ramps, and community facilities.

These funds, including significant donations from Duke Energy and private individuals, were contributed with the clear understanding that they would support lasting protections for Oconee's farms, forests, and waterways. Changing that mission is not only a betrayal of public trust, but a threat to the long-term health of our county.

Furthermore, **Oconee County relies heavily on tourism**—which thrives because of our unspoiled natural beauty and outdoor recreation opportunities. People come here to hike our trails, fish in our lakes and rivers, and experience our preserved rural landscapes. Undermining conservation directly threatens this important part of our local economy.

Sincerely,  
Christina Passafaro

**From:** [frank.holleman](#)  
**To:** [Council Clerk Info](#)  
**Subject:** Donation to the Oconee County Conservation Bank  
**Date:** Friday, July 11, 2025 5:18:20 PM

---



Ms. Adams,

In 2023, Naturaland Trust made a donation of \$3,900 to the Oconee County Conservation Bank. As you may know, Naturaland Trust is a nonprofit charity that protects South Carolina's Blue Ridge Mountains and special places in the Piedmont, including in Oconee County.

Naturaland Trust made that donation because it had received a grant from the Oconee Conservation Bank to protect property in the Chattooga River watershed but was eventually unable to use those funds in the acquisition. We returned the grant and made the voluntary contribution in recognition of the fact that we had held the funds for a period of time when we hoped to be able to use them in acquiring and protecting the property.

Our donation was directly related to the funds the Oconee County Conservation Bank had received from Duke Energy to be used to conserve property in Oconee County, which constituted the great majority of the funds in Bank. We understand that Oconee County Council is now considering amending its ordinance to allow funds in the Oconee County Conservation Bank to be used for other purposes. When we made this donation, we understood that the funds would be used for land conservation in Oconee County, like the Duke Energy funds.

We ask that these funds follow the disposition of the Duke Energy land conservation funds. We understand that the Council is considering returning the funds it received for land conservation to Duke Energy so that Duke Energy itself can use the funds for land conservation; we understand that Duke Energy has asked that the County set aside the funds Duke Energy contributed to the Bank and use them only for land conservation, if the County otherwise changes its ordinance. We ask that our donation be used for land conservation however the Duke Energy funds are used for land conservation. If the Duke Energy land conservation funds are returned to Duke Energy for land conservation, we ask that our donation be returned to Duke Energy also. If the Duke Energy land conservation funds are set aside to be used for land conservation, we asked that our donation be included in that set aside.

Alternatively, if the Council prefers, we ask that the funds be returned to us, and we will use them for land conservation in Oconee County, the intended purpose of the grant we received and in connection with which our donation was made. When we made the donation, we understood it would be used for land conservation in Oconee County.

Thank you.

Frank Holleman  
President  
Naturaland Trust  
PO Box 728  
Greenville, SC 29602

[www.naturalandtrust.org](http://www.naturalandtrust.org)

**From:** [James E Mahone](#)  
**To:** [Council Clerk Info](#)  
**Subject:** [I oppose Oconee County Conservation Bank Ordinance \(2025-12\)](#)  
**Date:** Thursday, June 26, 2025 5:08:11 PM

---



Ms. Jennifer C. Adams,

Thank you for your attention to this matter.

James E. Mahone

**From:** [Joe Turner](#)  
**To:** [Council Clerk Info](#)  
**Subject:** Ordinance 2025-12  
**Date:** Tuesday, July 15, 2025 11:01:42 AM

---



Dear Oconee County Clerk,

This is to express my opposition to proposed Oconee County Ordinance 2025-12, which is scheduled for 3rd reading at the July 15 meeting of the Oconee County Council. Although I expect that the Council members have good intentions, it seems unconscionable to me to spend money that was donated in good faith for one purpose on projects that are not supportive of that purpose. I don't understand how this can even be legal. I strongly oppose the passage of this proposed ordinance.

Albert J Turner Jr

**From:** [Kam Flynn](#)  
**To:** [Council Clerk Info](#)  
**Subject:** NO on 2025-12  
**Date:** Monday, July 14, 2025 2:27:08 PM

---



Dear Council Members,

As a Seneca resident, I am writing to state my opposition to Ordinance 2025-12. OCCB funds should be used ONLY for the purpose for which they were intended - conservation easements.

Respectfully,

Kathleen Flynn

Seneca, SC



**From:** [William and Karen Rich](#)  
**To:** [Council Clerk Info](#)  
**Subject:** OCCB funds  
**Date:** Sunday, July 13, 2025 2:13:27 PM

---



Please read at next meeting:

We strongly object to Oconee County Council taking any funds from this account for anything other than its original purpose. Council would impose THEIR will only in doing so, not the people of Oconee County. It would be fraudulent, covered by a smokescreen of "protecting our lands and our freedoms" BS, and against the very people who voted council members in office. Shame on council members even considering Ordinance 2025-12!! It is NOT your money!!

Bill and Karen Rich

**From:** [Ellen Plumpe](#)  
**To:** [Council Clerk Info](#)  
**Subject:** OCCB  
**Date:** Saturday, July 12, 2025 1:49:54 PM

---



We have contributed \$100.00 to the OCCB because we believe strongly on its conservation purpose. Preserving Oconee's beautiful lands is very important to making one's environment comforting and welcoming. The inviting land, streams, lakes and hills are the reason we moved here 30 years ago and have stayed.

It would be a shame and maybe even a crime for the Council to divert money donated by Duke, my husband and I and many others to this Council from the purposes set forth in the original ordinance. That donation was given only for funding permanent protection of land in Oconee County which was the stated purpose for establishing the OCCB. It was meant for no other purpose.

In the horrible event that this original purpose, which by the way is working very well, is changed I want our \$100.00 and all interest it has garnered be treated the same way as Duke's donations. Alternatively we want our donated and it's interest given to The Upstate Land Conservation Fund designated for Oconee County.

Since I will be unable to attend the meeting I am sending you this email and request that you distribute it to all the Oconee County Council members and enter it into the record as part of the public hearing.

Ellen Plumpe

Keowee Key

**From:** [Jim Phillips](#)  
**To:** [Council Clerk Info](#)  
**Cc:** [Jennifer C. Adams](#)  
**Subject:** Oconee County Conservation Bank-July 15, 2025 Council Meeting  
**Date:** Tuesday, July 15, 2025 12:18:11 PM

---



## **Rally in the Valley**

14th July 2025,

Jennifer C. Adams

Oconee County Clerk to Council

P: 864-718-1023

C: 864-888-7390

jennifercadams@oconeesc.com

415 South Pine Street

Walhalla, SC 29691

Dear Ms. Adams,

I am unable to attend the council meeting July 15th and therefore am submitting this letter to be distributed to each council member and entered into the record as part of the public hearing.

I am the President of Oconee County Cyclists who also runs the Rally in the Valley bicycling event. Rally in the Valley made a donation to the Oconee County Conservation Bank on April 29, 2020 in the amount of \$1,150.

At the time we made this donation, it was made for the sole purpose of funding land protection in the county. The county council is proposing changing the scope of the ordinance to allow other uses of those funds. If the new ordinance passes, that will expand the scope of the OCCB, we ask that these donations and any interest accrued be transferred to Upstate

Land Conservation Fund and designated for use in Oconee County.

We ask that these funds follow the disposition of the Duke Energy land conservation funds. We understand that the Council is considering returning the funds it received for land conservation to Duke Energy so that Duke Energy itself can use the funds for land conservation; we understand that Duke Energy has asked that the County set aside the funds Duke Energy contributed to the Bank and use them only for land conservation, if the County otherwise changes its ordinance. We ask that our donation be used for land conservation in whatever manner the Duke Energy funds are used for land conservation. If the Duke Energy land conservation funds are returned to Duke Energy for land conservation, we ask that our donation be returned to Duke Energy also. If the Duke Energy land conservation funds are set aside to be used for land conservation, we ask that our donation be included in that set aside.

Alternatively, if the Council prefers, we ask that the funds be returned to us, and we will use them for land conservation in Oconee County, the intended purpose for which our donation was made. When we made the donation, we understood it would be used for the sole purpose of land conservation in Oconee County.

Thank you,  
Jim Phillips  
President-Oconee County Cyclists  
Chair, Rally in the Valley

**From:** [donbettina@aol.com](mailto:donbettina@aol.com)  
**To:** [Council Clerk Info](#)  
**Cc:** [Emily Hitchcock](#)  
**Subject:** OOCB  
**Date:** Saturday, July 12, 2025 3:35:12 PM

---



I am unable to attend the council meeting July 15th and therefore submitting this email to be distributed to each council member and entered into the record as part of the public hearing.

I was chair of Oconee Forever, a local conservation organization, at the time two donations were made to the Oconee County Conservation Bank. At the time we made those donations, they were made for the sole purpose of funding land protection in the county whether through fee simple purchases or conservation easements. If the new ordinance passes that expands the scope of the OCCB, we ask that these donations and any interest accrued be transferred to Upstate Land Conservation Fund and designated for use in Oconee County.

A donation of \$1,200.00 was made on December 6, 2012 and a donation of \$1,000.00 was made on January 7, 2014

Thank you,  
Bettina George  
Former Chair, Oconee Forever

**From:** [Ray](#)  
**To:** [Council Clerk Info](#)  
**Subject:** Oppose amending conservation bank ordinance  
**Date:** Tuesday, July 8, 2025 11:02:17 AM

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This email is to let Mr. Durham who represents me in district 2 that I and my family are against the proposed amendment to the conservation bank amendment (2025-12). Please inform him of this.

Thank you.

Ray Thomas

**From:** [P.Herrick](#)  
**To:** [Council Clerk Info](#)  
**Subject:** Oppose the Oconee County Conservation Bank Ordinance  
**Date:** Wednesday, June 25, 2025 2:52:06 PM

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Good Afternoon,

As a full time resident of Oconee County and a concerned citizen, I am writing to voice my opposition to the changes proposed by Council to the Oconee County Conservation Bank.

I believe that the proposed additions are short-sighted and do not serve the long-term interests of Oconee County.

With the tremendous growth occurring in Oconee County, and the entire upstate, I believe it is critical to protect key green spaces permanently. Once green space is gone, it is impossible to get back.

I urge the Council to reconsider the proposed changes and to leave the current Oconee County Conservation Bank as it is currently established.

Thank you for your consideration,

Patricia Herrick  
Seneca, SC

**From:** [Nancy Bishop](#)  
**To:** [Council Clerk Info](#)  
**Subject:** Opposed to Ordinance 25-12  
**Date:** Sunday, July 13, 2025 8:58:04 AM

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Please let the Council know that I am opposed to Ordinance 25-12.  
Nancy Bishop



**From:** [Wendy Helmendach](#)  
**To:** [Council Clerk Info](#)  
**Cc:** [Grant Helmendach](#)  
**Subject:** Opposition to Oconee County Ordinance 2025-12  
**Date:** Sunday, July 13, 2025 8:14:22 PM

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I am opposed to changing the funding restrictions for the OCCB to include items other than the original stated purpose. This is a good faith concern that people and organizations that gave to the initial funding effort will be betrayed. As an Oconee County resident who has given to many causes in Oconee county, this type of breach of public trust would be inexcusable and would cause people and organizations to reconsider their giving and even be potentially worthy of legal action against the county for misappropriation and misuse of restricted funds. Please note my opposition.

Kind Regards,

=====

Wendy Helmendach

**From:** [Jerome Schmid](#)  
**To:** [Council Clerk Info](#)  
**Subject:** ORDINANCE 2025-12  
**Date:** Sunday, July 13, 2025 9:17:02 AM

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Please read the message below at the 15 July 2025 Public hearing:

We are opposed to Ordinance 2025-12 which proposes to re-purpose monies collected explicitly for funding conservation easements in Oconee County. These are non-tax funds, donated for a specific purpose, and they should be used as such. Indeed using these funds for other purposes is at least a breach of trust, and ethically questionable if not down right illegal. Thank you.

Jerome and Vicki Schmid

**From:** [Charles Lutz](#)  
**To:** [Council Clerk Info](#)  
**Subject:** Ordinance 2025-12  
**Date:** Monday, July 14, 2025 12:26:15 PM

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Please use OCCB funds only for their intended purpose: to protect conservation easements. Those donated funds were not intended to protect individual property owners rights.

Charles & Joy Lutz

**From:** [oly lombard](#)  
**To:** [Council Clerk Info](#)  
**Cc:** [Council District 2](#)  
**Subject:** Pending Change to Oconee County Conservation Bank Ordinance  
**Date:** Wednesday, July 2, 2025 11:52:39 AM

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Madam Clerk and Council Member Durham,

I would like to register my opposition to the ordinance amending the Oconee County Conservation Bank Ordinance (2025-12).

Please note accordingly.

Respectfully,

Oly "Ernie" Lombard

**From:** [KEVIN HUGHES](#)  
**To:** [Jennifer C. Adams](#)  
**Subject:** Proposed amendment 2025-12  
**Date:** Tuesday, July 15, 2025 11:20:18 AM

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Ms. Adams.

I writing to express my opposition to the proposed amendment 2025-12. This amendment would result in giving power to the council to take funds that are intended for use in conservation for other projects. We have seen how the federal government violated its own standards regarding Social Security and has stripped the money that was intended for participants in the program. We should hope that this amendment is not passed to allow intent on the original conservation land bank to stand

Sincerely

Kevin, J. Hughes

Sent from my iPad

**From:** [David Augspurger](#)  
**To:** [Council Clerk Info](#)  
**Subject:** Proposed Conservation Bank changes.  
**Date:** Sunday, July 13, 2025 5:20:08 PM

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Hello Jennifer.

Please include this email in the upcoming County Council meeting material. Thank you!

Oconee County Council,

I would like to go on record as being very opposed to the changes being discuss pertaining to Ordinance 2025-12. I find it especially unbelievable that in Exhibit B Sec. 2-403 (C) part (7) Sustainable Private Water Infrastructure that we would even consider paying private land owners to drill private wells. This, County Council members, has absolutely nothing to do with helping to conserve more of our beautiful county. We have a conservation bank for a reason and it has served us well. I see no reason to change it. Apparently some on the council are willing to give a huge amount of funds back to Duke Energy if they do not get their way on this proposal. That would be a terrible loss of a huge amount of money that our county can truly put to good use and it would be a truly arrogant and ignorant decision.

Please leave the bank alone or as a minimum strike part (7) concerning private wells from the proposal. The citizens of this county seem to overwhelmingly support the Conservation Bank as it is and we see no reason to change it. Thank you for your time.

David Augspurger

Sent from my iPhone

**From:** [Frances Creekmuir](#)  
**To:** [Council Clerk Info](#)  
**Subject:** Proposed Ordinance 2025-12  
**Date:** Sunday, July 13, 2025 2:48:40 PM

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I am writing to express opposition to the proposed Ordinance 2025-12. The OCCB was established with donations from individuals, nonprofits and Duke Energy for use in conservation easements. Ordinance 2025-12 would change that and allow the funds for private wells and projects unrelated to conserving easements. Please document our disapproval and read this email with other comments at the 7/15/25 Council meeting.

Thanks

Frances & Bill Creekmuir

Sent from my iPhone

**From:** [oly lombard](#)  
**To:** [Jennifer C. Adams](#)  
**Subject:** Re: Pending Change to Oconee County Conservation Bank Ordinance  
**Date:** Monday, July 14, 2025 4:24:35 PM

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Madam Clerk,

In addition to my previously stated opposition to Ordinance 2025-12 related to proposed changes to the Oconee County Conservation Bank Ordinance ( per attached email ), I would like to state the following:

For many years, I have been a resident of Oconee County. As a matter of fact, I was born in Oconee County and other than my college years, I have continued to make Oconee County my home. As a property owner, I made the decision to place a conservation easement on my land.

As evidenced by my past financial contribution of \$2,000.00 to the Oconee County Conservation Bank ( as noted in Oconee County Conservation Bank Board Treasurer's Report period ending: September 30, 2022 ), I do believe in the inherent value of conservation. And, if the current Oconee County Council votes to divert the collective funds ( Duke Energy's and other private donors' dollars ) for purposes other than the original intent, I am officially requesting that my remaining portion of the \$2,000.00 and all interest it has received be returned directly to me.

If you will, please share this email with all members of the Oconee County Council prior to the meeting on Tuesday, 15 July 2025. Also, I do plan to be present at the meeting, however I do not plan to speak. So please enter this email into the record as part of the public hearing.

Thank you for your assistance.

Oly "Ernie" Lombard

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**From:** Jennifer C. Adams <jennifercadams@oconeesc.com>  
**Sent:** Wednesday, July 2, 2025 4:02 PM  
**To:** 'oly lombard' <lombaroe@hotmail.com>



**Cc:** Council District 2 <district2@oconeesc.com>

**Subject:** RE: Pending Change to Oconee County Conservation Bank Ordinance

Mr. Lombard ~ Thank you for your email regarding your opposition to Ordinance 2025-12 related to proposed changes to the Oconee County Conservation Bank Ordinance.

Kind regards,

*Jennifer C. Adams*

Oconee County Clerk to Council

P: 864-718-1023

C: 864-888-7390

[jennifercadams@oconeesc.com](mailto:jennifercadams@oconeesc.com)

415 South Pine Street

Walhalla, SC 29691

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**From:** oly lombard <lombaroe@hotmail.com>

**Sent:** Wednesday, July 2, 2025 11:52 AM

**To:** Council Clerk Info <councilclerkinfo@oconeesc.com>

**Cc:** Council District 2 <district2@oconeesc.com>

**Subject:** Pending Change to Oconee County Conservation Bank Ordinance

Madam Clerk and Council Member Durham,

I would like to register my opposition to the ordinance amending the Oconee County Conservation Bank Ordinance (2025-12).

Please note accordingly.

Respectfully,

Oly "Ernie" Lombard

**From:** [Liza OCain](#)  
**To:** [Council Clerk Info](#)  
**Subject:** Pickleball courts  
**Date:** Monday, July 14, 2025 9:48:35 PM

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In regards to Oconee County, South Cove pickleball court improvements, I am requesting you vote for the improvements. I am from Seneca and return several times a year and enjoy the opportunity to play pickleball. The community that uses South Cove needs these improvements to enable those who hope to play to have the space needed and upgrade the surfaces and parking

Thank you for voting yes to this project

Liza Barron O'Cain  
Sent from my iPhone

**From:** [Mattie O'Cain](#)  
**To:** [Council Clerk Info](#)  
**Subject:** Pickleball Courts  
**Date:** Tuesday, July 15, 2025 6:50:43 AM

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Good morning,

My family and I love to play pickleball. We play almost every weekend together. When we travel it is important that there are nice courts around the area to play. We highly support this project.

Thank you.

**From:** [Cathy Rogers](#)  
**To:** [Council Clerk Info](#)  
**Subject:** Pickleball expansion at South Cove  
**Date:** Friday, July 11, 2025 4:49:59 PM

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Sent from my iPhone

I writing to say I support the expansion of the pickleball courts at South Cove County Park.

Cathy Rogers

**From:** [Larry Sloan](#)  
**To:** [Council Clerk Info](#)  
**Subject:** South Cove Improvement Project  
**Date:** Sunday, July 13, 2025 8:21:49 PM

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This email is directed to Don Mize. My name is Larry Sloan. My address is 808 Mountain Way, Seneca. I live in District III. I am in favor of the South Cove Improvement Project and urge Mr. Mize to vote in favor of it. Thank you.

—Larry Sloan

Sent from my iPhone

Larry Sloan

**From:** [Kaye Clements](#)  
**To:** [Council Clerk Info](#)  
**Subject:** South Cove Pickleball improvements  
**Date:** Monday, July 14, 2025 5:26:48 PM

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Ms Adams,

I've heard that there is to be a vote on improvements for South Cove's pickleball courts Tuesday. Although I don't live in the area I do visit a few times a year. One of my family's favorite activities is pickleball. And your facilities are one of the reasons we choose to stay in the area.

I'd like to strongly encourage the council to approve the project. Can't wait to see how amazing the facility will be in the future.

I'm referencing : ITB 25-01 South Cove Park Improvements.

Kaye Clements

**From:** [Bill Cooper](#)  
**To:** [Council Clerk Info](#)  
**Subject:** South Cove Pickleball/Tennis Complex Expansion Proposal  
**Date:** Monday, July 14, 2025 8:20:04 AM

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Ms. Jennifer Adams  
Clerk of Council  
Oconee County, SC

I am writing to request that you forward this letter to members of the Oconee County Commission for their consideration prior to their meeting to discuss the above referenced issues/proposal on July 15, 2025.

As a native South Carolinian and having lived in the Upstate for fourteen years of my life, I wholeheartedly, enthusiastically, and respectfully support and urge the Commioners to vote positively on the South Cove expansion and enhancements. Phil Shirley has worked tirelessly and enthusiastically with both Pickleballers and Tennis Players in leading the enhancements at South Cove. He actually initiated contact with a group of us proponents Circa 2017 to ask for our inputs to the upgrades considered and performed at that time. We thank him and you for your forbearance and support during this entire period.

My wife and I, ten year proud and happy residents of the Beacon Shores area of Oconee County, request your individual and collective support for this worthwhile investment in the already excellent recreational and financial future of our County.

Respectfully requested,

Bill & Sarah Cooper