

A G E N D A  
OCONEE COUNTY COUNCIL MEETING  
TUESDAY, NOVEMBER 17, 1998  
3:00 PM  
OCONEE COUNTY ADMINISTRATIVE OFFICES  
415 S. PINE STREET  
WALHALLA, SC

1. Call to Order
2. Invocation
3. Approval of Minutes of Regular Meeting Held November 5, 1998
4. Approval of Minutes of Special Meeting Held November 10, 1998
5. Public Hearing to Receive Written and/or Oral Comments Regarding the Adoption of an Ordinance with Respect to the Approval by Oconee County, South Carolina of a Fee-in-Lieu of Tax Agreement Including Specifically a Lease to be Entered into by Oconee County with Dunlop Maxfli Sports Corporation
6. Public Hearing to Receive Written and/or Oral Comments Regarding the Adoption of an Ordinance with Respect to Proceedings in Connection with the Issuance of Oconee County, South Carolina Infrastructure Credit (the "Infrastructure Credit") to be Granted by Oconee County to Dunlop Maxfli Sports Corporation
7. Second Reading of Ordinance 98-9, "AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE AGREEMENT BETWEEN OCONEE COUNTY, SOUTH CAROLINA, AS LESSOR, AND DUNLOP MAXFLI SPORTS CORPORATION, AS LESSEE; AND OTHER MATTERS RELATING THERETO INCLUDING, WITHOUT LIMITATION, PAYMENT OF A FEE IN LIEU OF TAXES
8. Second Reading of Ordinance 98-10, "AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN AGREEMENT BETWEEN OCONEE COUNTY, SOUTH CAROLINA AND DUNLOP MAXFLI SPORTS CORPORATION FOR GRANTING CERTAIN INFRASTRUCTURE CREDITS TO DUNLOP MAXFLI SPORTS CORPORATION"

## **AGENDA**

Tuesday, November 17, 1998 – 3:00 pm

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9. Second Reading of Ordinance 98-11, "AN ORDINANCE TO AMEND THE JOINTLY OWNED AND OPERATED INDUSTRIAL/BUSINESS PARK IN CONJUNCTION WITH PICKENS COUNTY, DATED MAY 4, 1998; SUCH INDUSTRIAL/BUSINESS PARK BEING GEOGRAPHICALLY LOCATED IN PICKENS COUNTY AND OCONEE COUNTY AND ESTABLISHED PURSUANT TO SOUTH CAROLINA CODE OF LAWS OF 1976 §4-1-170, ET SEQUITUR, AS AMENDED; TO PROVIDE FOR A WRITTEN AGREEMENT WITH PICKENS COUNTY PROVIDING FOR THE EXPENSES OF THE PARK, THE PERCENTAGE OF REVENUE APPLICATION, AND THE DISTRIBUTION OF FEES IN LIEU OF AD VALOREM TAX TO THE COUNTIES AND RELEVANT TAXING ENTITIES; AND, TO PROVIDE THAT JOBS TAX CREDITS ALLOWED BY LAW BE PROVIDED FOR INDUSTRIES LOCATING IN SAID PARK, AND TO PERMIT A USER FEE IN LIEU OF AD VALOREM TAXATION"
10. Second Reading of Ordinance 98-12, "AN ORDINANCE GRANTING THE CONSENT OF OCONEE COUNTY TO THE TRANSFER OF CONTROL/ CONSENT TO ASSIGNMENT OF THE NON-EXCLUSIVE CABLE TELEVISION FRANCHISE FROM CHARTER COMMUNICATIONS II, L.P. TO CHARTER COMMUNICATIONS, LLC" – Mr. Buddy Timmons, State Operations Manager, CHARTER Communication
11. Discussion & Possible Action Regarding Insurance Benefits – Mr. Boone Crisp, Insurance Brokerage Services & Mr. Stanley Quintana, PROVANTAGE Prescription Benefit Management
12. Second Reading of Ordinance 98-13, "AN ORDINANCE TO PROVIDE FOR THE TRANSFER OF FUNDS NOT TO EXCEED \$285,000 FROM THE FUND BALANCE ACCOUNT OF OCONEE COUNTY, SOUTH CAROLINA FOR THE ACQUISITION OF CERTAIN REAL PROPERTY AND IMPROVEMENTS LOCATED IN OCONEE COUNTY, SOUTH CAROLINA AND OTHER MATTERS RELATING THERETO"
13. Third & Final Reading of Ordinance 98-8, "OCONEE COUNTY ANIMAL, ADDING TO AND AMENDING CERTAIN SECTIONS OF ANIMAL CONTROL ORDINANCES 87-8 AND 88-4"

## AGENDA

Tuesday, November 17, 1998 – 3:00 pm

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14. First Reading of Ordinance 98-14, "AN ORDINANCE TO ESTABLISH FOR OCONEE COUNTY PROVISIONS TO IDENTIFY AND MONITOR HAZARDOUS CHEMICALS/WASTES TO PROTECT THE WELL BEING AND HEALTH OF OCONEE COUNTY RESIDENTS"
15. Old Business
16. New Business
17. Adjourn

Prior to the Council meeting at 3:00 pm, there will be an open meeting at 2:30 pm in Council Chambers, 415 S. Pine Street, Walhalla, SC for the public to express their concerns to Council. Anyone wishing to speak must sign in and give the subject on which they wish to speak.

There will be a meeting of the Oconee County Budget & Finance Committee, Tuesday, November 17, 1998 at 1:30 pm in Council Chambers for the purpose of discussing budgetary matters.

There will be a meeting of the Oconee County Law Enforcement, Safety, Health, Welfare & Services Committee, Tuesday, November 17, 1998 at 2:00 pm Council Chambers, for the purpose of discussing Ordinance 98-8, "OCONEE COUNTY ANIMAL CONTROL, ADDING TO AND AMENDING CERTAIN SECTIONS OF ANIMAL CONTROL ORDINANCES 87-8 AND 88-4"

The Oconee County Council will meet in committee Monday, November 16, 1998 at 3:00 pm in Council Chambers for the purpose of discussing the proposed building codes ordinance.

**MEMBERS, OCONEE COUNTY COUNCIL**

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

**MINUTES, OCONEE COUNTY COUNCIL MEETING**

The regular meeting of the Oconee County Council was held Tuesday, November 17, 1998 at 3:00 pm in Council Chambers with all Council Members and the County Attorney present.

**Press:**

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

Members of the press present: Laura Gabrels – Anderson Independent.

**Call to Order:**

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

**Invocation:**

Mr. Hall gave the invocation.

**Minutes:**

Mr. Thomas made a motion, seconded by Mrs. Hughes, approved 5 – 0 that the minutes of the regular meeting held November 5, 1998 be adopted as printed.

Mr. Hamilton made a motion, seconded by Mr. Thomas, approved 5 – 0 that the minutes of the special meeting held November 10, 1998 be adopted as printed.

**Public Hearing:**

The first item on the agenda was a public hearing to receive written and/or oral comments regarding the adoption of an ordinance with respect to the approval by Oconee County, South Carolina of a Fee-in-Lieu of Tax Agreement including specifically a lease to be entered into by Oconee County with Dunlop Maxfli Sports Corporation.

There was no one present with written and/or oral comments for this public hearing.

**Public Hearing:**

Next on the agenda was a public hearing to receive written and/or oral comments regarding the adoption of the ordinance with respect to proceedings in connection with the issuance of Oconee County, South Carolina Infrastructure Credit (the "Infrastructure Credit") to be granted by Oconee County to Dunlop Maxfli Sports Corporation.

There was no one present with written and/or oral comments for this public hearing.

**Ordinance 98-9:**

Mr. Thomas made a motion, seconded by Mrs. Hughes, approved 5 – 0 that Ordinance 98-9, "AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE AGREEMENT BETWEEN OCONEE COUNTY, SOUTH CAROLINA, AS LESSOR, AND DUNLOP MAXFLI SPORTS CORPORATION, AS LESSEE; AND OTHER MATTERS RELATING THERETO INCLUDING, WITHOUT LIMITATION, PAYMENT OF A FEE IN LIEU OF TAXES" be adopted on second reading.

**Ordinance 98-10:**

Mr. Timms made a motion, seconded by Mr. Hamilton, approved 5 – 0 that Ordinance 98-10, "AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN AGREEMENT BETWEEN OCONEE COUNTY, SOUTH CAROLINA AND DUNLOP SPORTS CORPORATION FOR GRANTING CERTAIN INFRASTRUCTURE CREDITS TO DUNLOP MAXFLI SPORTS CORPORATION" be adopted on second reading.

**Ordinance 98-11:**

Mr. Hamilton made a motion, seconded by Mrs. Hughes, approved 5 – 0 that Ordinance 98-11, "AN ORDINANCE TO AMEND THE JOINTLY OWNED AND OPERATED INDUSTRIAL/BUSINESS PARK IN CONJUNCTION WITH PICKENS COUNTY, DATED MAY 4, 1998; SUCH INDUSTRIAL/BUSINESS PARK BEING GEOGRAPHICALLY LOCATED IN PICKENS COUNTY AND OCONEE COUNTY AND ESTABLISHED PURSUANT TO SOUTH CAROLINA CODE OF LAWS OF 1976 §4-1-170, ET SEQUITUR, AS AMENDED; TO PROVIDE FOR A WRITTEN AGREEMENT WITH PICKENS COUNTY PROVIDING FOR THE EXPENSES OF THE PARK, THE PERCENTAGE OF REVENUE APPLICATION, AND THE DISTRIBUTION OF FEES IN LIEU OF AD VALOREM TAX TO THE COUNTIES

**Ordinance 98-11 Continued:**

AND RELEVANT TAXING ENTITIES; AND, TO PROVIDE THAT JOBS TAX CREDITS ALLOWED BY LAW BE PROVIDED FOR INDUSTRIES LOCATING IN SAID PARK, AND TO PERMIT A USER FEE IN LIEU OF AD VALOREM TAXATION” be adopted on second reading.

**Ordinance 98-12:**

Second Reading of Ordinance 98-12, “AN ORDINANCE GRANTING THE CONSENT OF OCONEE COUNTY TO THE TRANSFER OF CONTROL/CONSENT TO ASSIGNMENT OF THE NON-EXCLUSIVE CABLE TELEVISION FRANCHISE FROM CHARTER COMMUNICATIONS II, L.P. TO CHARTER COMMUNICATIONS, LLC” be postponed as Mr. Timmons was not present at the meeting.

**Health Insurance Benefit:**

Mr. Boone Crisp of Insurance Brokerage Services & Mr. Stanley Quintana of Pro Vantage addressed Council regarding a prescription drug card for county employees. Upon recommendation of Mrs. Kay Olbon, Personnel Coordinator, Mr. Timms made a motion, seconded by Mr. Thomas, approved 5 – 0 that the county adopt the plan on a six (6) months basis.

Mr. Hall made a motion, seconded by Mrs. Hughes, approved 5 – 0 that this plan require a co-payment of \$7.00 for generic drugs and \$15.00 for name brand drugs.

**Ordinance 98-13:**

Mr. Caime, County Engineer, informed Council that he had conducted a preliminary environmental study on the DAVCO Building which the county is proposing to purchase and he did not feel that any further environmental studies were necessary.

Mr. Thomas made a motion, seconded by Mr. Hall, approved 5 – 0 that Ordinance 98-13, “AN ORDINANCE TO PROVIDE FOR THE TRANSFER OF FUNDS NOT TO EXCEED \$285,000 FROM THE FUND BALANCE ACCOUNT OF OCONEE COUNTY, SOUTH CAROLINA FOR THE ACQUISITION OF CERTAIN REAL PROPERTY AND IMPROVEMENTS LOCATED IN OCONEE COUNTY, SOUTH CAROLINA AND OTHER MATTERS RELATING THERETO” be adopted on second reading.

**Law Enforcement Committee Meeting:**

The Law Enforcement, Safety, Health, Welfare & Services Committee scheduled a meeting Tuesday, December 1, 1998 at 5:30 pm in Council Chambers for the purpose discussing the proposed hazardous materials/wastes ordinance.

**Ordinance 98-8:**

Mr. Hamilton, Chairman, LEC Committee informed Council it was the recommendation of the committee that Ordinance 98-8, "OCONEE COUNTY ANIMAL CONTROL ACT" adding to and amending certain Sections of Animal Control Ordinances 98-8 & 88-4 be adopted on third and final reading.

Mr. Hall made a motion, seconded by Mr. Thomas, approved 5 – 0 that Section 6.1 of Ordinance 98-8 be amended to include "at the discretion of the Humane Society" regarding sterilization of an animal impounded more than one time.

Mr. Hall than made a motion, seconded by Mrs. Hughes, approved 5 – 0 that Ordinance 98-8, as amended, be adopted on third and final reading.

**Developmental Standards Ordinance (Cont'cy):**

Mr. Hall made a motion, seconded by Mr. Hamilton, approved 5 – 0 that the bid process be waived and the SC Appalachian Council of Governments be engaged to develop a Unified Development Ordinance as per Section B. Formal Bid Process, Subsection 4. When in the Purchasing Agent's judgement, and with concurrence of County Council, it is to the advantage of the County's interest to do so and the \$10,600 for the development of this ordinance be taken from contingency.

**Appeal Board for Ordinance 98-5:**

After discussion, Council deemed it in the best interest of the County to appoint the Appeals Board for Ordinance 98-5, "AN ORDINANCE TO REGULATE SEXUALLY ORIENTED BUSINESSES WITHIN THE UNINCORPORATED AREAS OF OCONEE COUNTY" and the County Attorney amend the "ORDINANCE ESTABLISHING AIRPORT-RELATED HEIGHT LIMITATION REGULATIONS FOR CERTAIN AREAS OF OCONEE COUNTY, SOUTH CAROLINA, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEROF, IN ACCORANCE WITH THE PROVISIONS OF TITLE 6, CHAPTER 7, ARTICLE 9, CODE OF LAWS OF SOSUTH CAROLINA, 1976, AS AMENDED" and Ordinance 98-5 for the appeals boards terms to coincide with the possibility of one board serving for both ordinances.

**Appeal Board Appointment:**

Mr. Hall made a motion, seconded by Mrs. Hughes, approved 5 – 0 that Mr. Frank Galloway be appointed to represent District I on the Appeal Board.

**Adult Club Fees:**

Mr. Hall made a motion, but withdrew it that the application for a permit for an adult entertainment club be \$1,000 and the annual fee be \$2,000.

**Appeal Board Appointment:**

Mr. Hamilton made a motion, seconded by Mrs. Hughes, approved 5 – 0 that Mr. Larry Petty be appointed to represent District III on the Appeal Board.

**Library Roof:**

Upon Mrs. Hughes inquiry, Mr. Orr informed Council that no bids have been sought on the roof at the Westminster Branch of the Library System at this time, as the purchasing agent is out of town and Mr. Smith, Public Buildings Director, had not had the time to put specifications together.

**Seneca Health Clinic:**

Upon Mr. Timms inquiry, Mr. Cain, County Attorney, informed Council the architect felt like there was ample parking at the proposed site for the Seneca Health Clinic and he was waiting for the attorney for the School District to prepare the deed for the site and the easement for the parking area.

**US Department of Agriculture Lease:**

Mr. Timms made a motion, seconded by Mr. Hall, approved 5 – 0 that the attached lease with the US Department of Agriculture for office space at 301 W. South Broad Street be adopted.

**Appeal Board Appointment:**

Mr. Timms made a motion, seconded by Mr. Thomas, approved 5 – 0 that Mr. William Casey be appointed to represent District V on the Appeal Board.



Minutes, Oconee County Council Meeting  
Tuesday, November 17, 1998 – 3:00 pm

**Future Votes:**

Mr. Thomas brought to Council's attention that he felt that except in an emergency situation, in the future before a vote is taken on any matter regarding expenditure of county funds, the matter should be assigned to the proper committee and a recommendation be made to Council by the committee.

**Newry Committee:**

Mr. Hall requested a meeting of the Newry Committee Tuesday, December 1, 1998 at 4:30 pm in Council Chambers.

**Moratorium Ordinance:**

Mr. Joe Newton, SC Appalachian Council of Governments addressed Council regarding the possible adoption of "AN ORDINANCE TO IMPOSE A MORATOIUM ON ANY NEW CONSTRUCTION AND DEVELOPMENT OF GROUP RESIDENTIAL FACILITIES, DETENTION FACILITIES, OR YOUTH CAMPS IN OCONEE COUNTY PENDING THE DEVELOPMENT OF LAND USE REGULATIONS AND PERFORMANCE STANDARDS". First reading of the ordinance was postponed to give Council time to review the proposed ordinance.

**Part Time Help for Treasurer's Office:**

Upon request of Mrs. Anne Dodd, Treasurer, Mr. Timms made a motion, seconded by Mrs. Hughes, approved 5 – 0 that a part time employee be hired for the Treasurer's Office for twenty five hours per week for the months of December and January at an hourly rate of \$8.71.

**Finance Report:**

Mr. Timms expressed his compliments to Mrs. Lombard, Finance Director, on her presentation of the county audit and finance report.

**House Rental Request:**

Mr. Orr assigned the Purchasing, Contracting, Real Estate, Building & Grounds Committee a request to lease the old 911 Office Building.

**Executive Session:**

Mr. Timms made a motion, seconded by Mr. Hall, approved 5 – 0 that Council go into executive session for the purpose of discussing a personnel matter and pending litigation.

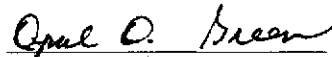
**Open Session:**

When open session resumed, Mr. Cain, County Attorney, informed Council he would prepare for their consideration a policy regarding non-profit organizations using county parks. Mr. Cain further informed Council it would be necessary to identify the public benefit in exchange for a non profit organization using the parks at no cost.

**Adjourn:**

Adjourn: 6:50 pm

Respectfully Submitted



Opal O. Green  
Council Clerk

## OCONEE COUNTY

### ProVantage Pharmaceutical Plan

#### Why Consider a Discounted Pharmaceutical Plan?

- Economics of wholesale pricing
- Inflationary trend of pharmaceuticals is 22% annually
- FDA approved six-times the number of pharmaceuticals in 1997 as in 1996

#### Why Consider ProVantage?

- Twenty-Years Experience
- Six-Million Covered Lives
- National Pharmacy Network – <sup>52</sup>49,000 Pharmacies
- Competitive Pricing Structure
- Flexible Plan Design
- National Network Access for Acute Needs
- On-line, Real-Time Prescription Review
  - Drug Interactions
  - Drug Information Messages (Pregnancy, food, age, etc.)
  - Duplicate Therapy
  - Excessive or Insufficient Drug Dose
  - Drug Disease Contraindications
  - Drug Allergies
- Formularies and Rebates
- Patient Consultation
- Proactive Cost Containment
- Convenience
- Drug Utilization Review
- Volume Discounts
- Lowest Pricing Structure
- Prescription Drug Cost Control
  - Excessive Quantity
  - Over/Under Utilization
  - Days Supply
  - Early Refills
  - Duplicates

## Pharmacy Reimbursement Rates

	Retail Network Pharmacy	Mail Service
<b>Reimbursement Rates:</b>		
Brand name prescriptions	AWP - 14.1%*	AWP - 16%
Generic prescriptions	AWP - 50%**	AWP - 50%
<b>Dispensing Fees:</b>		
Brand name prescriptions	\$2.50	\$1.75
Generic prescriptions	\$2.50	\$1.75

\*Effective AWP discount based on: The lesser of the pharmacy's Usual & Customary Charge or eighty-eight percent (88%) of the Average Wholesale Price (AWP) or ProVantage's discount price programs. (Direct Plus Pricing and Select Discount Pricing Programs have been described in more detail in the previous section).

\*\* Effective AWP Discount based on: The lesser of eighty percent (80%) of the Average Wholesale Price (AWP) or ProVantage's extended Maximum Allowable Cost (MAC) Program. ProVantage's comprehensive MAC program is described in more detail in the previous section.

## ProVantage Administrative Fees

ELECTRONIC CLAIMS*	\$0.60
PARTICIPANT CLAIMS * - STANDARD	\$1.50
- COB/SECONDARY	\$2.50
MINIMUM SEMI-MONTHLY BILLING CHARGE	NO CHARGE
INITIAL SET UP FEE	NO CHARGE
INITIAL ID CARDS	NO CHARGE
REPLACEMENT ID CARDS-	NO CHARGE
STANDARD MANAGEMENT REPORTS	NO CHARGE
ELECTRONIC CLAIMS ADJUDICATION	NO CHARGE
ON-LINE ELIGIBILITY ACCESS (PROLINK)	NO CHARGE
SHIPPING COSTS OF COMMUNICATION MATERIALS TO PLAN SPONSOR	NO CHARGE
PHARMACY NETWORK ADMINISTRATION AND DEVELOPMENT	NO CHARGE
DRUG UTILIZATION REVIEW PROGRAM(S)	NO CHARGE
♦ ON-LINE CONCURRENT	
♦ STANDARD RETROSPECTIVE	
♦ PROSPECTIVE	
SPECIAL PLAN DESIGN FEATURES <i>Split Co-Payments, Coinsurance, up-front deductibles, maximum benefits, pre-existing condition limitations, etc.</i>	NO CHARGE
NON-CLINICAL PRIOR AUTHORIZATIONS <i>Vacation supplies, client-reviewed prior authorizations, etc.</i>	NO CHARGE
NON-STANDARD REPORT PROGRAMMING CHARGES <i>(if applicable)</i>	\$90.00 PER HOUR

\* Fees quoted are per transaction. A transaction is defined as a single claim submission.

## PARTICIPATING PHARMACY LIST FOR SELECTED CITIES

STATE: SC

CITY	PHARMACY NAME	ADDRESS	ZIPCODE	
MAULDIN	K MART PHARMACY #7274	129 WEST BUTLER AVENUE	29662	
	REVCO DISCOUNT DRUG # 4172	205 W BUTLER AVE	29662	
	WINN DIXIE PHARMACY #1051	111 WEST BUTLER ROAD	29662	
NINETY SIX	ECKERD DRUG # 8072	206 N CAMBRIDGE ST	29666	
	NINETY SIX PHARMACY INC # 2	115 E MAIN ST PO BOX 117	29666	
PELZER	REVCO DISCOUNT DRUG #3571	328 LEBBY STREET	29669	
PENDLETON	REVCO DISCOUNT DRUG # 3599	BI-LO PLZ HWY 76	29670	
PICKENS	CORNER DRUG STORE	CEDAR ROCK & GARVIN STS	29671	
	MEDICAL CENTER PHARMACY	114 WEST CEDAR ROCK ST-POB 187	29671	
	PICKENS DRUG COMPANY INC	305 E MAIN ST PO BOX 568	29671	
	REVCO DISCOUNT DRUG # 3588	2700 GENTRY MEMORIAL HWY	29671	
	REVCO DISCOUNT DRUG # 7534	502 ANN ST STE B	29671	
	WINN DIXIE PHARMACY #1244	529 HAMPTON AVENUE	29671	
	ECKERD DRUG # 8036	908 ANDERSON RRD	29673	
PIEDMONT	ECKERD DRUG # 8183	3441 EARLE E MORRIS JR HWY	29673	
	REVCO DISCOUNT DRUG # 7351	RT 3 BOX 126-A	29673	
	REVCO DISCOUNT DRUG #5569	7401 AUGUSTA ROAD	29673	
SENECA	ECKERD DRUG # 1128	1529 W HWY 123-APPLEWOOD	29678	
	K MART PHARMACY #9320	201 APPLEWOOD CENTER	29678	
	MAULDIN'S APOTHECARY	301-E MEMORIAL DRIVE	29672	
	REVCO DISCOUNT DRUG # 3537	KEOWEE VLG S/C US 123 BYP	29678	
	REVCO DISCOUNT DRUG # 7357	8 BYP HWY 123	29678	
	SAMMETH DRUG COMPANY	115 N TOWNVILLE ST PO BOX 487	29679	
	THE MEDICINE SHOPPE	408 EAST NORTH FIRST STREET	29678	
	WAL-MART PHARMACY # 1123	367 MARKET ST	29678	
	SIMPSONVILLE	CVS PHARMACY # 2192	698 FAIRVIEW RD	29681
		ECKERD DISCOUNT DRUG #8075	653 SOUTH EAST MAIN STREET	29681
HOWARDS PHARMACY		102 SOUTH MAIN STREET	29681	
K MART PHARMACY #3875		621 FAIRVIEW ROAD	29681	
PUBLIX PHARMACY #7613		655-C FAIRVIEW ROAD	29680	
PUBLIX PHARMACY7613		655 FAIRVIEW RD #C	29680	
REVCO DISCOUNT DRUG #3805		315 SOUTH FAIRVIEW ROAD	29681	
WAL-MART PHARMACY #10-2265		3950 GRANDVIEW DRIVE	29681	
ECKERD DISCOUNT DRUG #8056		554 SOUTH CHURCH STREET	29606	
SPARTANBURG		ECKERD DISCOUNT DRUG #8063	301 BRUSHY CREEK ROAD	29687
	PUBLIX PHARMACY # 7632	2801 WADE HAMPTON BLVD #120	29687	
	REVCO DISCOUNT DRUG # 1122	3330 WADE HAMPTON BLVD	29687	
	TAYLORS DRUG COMPANY INC	3324 WADE HAMPTON	29687	
	WINN DIXIE PHARMACY #1059	5000 OLD SPARTANBURG ROAD	29687	
TAYLORS	ECKERD DRUG # 8043	6505 STATE PARK	29690	
	MCLESKEY TODD PHCY OF TRAVELER	28 MAIN ST PO BOX 487	29690	
	REVCO DISCOUNT DRUG #3888	148 WALNUT LANE	29690	
	WINN DIXIE PHARMACY #1057	21 ROE ROAD	29690	
TRAVELERS REST	ECKERD DRUG # 8043	6505 STATE PARK	29690	
	MCLESKEY TODD PHCY OF TRAVELER	28 MAIN ST PO BOX 487	29690	
WALHALLA	REVCO DISCOUNT DRUG #3888	148 WALNUT LANE	29690	
	WINN DIXIE PHARMACY #1057	21 ROE ROAD	29690	
	KEN'S THRIFTEE PHARMACY, INC.	112 EAST MAIN ST-P.O. BOX 58	29691	
WARE SHOALS	PEOPLES PHARMACY, INC.	126 E MAIN ST	29691	
	PARK PHARMACY INC	9 E MAIN ST PO BOX 89	29692	
WEST UNION	WEST END DRUGS INC	80 N GREENWOOD AVE	29692	
	REVCO DISCOUNT DRUG # 3891	SCENIC PLZ DR	29696	
WESTMINSTER	WINN DIXIE PHARMACY #1098	134 FOOTHILL DRIVE	29696	
	ECKERD DRUG # 8045	903 E MAIN ST	29693	
WILLIAMSTON	WINN DIXIE PHARMACY #1220	1049 EAST MAIN STREET	29693	
	ANMED PHARMACY	313 WILLIAMS ST PO BOX 57	29697	
	ECKERD DRUG # 8046	19 PELZER AVE	29697	

# PROVantage

PRESCRIPTION BENEFIT MANAGEMENT SERVICES, INC.

## National and Regional Chain Drug Stores

A&A Drug  
A&P Pharmacies  
ABCO Pharmacies  
ACME Pharmacies  
Alasco Discount Pharmacies  
Albertson's Food & Drug  
Allens Drugtown  
Alp Freddy's  
Appletree Pharmacy  
Appalachian Reg. Healthcare  
Arbor Drugs  
Arrow Prescription Centers  
Aurora Pharmacies, Inc.  
Bartell Drug  
Begel Drug, Inc.  
Bel-Air Pharmacies  
Better Drugs Southwest  
Bi-Lo Pharmacies  
Big B Discount Drugs  
Big C Discount Drugs  
Big Bear Pharmacies  
Bigg's Pharmacies  
Big V Supermarkets, Inc.  
BI-Mart Corporation  
BI-Rite Drug Store  
Bon Secours Pharmacy  
Brooks Drug  
Brooks Pharmacies  
Brookshire Pharmacies  
Bruno's Pharmacies  
Bud's Price King, Inc.  
Buenher Pharmacies  
Buffalo Pharmacies  
Buttrely Food & Drug  
Buy-Wise Drugs  
Caldor Pharmacies  
Care Drug Centers (Circle Drug)  
Carle Rx Express Pharmacy  
Carr Gottstein Company  
CBC Professional Pharmacy  
Chateau Drug & Surgical  
City Drug Stores, Inc.  
City Market Pharmacies  
CJM, Inc.  
Clinic Pharmacy  
Clover Pharmacies  
Community Distributors, Inc.  
Concord Drugs  
Consumers Pharmacies  
Copp's Pharmacies  
The Copp's Corporation  
Comer Drug Store  
Country Boy Pharmacy  
Covenant Retail Pharmacies  
CRX Pharmacy  
CRXS, Inc.  
Cub Pharmacies  
Cunningham Drugs  
Cummings Pharmacies  
CVS Pharmacies  
D&S Drug Mart  
D&W Pharmacies  
Dahl's Pharmacies  
Dane Drugs  
Davidson Drugs, Inc.  
Dayton Cub Foods Pharmacy  
Dean Retail Services, Inc.  
Degen-Berglund Pharmacy  
Delchamps, Inc.  
Dick's Pharmacy  
Dierbergs Pharmacies  
Dillon Pharmacies  
Discount Drug Mart  
Discount Emporium, Inc.  
Doc's Drugs  
Dominick's Pharmacies  
Downeast Pharmacy, Inc.  
Drug Barn  
Drug Emporium  
Drug Fair  
Drug Festival, Inc.  
Drug Mart  
Drug Town  
Drug World  
Duane Reads  
Eagle Food Centers Pharmacy  
Easter Family Center Pharmacy

Easter's  
Eckerd Drugs  
Edgehill Drugs, Inc.  
Edwards Pharmacies  
Ely Drugs, Inc.  
Emerald Drug Stores  
Emporium Stores, Inc.  
Erickson Valu Drug, Inc.  
Enloe Drugs, Inc.  
Eureka Drug Stores, Inc.  
F&M Pharmacies  
Familycare Network  
Family Discount Drugs  
Family Drug  
Farmco Drug  
Farmer Jack Pharmacies  
Farm Fresh, Inc.  
Fay's Pharmacies  
FEDCO Drug  
Federal Discount Center  
Felpausch Pharmacy  
Finast Pharmacies  
First National Supermarkets  
Foodarama Supermarkets, Inc.  
Foodmax Pharmacies  
Food Fair Pharmacies  
Foodtown Pharmacies  
Food World  
Four Star Drug  
Freddy's  
Fred Meyer Pharmacies  
Fred's Pharmacies  
Fruth Pharmacy, Inc.  
Fry's Food & Drug  
Furr's Supermarkets, Inc.  
Gammel Drug Company  
Genovese Drug Store  
Gerbes Pharmacies  
Gessler Drug Company  
Gerland's Pharmacy  
Gimmel Pharmacy Group, Inc.  
Giant Discount Drug  
Giant Eagle Pharmacies  
Giant Food, Inc.  
Giant Pharmacies  
Gilbson Discount Drug  
Goldy's  
Gollash Pharmacies  
Gooding Pharmacy  
Grand Union Pharmacies  
Gresham Drugs  
Haggen/Top Foods Pharmacy  
Hannaford Brothers Company  
Happy Harry's Discount Drugs  
Harco Super Drug  
Harris Teeter Pharmacies  
Hartig Drug Company  
Harts Pharmacies  
Harvest Foods Pharmacies  
Health Mart  
Healthtek Pharmacies  
Heartland Healthcare Services  
H.E.B. Pharmacies  
Hill's Family Drug  
Hi-School Pharmacies  
HMI Illinois, Inc.  
HomeLand Stores, Inc.  
Horizon Pharmacies  
Hospital Discount Pharmacies  
Hook Drug  
Hyde Drug, Inc.  
Hy-Vee Pharmacies  
I Got It At Gary's  
Ike's Pharmacies  
Joel N' Jerry's Pharmacy  
Jones Apothecary  
K&B, Inc.  
K-Mart Pharmacies  
Kash 'N Kary  
Ketsch Pharmacies  
Kerr Drug  
Kessel Pharmacies, Inc.  
Keystone-Medicine Chest  
King Kullen Pharmacy Corp.  
King Soopers  
Kinney Drug  
Klinck Stores, Inc.

Kingensmith's Drug Stores  
Knight Drugs, Inc.  
Kohf's Drug Stores  
Kopp Drug, Inc.  
Kroger Food & Drug  
Kurtz Pharmacy  
Langer Pharmacy  
Laverdieres Super Drug Stores  
Legend Pharmacies  
Les-On Drugs  
Lewis Drugs, Inc.  
Lincoln Discount Drugs  
Longs Drug Stores  
Low Cost Health Care, Inc.  
L.S.P., Inc.  
Lucas Pharmacy  
Malone's Pharmacy  
Mann Drug Distributors  
Maple Drug Stores  
Mark Glassman, Inc.  
Marsh Drug Store  
Maat Drug  
Maxi Drug, Inc.  
Maxor Pharmacies  
May's Drug Stores  
McKay Drugs  
M-D Pharmacy  
Medi-Save Pharmacies, Inc.  
Medistat Pharmacy  
Medicap Pharmacies, Inc.  
Medic Discount Drug  
Medicine Man, Inc.  
Medicine Shoppe  
Med-X Corporation  
Megamarket Service Plus Rx  
Meijer Pharmacies  
Merrill's Drug Centers  
Minyard Food & Drug  
Motor City Prescription Center  
Mr. Discount Drugs, Inc.  
National Supermarkets  
National Markets  
NCS Healthcare, Inc.  
Northeast Pharmacy Serv. Network  
Northwest Health Ventures, Inc.  
Omnilink Financial Services  
Olson's Food Stores, Inc.  
Osborn Drugs  
Osco Drug, Inc.  
Otto Drug  
Ouy's Drug Store  
Owl Drug Stores, Inc.  
Parkway Drugs  
Pamida Pharmacies  
Pathmark Pharmacies  
Pay-N-Save, Inc.  
Pay-Less Drug Store  
PDC, Inc.  
Penn Traffic Company  
Peoples Drug Store  
Peterson Drug Company  
Pharmacy Associates, Ltd.  
Pharmacy Plus, Inc.  
Pharmhouse Pharmacy Office  
Phar-Mor, Inc.  
Pic 'n Save Drug Company  
Piggly Wiggly Pharmacies  
A.L. Price Pharmacies  
Price Costo Pharmacy  
Price Chopper Pharmacy  
Professional Pharmacy Services  
Proxymed Pharmacy  
Publix Pharmacies  
Purity Supreme Pharmacies  
QFC (Quality Food Centers)  
Quantum Health Resources  
Quickcheck Food & Pharmacy  
Raley's Drug Center  
Randall's Pharmacy  
Red Food Stores, Inc.  
Reliable Drugs  
RESCO D.S., Inc.  
Rhinderer's Drug Stores, Inc.  
Richardson Pharmacy  
Rini-Rego Supermarkets, Inc.  
Risch Drug Stores  
Rite Aid Corporation

Ritzman Pharmacies, Inc.  
RJR Drug Distributors  
Rockbottom  
Roeschen's Healthcare Corp.  
Ronetco, Inc.  
Rosauer's Pharmacy  
Rouse Enterprises, Inc.  
RXD Pharmacies  
Rx Place Pharmacies  
Rx Plus  
Safeway, Inc.  
Sav-a-lot Drugs  
SAVCO Drugs  
Save-Mart Supermarkets  
Sav-Mor Drug  
Sav-On Drugs, Inc.  
Sav-Rx Pharmacies  
Schmuck's Pharmacies  
Schwegmann Pharmacy  
Scolari's Food & Drug Co.  
Scottie Pharmacies  
Seaway Food Town, Inc.  
Sedano's Discount Pharmacy  
Sentry Drugs  
Shelly's Pharmacy  
Shopko Stores, Inc.  
Shoprite Pharmacies  
Sieps Rx, Inc.  
Skagway Pharmacies  
Smith's Food and Drug  
Smitty's Pharmacy  
Snyder Drug Stores  
Southeast Preferred Pharmacy  
Standard Drug Company  
Star Markets Co., Inc.  
Stop & Shop Supermarket  
Sunshine Drugs  
Super 1 Pharmacies  
Super D Drugs, Inc.  
Super Food Barn Disc. Pharmacy  
Super Fresh Pharmacies  
Supermarkets of Cherry Hill  
Super Sav-on Drugs  
SuperValu  
Superx Drugs  
Target Stores  
Taylor Drug Stores  
Thrift Drug, Inc.  
Thriftway Food And Drug  
Thrifty Drug  
Thrifty Payless, Inc.  
Thrifty White Drug  
Times Pharmacy  
Tom Thumb-Page Drug  
Tops Markets  
Town & Country Drug  
True Quality Pharmacies, Inc.  
Twin Knolls Pharmacy  
Twin Valu  
Ulkrup's Super Markets, Inc.  
United Supermarkets  
USA Drug & Beauty Market  
Valco Drug Store  
Valu Merchandisers  
Village Supermarkets, Inc.  
VIX Pharmacies  
Vons Food & Drug  
The Vons Companies, Inc.  
Volunteer Drug Distributors  
Wakefern Food/Shoprite  
Wal-Mart Stores  
Waldbaum's  
Walgreen Company  
Warehouse Markets, Inc.  
Weathermax Drug Store  
Wegmans Food Market  
Weis Pharmacies  
Wender & Roberts, Inc.  
Wendt Bristol Company  
Western Drugs  
West Florida Pharmacies  
White Front  
White Shield Pharmacies  
Winn-Dixie  
WW Pharmacy, Inc.  
Youngfellow Pharmacy  
Zallie Supermarkets

**OCONEE COUNTY**  
**November 17, 1998**

DRUG	QUANTITY	PHARMACY	RETAIL PRICE	PROVANTAGE	SAVINGS	CO-PAY	COST TO OCONEE
Propranolol/Generic	20mg/120 tab.	Ken's	26.70	3.83	22.87	3.83	0.00
Propylthiouricil/Generic	50mg/360 tab.	Ken's	28.20	12.75	15.45	7.00	5.75
Prempro/Brand	5mg/28 tab.	Ken's	24.30	20.68	3.62	15.00	5.68
Hydroxyzine/Generic	50mg/60 tab.	Ken's	17.95	4.89	13.06	4.89	0.00
Ortho-est/Generic	125mg/30 tab.	Wal-Mart	20.54	17.02	3.52	7.00	10.02
Trilevlin/Brand	28 tab.	Ken's	26.00	24.93	1.07	15.00	9.93
Humulin N/Brand	10 units	Wal-Mart	16.25	20.79	-4.54	15.00	5.79
<b>TOTAL</b>			<b>\$159.94</b>	<b>\$104.89</b>	<b>\$55.05</b>	<b>\$67.72</b>	<b>\$37.17</b>

Total Retail Price                    \$159.94  
 Provantage Cost                         \$104.89  
 Total Savings                            \$55.05 or 34%

Projected Cost with 22% Trend - Retail versus Provantage

Retail	159.94	Provantage	104.89
Trend	22%	Trend	22%
1999 Cost	\$195.13	1999 Cost	\$127.97

Historical:  
 7/98 - 9/98                    22,873.00 28% of Claims  
 7/97 - 6/98                    127,295.00 17% of Claims  
 7/96 - 6/97                    110,218.00 7.4% of Claims

*7.00 Generic  
 15.00 Name Brand*

STATE OF SOUTH CAROLINA

COUNTY OF OCONEE

ORDINANCE NO. 98-13

**AN ORDINANCE TO PROVIDE FOR THE TRANSFER OF FUNDS NOT TO EXCEED \$285,000.00 FROM THE FUND BALANCE ACCOUNT OF OCONEE COUNTY, SOUTH CAROLINA FOR THE ACQUISITION OF CERTAIN REAL PROPERTY AND IMPROVEMENTS LOCATED IN OCONEE COUNTY, SOUTH CAROLINA AND OTHER MATTERS RELATING THERETO.**

WHEREAS, Oconee County heretofore adopted Oconee County Ordinance 98-\_\_\_\_, known as the Oconee County Budget Ordinance, for fiscal year 1998-1999; and

WHEREAS, Section 4-9-140 of the Code of Laws of South Carolina (1976), as amended, provides that a County Council may make supplemental appropriations which provide that funds appropriated in the annual budget may be transferred for purposes other than as specified in such annual budget when such transfers are approved by the County Council; and

WHEREAS, the Oconee County Council has identified a parcel of real property with improvements thereon located near Seneca, Oconee County, South Carolina and has deemed it appropriate to purchase such property for a purchase price not to exceed \$285,000.00; and

WHEREAS, the County Council has determined that the acquisition of such property would benefit the general public welfare of the County for future County projects and other purposes; and

WHEREAS, Section 4-9-30 of the Code of Laws of South Carolina (1976), as amended, provides that a County Government has the power and authority to acquire real property by purchase;

NOW THEREFORE, be it ordained by the Oconee County Council in session, duly assembled with a quorum present and voting, as follows:

Section 1. It is hereby ordered that an amount not exceeding the sum of \$285,000.00 shall be transferred from the fund balance account of Oconee County to such operational accounts as may be directed by the Supervisor of Oconee County to be used for the purchase of that real property and improvements as more fully and generally described upon Exhibit A attached hereto and incorporated herein by this reference.



Section 2. The Supervisor-Chairman of the County Council, the Clerk to the County Council and the Finance Director for Oconee County and any other proper Officer of the County, shall be and each of them is hereby authorized and directed to execute and deliver any and all documents and instruments and to cause to be done any and all acts and things necessary or proper for carrying out the transaction contemplated by this Ordinance.

Section 3. The provisions of this Ordinance are hereby declared to be separable and if any section, phrase or provision shall for any reason be declared by a Court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions hereunder.

Section 4. All orders, resolutions, Ordinances or parts thereof in conflict herewith are, only to the extent of such conflict, hereby repealed and this Ordinance shall take effect and be in full force from and after its passage and approval.

Enacted on the third and final reading this \_\_\_\_\_ day of December, 1998, Oconee County, South Carolina.

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HARRISON E. ORR  
SUPERVISOR-CHAIRMAN  
OCONEE COUNTY COUNCIL

Attest:

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OPAL O. GREEN  
CLERK TO COUNTY COUNCIL

First Reading: November 10, 1998

Second Reading: November 17, 1998

Public Hearing: \_\_\_\_\_, 1998

Third Reading: December 1, 1998

EXHIBIT A

ALL that certain piece, parcel or lot of land lying and being in the State of South Carolina, County of Oconee, Seneca Township, containing **FIVE (5) acres**, more or less, with improvements thereon, as shown and more fully described on a plat thereof prepared by James G. Hart, RLS, dated September 30, 1983 and recorded in Plat Book P-48, at page 701, records of Oconee County, South Carolina.

OCONEE COUNCIL MEETING

ORDINANCE 98-\_\_\_\_\_

SECTION I: TITLE

The title of this ordinance shall be "Oconee County Animal Control Act" adding to and amending certain sections of Animal Control Ordinances 87-8 and 88-4.

SECTION II: DEFINITIONS

As used in this ordinance, the following terms are defined below:

2.1: Animal: Every non-human species of animal.

2.2: Animal Control Officer: Any person designated by the State of South Carolina or County Governing Authority of Oconee County as a Law Enforcement Officer pursuant to S.C. Code §47-3-30.

2.3: Animal at large: Any animal not under the restraint of a person capable of controlling the animal and/or off the premises of the owner.

2.4: Animal Rescuer: Any recognized group or person who routinely obtains an unwanted dog or cat and/or who finds an adoptive home for that spayed or neutered dog or cat.

2.5: Animal Shelter: Any premises designated by the county governing body for the purpose of impounding, care, or destruction of animals held under authority of this Ordinance and/or State Law.

2.6: Humane Society: South Carolina Society for Prevention of Cruelty to Animals.

2.7: Humane Society Officer: Any officer or employee of the Animal Shelter or Humane Society.

2.8: Owner: Any person, partnership, or corporation owning, keeping, or harboring one or more animals. An animal shall be declared to be harbored if it is fed for three consecutive days or more.

2.9: Pet or Companion Animal: Any animal kept for pleasure rather than utility, an animal of a species that has been bred and raised to live in or about the habitation of humans and is dependent on people for food and shelter.

2.10: Abandoned/Stray Animal: Any animal unattended for a period of more than three days.

2.11: Public Nuisance Animal: Any animal or animals, except those raised for food and/or food products, that unreasonably annoy humans, endanger the life or health of other citizens (other than their owners), or interfere with a citizen's enjoyment of life or property.

The term "Public Nuisance Animal" shall mean and include, but is not limited to, any animal that:

- a) is found at large after written complaint has been filed;
- b) damages the property of anyone other than its owner;
- c) molests or intimidates pedestrian or passerby;
- d) excessively makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
- e) causes fouling of the air off the premises of the owner by odor resulting from failure to remove feces every twenty four (24) hours or washing of same into an approved underground disposal system every twenty four (24) hours;
- f) has been found by the animal control officer after notice to its owner to be a public nuisance animal by virtue of being a menace to the public health, welfare, or safety;  
or
- g) does not have attached a valid current rabies inoculation tag as required by State Law.

2.12: Under Restraint: Animals shall be deemed under restraint if it is on the premises of its owner or keeper or is accompanied by its owner or keeper and under the physical control of such owner or keeper by means of restraining devices, or under the verbal command, or under the active control of the owner or trainer while hunting or being trained and while on property of the owner or with the property owner's permission.

2.13: Dangerous Animal: (A) An animal of the canine or feline family:

(1) which the owner knows or reasonably should know has a propensity, tendency, or disposition to attack unprovoked or cause injury or otherwise endanger the safety of human beings or domestic animals;

(2) which;

(a) makes an unprovoked attack that causes bodily injury to a human being and the attack occurs in a place other than the place where the animal is confined as required by South Carolina Code Section 47-3-720; or

(b) commits unprovoked acts in a place other than the place where the animal is confined as required by South Carolina Code Section 47-3-720 and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to a human being;

(3) which is owned or harbored primarily or in part for the purpose of fighting or which is trained for fighting; or

(4) which attacks, bites, or injures a human being or domesticated animal without adequate provocation, or which, because of temperament, conditioning or training, has a known propensity to attack, bite, or injure human beings or domesticated animals.

(B) An animal is not a "dangerous animal" solely by virtue of its breed or species.

2.14: Potentially Dangerous Animal: An animal of the canine or feline family that chases or approaches any person or domestic animal, anywhere, other than on the property of the owner, in a menacing fashion or with an apparent attitude of attack including, but not limited to, behavior such as growling or snarling.

SECTION 3: AUTHORITY

This ordinance is adopted pursuant to the provisions of Sections 47-3-20, et. seq., Code of Laws of South Carolina, 1976.

SECTION 4: RESTRAINT

4.1: All Animals shall be kept under restraint.

4.2: No owner shall fail to exercise proper care and control of his dog to prevent him from being a public nuisance.

4.3: Every female dog or cat in heat shall be confined in a building or secure enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding.

4.4: Every dangerous animal and potentially dangerous animal, as determined, shall be confined by the owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner.

SECTION 5: BITING OR ATTACKING PERSONS

All animal bites or injuries to a human being shall be reported by medical personnel with knowledge of the bite or injury to the rabies control officer in the Department of Health and Environmental Control. Whenever the Animal Control Officer or Humane Society Officer is notified and shown that an animal has bitten or attacked a person, such officer shall promptly notify the Oconee County Department of Health and Environmental Control of such bite or attack and shall cooperate with the said health department in impounding and quarantining such animal.

SECTION 6: IMPOUNDMENT AND VIOLATION NOTICE

6.1: Unrestrained and nuisance animals, upon receipt of a written complaint signed by the complainant, shall be taken by Law Enforcement Officials, Animal Control Officers and/or Humane Society Officers and impounded in the Oconee County Animal Shelter and there be confined in a humane manner.

In addition to, or in lieu of, impounding a dog at large, the Animal Control Officer or lawful constable or deputy sheriff shall issue to the known owner of such dog a notice of ordinance violation. Such notice shall impose upon the owner a warning for a first offense. The owner shall be charged a penalty of fifty dollars (\$50.00) for the second violation, seventy-five dollars (\$75.00) for the third violation and one hundred dollars (\$100.00) for each subsequent violation which shall be paid to an Oconee County Magistrate within seventy-two (72) hours from the date of issuance in full satisfaction of the assessed penalty. In the event that such penalty is not paid within the time period described, a criminal warrant summons shall be initiated before a magistrate and upon conviction of this ordinance, the owner shall be punished as provided in Section 13 of this ordinance. In addition, the owner shall be required to pay a fee of five dollars (\$5.00) per day for each day the animal is boarded by the County, actual cost for inoculation of the animal (if applicable) and a five dollar (\$5.00) impoundment fee. In addition, a thirty dollar (\$30.00) fee and mandatory sterilization of the animal shall be required if the animal is impounded on more than one (1) occasion. <sup>at the discretion of Animal Shelter</sup> Five dollars (\$5.00) shall be the impoundment fee and twenty-five (\$25.00) shall help defray the cost of sterilization. The sterilization shall not be required if the owner or other person redeeming the animal provides a written statement from a licensed veterinarian that the spay or neuter procedure would be harmful to the animal due to reasons of age or health or that the animal has already been sterilized.

6.2: Notwithstanding the above, the Animal Control Officer, Law Enforcement Officer and/or Humane Society Officer may without written complaint impound animals not having a valid current rabies inoculation tag and found off the owner's property.

6.3: Impounded dogs and cats shall not be kept for fewer than five (5) working days.

6.4: If by tag or other means, the owner of an impounded animal can be identified, the Animal Control Officer shall immediately upon impoundment notify the owner by

telephone or certified mail. Any identifiable animal, not appearing to be abandoned, upon notification of the owner by telephone or certified mail, shall not be kept for fewer than fourteen (14) days.

6.5: Abandoned animals shall be impounded and shall be kept for no fewer than five (5) working days.

6.6: Any owner reclaiming an impounded dog or cat shall pay the fee provided for in section 6.1 before the animal can be released.

6.7: Any owner claiming an impounded dog or cat shall show proof that the animal is currently inoculated against rabies. If such animal is not currently inoculated against rabies the owner shall cause the animal to be inoculated at the owner's expense.

6.8: Any animal not reclaimed by its owner within five (5) working days, or in the case of a positively identifiable animal within two (2) weeks, shall become the property of the local government authority and shall be placed for adoption in a suitable home or humanely disposed of as approved by State Law.

6.9: The Animal Shelter Director shall keep complete and accurate records of the care, veterinary treatment, and disposition of all animals impounded at the shelter.

6.10: It shall be unlawful for any person to release or take out of impoundment any animal without proper authority.

6.11: It shall be unlawful to resist Humane Society Officers, Animal Control Officers or law enforcement officers engaging in the capture and impoundment of an animal.

6.12: It shall be unlawful to remove the rabies tag from the dog for which the tag was issued.

#### **SECTION 7: DANGEROUS ANIMALS**

7.1: The Animal Control Officer, Law Enforcement Officials or the Humane Society Officer shall have the power to summarily and immediately impound any animal where there is any evidence that the animal has attacked, bitten, or injured any human



being. The animal shall be kept at the Oconee County Animal Shelter or at a veterinarian designated by the owner at the owner's expense for quarantine pending a determination of the animal's status as a dangerous animal. In the event that an animal bites a member of the animal owner's family, and the animal owner requests that the animal be impounded by the animal owner, the Animal Control Officer, Law Enforcement Officer or the Humane Society Officer may, in his or her discretion, allow the animal owner to impound said animal on said animal owner's property.

7.2: Upon impounding a potentially dangerous animal or a dangerous animal that has attacked, bitten or injured a human being, a determination hearing should be conducted within five (5) days of serving notice to the owner by certified mail or personal service. If the owner fails to appear at the hearing, the hearing shall nevertheless proceed and an appropriate order may be issued. The Magistrate shall determine whether to declare the animal to be a dangerous animal based upon the evidence and testimony presented at the hearing by the owner, witnesses to any incidents, or any other persons possessing information pertinent to such determination such as veterinarians or dog obedience trainers. The Magistrate shall issue written findings within five (5) days after the hearing. The owner of such animal shall have a right to appeal the decision within ten (10) days of receiving such decision of the Magistrate.

7.3: A dog determined to be dangerous as determined in 7.2 which has attacked or causes injury to a human being or a domestic animal may be ordered destroyed by the Magistrate when in the Magistrate's judgment the dangerous dog represents a continuing threat of serious harm to human beings or other domestic animals after the quarantine period has expired. Any dangerous animal may also be destroyed if the owner of the dangerous animal relinquishes ownership or control of the animal to the Humane Society or law enforcement officer.

7.4: The owner of a dangerous animal shall secure and confine said dangerous animal on owner's property in an enclosed and locked (with a key or combination lock)

pen or structure, suitable to prevent the animal from escaping or the injury of unauthorized persons. The pen or structure shall have secure sides and a secure top which protects the animal from the elements. Also, all sides must be embedded into the ground with no less than two (2) feet unless the bottom is secured to the sides. The structure must be kept in a clean and sanitary condition and provide adequate light and ventilation. The enclosure shall not be less than five (5) feet by ten (10) feet and not less than six (6) feet high.

7.5: No person owning or harboring or having care of a dangerous animal may permit the animal to go beyond the person's premises unless the dog is securely muzzled and restrained with a leash or chain having a minimum tensile strength of three hundred (300) pounds and not exceeding three (3) feet in length.

#### SECTION 8: POTENTIALLY DANGEROUS ANIMAL

8.1: The Animal Control Officer, Law Enforcement Officials, or the Humane Society Officer shall have the power to summarily and immediately impound any animal where there is any evidence that the animal has chased or approached any person or domestic animal, on property other than the property of the owner, in a menacing fashion or with an apparent attitude of attack, including, but not limited to behavior such as growling or snarling. The animal shall be kept at the Oconee County Animal Shelter or at a veterinarian designated by the owner at the owner's expense for quarantine pending a determination of the animal status as a potentially dangerous animal. The Animal Control Officer, Law Enforcement Officer, or the Humane Society Officer may, in his or her discretion, allow the animal owner to impound said animal on said animal owner's property.

8.2: Upon impounding a potentially dangerous animal, the determination should be conducted within five (5) days of serving notice to the owner by certified mail or personal service. If the owner fails to appear at the hearing, the hearing shall nevertheless proceed and an appropriate order may be issued. The Magistrate shall determine whether to declare the animal to be a potentially dangerous animal based on the evidence of

testimony presented at the hearing by the owner, witnesses to any incidences, and any other persons possessing information pertinent to such determination such as veterinarians or dog obedience trainers. The Magistrate shall issue written findings within five (5) days after the hearing. The owner of such animal shall have the right to appeal such a decision within ten (10) days of receiving the decision of the Magistrate.

8.3: The owner of a potentially dangerous animal shall secure and confine said potentially dangerous animal on owner's property in an enclosed and locked (with a key or combination lock) pen or structure, suitable to prevent the animal from escaping or the injury of unauthorized persons. The pen or structure shall have secure sides and a secure top which protects the animal from the elements. Also, all sides must be embedded into the ground with no less than two (2) feet unless the bottom is secured to the sides. The structure must be kept in a clean and sanitary condition and provide adequate light and ventilation. The enclosure shall not be less than five (5) feet by ten (10) feet and not less than six (6) feet high.

8.4: No person owning or harboring or having care of a potentially dangerous animal may permit the animal to go beyond the person's premises unless the dog is securely muzzled and restrained with a leash or chain having a minimum tensile strength of three hundred (300) pounds and not exceeding three (3) feet in length.

SECTION 9: ANIMAL CARE

9.1: No owner shall fail to provide for his animals with the necessary substance, shelter, and veterinary care when needed to prevent suffering and humane care and treatment. All animals shall be kept in a clean and sanitary condition. The premises upon which animal is kept shall be kept in a clean and sanitary condition and provide adequate light, shelter and ventilation.

9.2: No owner of an animal shall abandon such animal.

9.3: Any animal found abandoned and not properly cared for, appearing to be diseased or injured past recovery for any useful purpose may be lawfully destroyed by any

agent of DHEC, Law Enforcement Officer or Officer of the Humane Society by a method approved of by State Law.

9.4: Any animal found abandoned, neglected, cruelly treated, or unfit for use may be seized from the owners property by the Animal Control Officer, Law Enforcement Officer or Humane Society Officer and impounded at the Oconee County Animal Shelter, provided however that the officer shall give notice of this seizure by posting a copy of it at the location where the animal was seized or by delivering it to a person residing on the property of the owner within 24 hours of the time the animal was seized.

9.5: The owner of any animal impounded under the provisions of this section shall be responsible for payment of any necessary medical care as determined by a veterinarian in addition to any penalties, impoundment fees, and board fees.

#### SECTION 10: STERILIZATION

No unclaimed dog or cat shall be released for adoption without written agreement by means of a spay/neuter contract from the adopter guaranteeing that such animal will be sterilized within thirty (30) days for adults and a specified date in the contract for pups and kittens, provided however, the county provides a program whereby the spay/neuter is included with the adoption fee.

No animal shall be released for adoption from the Oconee County Animal Shelter that has not been sterilized, provided however, that the County or its contractor provides a program whereby the spay/neuter is included with the adoption fee.

#### SECTION 11: ENFORCEMENT

The civil and criminal provisions of the ordinance shall be enforced by those persons or agencies by the county authority. It shall be a violation of this ordinance to interfere with an animal control officer, law enforcement officer or Humane Society Officer in the performance of his/her duties.

#### SECTION 12: PENALTIES

12.1: Any person violating any provisions of this ordinance shall be deemed guilty of a misdemeanor and shall for every offense, be guilty of a misdemeanor and be punished by imprisonment in jail not exceeding thirty (30) days or by a fine not exceeding two hundred dollars (\$200.00). In addition, upon conviction of any violation under this article a court may order an animal forfeited by the owner or owners and placed with an agency willing to accept custody of the animal, where the court finds that the animal has been cruelly treated, and the cruel treatment is likely to continue; or the owners have been convicted of allowing the animal to run at large on two or more previous occasions, and the animal is likely to continue to run at large.

**SECTION 13: APPLICABILITY OF RABIES CONTROL ACT.**

The provisions of South Carolina Code Section 47-5-10 et seq., commonly known as the Rabies Control Act are hereby adopted in their entirety, as the same may be from time to time amended, as an integral part of this ordinance, except insofar as the provisions of such act may conflict with or be less restrictive than the provisions of this ordinance.

**SECTION 14: CONFLICTING ORDINANCES**

All other ordinances of the County of Oconee that are in conflict with this ordinance are hereby repealed to the extent of such conflict.

**SECTION 15: SEVERABILITY CLAUSE**

If any part of this ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not effect the remaining parts of this ordinance.

**APPROVED AND ADOPTED ON FIRST READING IN TITLE ONLY**

this \_\_\_\_\_ day of \_\_\_\_\_, 1998 by a vote of \_\_\_\_\_ yes to \_\_\_\_\_ no.

\_\_\_\_\_  
COUNCIL CLERK

APPROVED AND ADOPTED ON SECOND READING this \_\_\_\_\_ day of \_\_\_\_\_, 1998 by a vote of \_\_\_\_\_ yes to \_\_\_\_\_ no.

\_\_\_\_\_  
COUNCIL CLERK

APPROVED AND ADOPTED ON THIRD AND FINAL READING this \_\_\_\_\_, day of \_\_\_\_\_, 1998 by a vote of \_\_\_\_\_ yes to \_\_\_\_\_ no.

\_\_\_\_\_  
SUPERVISOR-CHAIRMAN  
OCONEE COUNTY COUNCIL

ATTEST: \_\_\_\_\_  
COUNCIL CLERK

## ORDINANCE

### HAZARDOUS MATERIALS/WASTES ORDINANCE

AN ORDINANCE TO ESTABLISH FOR OCONEE COUNTY PROVISIONS TO IDENTIFY AND MONITOR HAZARDOUS CHEMICAL/WASTES TO PROTECT THE WELL BEING AND HEALTH OF OCONEE COUNTY RESIDENTS.

#### SECTION 1. PURPOSE.

- (A) It is the intent of this Ordinance to develop a data base of information concerning the location and storage of hazardous chemicals/wastes in Oconee County. This data base will be used to protect all emergency personnel from injury or death from an explosion or fire because of unknown dangerous materials present.
- (B) It is also intended to use this data base to protect the natural environment and the general public through the monitoring of use and storage of hazardous materials within Oconee County.
- (C) It is further intended to locate and identify those businesses that should report hazardous chemicals/wastes, form site layout plans and assure compliance with the Emergency Planning and Community Right-to-Know Act (EPCRA).

#### SECTION 2. SCOPE.

- (A) The regulations set forth herein shall apply to any facility located within the jurisdiction of this Ordinance that is now or is proposed to be located for any activities involving the manufacture, generation, handling or storage of hazardous chemicals/wastes.

### SECTION 3. DEFINITIONS.

(A) For the purposes of this Ordinance, the following definitions shall apply:

Hazardous Chemicals:

Any chemical requiring a Material Safety Data Sheet (MSDS) as defined under the Federal Occupational Safety and Health Administration (OSHA) Hazard Communication Standard codified at 29 CFR. Part 1910.1200.

For the purpose of this ordinance, the term Hazardous Chemical does not include:

1. Any food, food additive, color additive, drug or cosmetic regulated by the Food and Drug Administration.
2. Any substance present as a solid in any manufactured item to the extent exposure to the substance does not occur under normal conditions of use.
3. Any substance to the extent it is used for personal, family or household purposes or is present in the same form and concentration as a product packaged for distribution and use by the general public.
4. Any substance to the extent it is used in medical research laboratory or a hospital or other medical facility under the direct supervision of a technically qualified individual.
5. Any substance to the extent it is used in routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate customer.
6. Any substance or product that is exempt under OSHA regulations from the applicability of the MSDS requirements (29 CFR. Section 1910.1200 (b)).

Hazardous Wastes:

The list of wastes listed by EPA or DHEC or meeting characteristics specified by the EPA in their criteria pursuant to the Resource Conservation and Recovery Act (RCRA).

Extremely Hazardous Substances:

Those materials designated as such by the administrator of the United States Environmental Protection Agency as listed in 40 CFR. Part 355.



Facility:

All buildings, equipment, structures and other stationary items that are located on a single site or on contiguous or adjacent sites and which are owned or operated by the same person (or by any person which controls, is controlled by, or under common control with, such person). Facility shall include man-made structures as well as all natural structures in which chemicals are purposefully placed or removed through human means such that it functions as a containment structure for human use. The private residence portion of a structure is not considered a facility.

- (B.) For the purpose of registration, the following Reporting Categories are hereby established and defined:

Category A:

Includes any facility which is subject to the reporting requirements of Section 302 of Title III of the Superfund Amendments and Reauthorization Act (SARA) and stores an extremely hazardous substance as listed by the EPA in a quantity greater than or equal to the threshold planning quantity (TPQ). Category also includes any facility which is required to report under Sections 311, 312 of SARA and stores any hazardous chemical in a quantity greater than or equal to 10,000 pounds

Category B:

Includes any facility which is required to submit a Hazardous Waste Report as determined by the South Carolina Department of Health and Environmental Control (SCDHEC) whether the facility is or is not subject to SARA reporting requirements.

SECTION 4. REPORTING REQUIRED

- (A) The frequency of the reporting requirements are the same as those for filing Section 311, Section 312 and/or Hazardous Waste Activity Reports.
- (B) Reporting requirements for Category A facilities shall be in accordance with the requirements as specified in EPCRA.
- (C) For purposes of this ordinance, reporting for the owners/operators of Category B facilities shall consist of a copy of the most recent report of hazardous waste activity as filed with DHEC. This report is due using the same schedule for filing these reports as required by DHEC.

(D) Owners/operators of facilities must file the appropriate reports with the Oconee County Emergency Preparedness Agency for each category whose acceptance criteria applies.

(E) Government agencies are not exempted from compliance.

(D) Registrations are nontransferable.

(E) All owners/operators of facilities have 60 days to comply with this ordinance after approval of the third reading by County Council.

#### SECTION 5. OFFICIAL'S RIGHT OF ENTRY

(A) The appropriate official designated by the County Supervisor as their authorized representative may at all normal business hours request access to any building whether completed or under construction, or to any property for the purpose of making an inspection or investigation to enforce any of the provisions of this Ordinance and, if denied, and a belief exists as to probable cause that hazardous chemicals/wastes are present, then such official shall have the authority to seek a search warrant and/or an inspection warrant to allow inspection of the premises.

#### SECTION 6. MANDATORY INFORMATION SYSTEM

(A) All facilities affected by this Ordinance are required to install and maintain a Knox Box at a location readily available to emergency personnel in case of an incident. Any facility that has a 24 hour on-site emergency response team may apply to the LEPC for exemption.

(B) The Knox Boxes shall be installed and operational within 12 months following the adoption of this ordinance for current facilities or within 60 days of the establishment of a new facility subject to this ordinance located in Oconee County. Oconee County Emergency Preparedness Agency will be responsible for verifying the information contained in the Knox Box with the facility owner.

(C) The Knox Box will be required to contain the following items: a facility map, emergency contacts, material safety data sheet (MSDS) information or its location, emergency response plan, and the location of emergency equipment. These items shall be kept current by the facility owner/operator.

(D) The exact location, design and any other specifications for the Knox Box will be issued by the Oconee County Emergency Preparedness Agency.

## SECTION 7. MARKING OF HAZARDOUS CHEMICALS/WASTES STORAGE AREAS.

The owners/operators of all facilities affected by this ordinance are required to clearly mark containers or areas where hazardous substances are stored to increase the effectiveness and safety of emergency response personnel.

## SECTION 8. SAMPLING PERMITTED

- (A) The owner/operator of a facility where containers of chemicals/wastes are stored which are subject to this ordinance who is unable to identify or substantiate the contents of the container through process knowledge or documentation shall be required to sample and analyze such container at the owner's expense and report the results to the appropriate county official. If the owner/operator cannot or will not perform the required analysis, the county may do so and bill the owner/operator.
- (B) In the event of a spill or release of hazardous chemicals/wastes requiring a response by the county HAZ-MAT personnel, the appropriate officials may verify the contents of any substance container by requiring a sample for analysis if the holder of owner, or owner of a substance container is unable to immediately identify or substantiate the contents through the production of trade-accepted manifests and/or acceptable documentation. Sampling and/or the cost of sampling shall be the responsibility of the holder or owner of the substance container. Sampling analysis shall be in accordance with standard laboratory techniques by a DHEC certified lab or method approved by appropriate officials.

## SECTION 9. VEHICLE INSPECTION

No materials shall be transported in any vehicle which has physical, mechanical or electrical defects which could cause or contribute to fire or explosion or which are improperly placarded, as provided in the United States Department of Transportation Regulation. The County/City officers shall have the authority to inspect a vehicle transporting materials for such defects or violations and shall prohibit a defective vehicle or improperly placarded vehicle transporting materials on roads and highways within the County.

SECTION 10. DISPOSAL

Disposal of waste shall be by methods meeting all requirements of state and federal law.

SECTION 11. REIMBURSEMENT.

In the event of a spill or release of any hazardous chemical/waste, as defined by this Ordinance which would require Oconee County to commit its hazardous material resources, the party or parties (includes transporters of hazardous chemicals/waste in and through Oconee County) responsible for such spill or release shall pay all reasonable response costs incurred by Oconee County, including all reasonable legal fees, in its efforts to mitigate any risks to life, property and/or the environment caused by such spill or release. The Oconee County Supervisor, or the appropriate incident commander shall have the sole authority to commit Oconee County's HAZ-MAT resources.

SECTION 12. ENFORCEMENT AND ADMINISTRATION.

The Oconee County Emergency Preparedness Agency will be responsible for administration of this Ordinance and administration of reporting requirements.

SECTION 13. DISPOSITION OF FUNDS COLLECTED.

All funds collected pursuant to this ordinance shall be remitted to the County Treasurer and credited to the County's General Fund and shall be allocated to the appropriate County department for the replacement of materials and supplies used in connection with the County's HAZ-MAT response capability in accordance with County purchasing policies and procedures.

SECTION 14. NOTICES AND ORDERS.

If an emergency situation exists or appears to exist, the County may petition for a court order enjoining the owner or occupant of the facility to mitigate the emergency.

SECTION 15. VIOLATION AND PENALTIES.

- (A) Any owner or operator of any facility that is subject to this Ordinance, who fails to rectify any existing violation of this Ordinance or who fails to take immediate action to abate a violation of this Ordinance when ordered or notified to do so by the appropriate official designated by the County Supervisor or their duly authorized representative, shall be guilty of a misdemeanor and sentenced to pay a fine up to \$200.00 and/or thirty (30) days in jail for each offense.
- (B) Any owner or operator of a facility that fails to report hazardous chemicals/wastes covered by this Ordinance is in violation of the Ordinance and is subject to the penalties and fines as previously outlined in Section 15 (A).
- (C) No owner or operator of any facility shall fail, after proper credentials are displayed, to permit entry into any building or onto any property by the appropriate official designated by the County Supervisor, or a duly authorized agent, for the purpose of inspections pursuant to this Ordinance. Any person violating this section shall be guilty of a misdemeanor and, upon conviction, sentenced up to a \$200.00 fine or 30 days in jail for each offense.

SECTION 16. CONFLICT

All provisions in other county ordinances in conflict with this ordinance are hereby repealed.

SECTION 17. ORDINANCE LEGALITY.

If any section, subsection or clause of this Ordinance is found to be unconstitutional or otherwise invalid, the validity of the remaining section, subsections and clauses shall not be affected thereby.

APPROVED & ADOPTED ON FIRST READING, this \_\_\_\_\_ day of  
\_\_\_\_\_ by vote of: NO

\_\_\_\_\_, Clerk

APPROVED & ADOPTED ON SECOND READING, this \_\_\_\_\_ day of  
\_\_\_\_\_ by vote of: NO

\_\_\_\_\_, Clerk

APPROVED, RATIFIED & ADOPTED ON THIRD AND FINAL READING, THIS  
\_\_\_\_\_ day of \_\_\_\_\_, 1998 by a vote of:

\_\_\_\_\_: YES \_\_\_\_\_: NO

\_\_\_\_\_  
Supervisor-Chairman  
Oconee County Council

Attest:

\_\_\_\_\_, Clerk

***PROPOSAL FOR THE DEVELOPMENT  
OF A LAND DEVELOPMENT REGULATIONS ORDINANCE  
AND A PERFORMANCE STANDARDS ORDINANCE  
FOR OCONEE COUNTY, SOUTH CAROLINA***

***SUBMITTED BY THE  
APPALACHIAN COUNCIL  
OF GOVERNMENTS,***

***OCTOBER, 1998***



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## INTRODUCTION

This document lays out a scope of services, time-frame, and fee proposed by the Appalachian Council of Governments for the production of both a Land Development Regulations Ordinance and a Performance Standards Ordinance for Oconee County, South Carolina (Please note that Land Development Regulations were referred to as Subdivision Regulations under the South Carolina 1976 Code of Laws. The name was changed under the SC Comprehensive Planning Act of 1994). The proposal is presented with the two ordinances as separate components, with the county having the option to proceed with either or both.

## COMPONENTS

### **Land Development Regulations Ordinance (Subdivision Regulations)**

In accordance with South Carolina enabling legislation, land development regulations govern the changing of land characteristics through development, redevelopment, construction, or subdivision into parcels for the purpose of constructing buildings and other structures (SC Code Sec. 6-29-1100). Land development regulations control site design, street layout, provisions for water and sewer service, and other matters related to the conversion of land for development. In South Carolina, local governments have broad authority to shape land development regulations to best meet the character, values, and needs of the community. Oconee County Council has the authority to determine the types of regulations to include, as well as the level of restriction that is appropriate.

A land development regulations ordinance should not be confused with zoning or performance standards. The land development ordinance does not specify uses or activity by area of the county, does not establish standards for the location of structures on property, does not establish restrictions concerning the bulk, height, size, or density of buildings, and does not include signage or landscaping requirements.

The purpose of land development regulations, as specified in state law, is to "require harmonious, orderly, and progressive land development to promote the public health, safety, economy, good order, appearance, convenience and general welfare." Within a land development ordinance, local governments may establish regulations for any of the following purposes;

1. to encourage the development of economically sound and stable municipalities and counties,
2. to ensure the timely provision of required streets, utilities, and other facilities and services to new land developments,
3. to assure safe and convenient vehicular and pedestrian traffic access and circulation in and through new land developments,

Oconee County, Land Development Regulations and Performance Standards Ordinance Proposal

4. to assure the provision of needed public open spaces and building sites in new land developments by dedicating or reserving land for recreational, educational, transportation, and other public purposes, and
5. to assure, in general, the wise and timely development of new areas or redevelopment of areas in harmony with the adopted local government comprehensive plan.

The following requirements may be included in a land development ordinance to promote the above stated purposes;

1. requirements to coordinate street improvements with existing or planned streets, requirements specifying the manner in which streets must be improved, graded or surfaced,
2. requirements addressing the installation of water systems,
3. requirements addressing the installation of sewer systems or septic tanks,
4. requirements addressing the distribution of people and traffic,
5. requirements addressing the dedication of land for streets, schools, recreation, utility easements, or public services,
6. requirements stipulating that utility mains, streets, and other designated facilities must be installed before a land development plan is approved,
7. requirements addressing construction in floodplain areas, and
8. requirements stipulating that a surety bond must be posted for development to be approved.

State law does place some requirements on land development ordinances adopted by local governments. The ordinance must include a clause stating;

*No land development plan, including subdivision plats, will be approved unless all land intended for use as building sites can be used safely for building purposes, without danger from flood or other inundation or from other menaces to health, safety, or public welfare.*

The ordinance cannot apply to any of the following activities;

1. the combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resulting lots are equal to the standards of the governing authority,

2. the division of land into parcels of five acres or more where no new street is involved. Plats of these exceptions must be received by the planning agency, which shall indicate the exempted status on the plats.
3. The combination or recombination of entire lots of record where no new street or change to existing streets is involved.

Before adopting the ordinance, county council must hold a public hearing with an advertising period of thirty days. Once the ordinance is adopted, no subdivision plat or other land development plan may be submitted for recording unless the plat has been approved by either the code enforcement officer or the planning commission (as designated by county council).

#### Land Development Ordinance – Typical Outline

The outline below is provided as an example. Any ordinance developed for Oconee County would be tailored to best fit the needs of the county and would not necessarily match this outline.

1. General Provisions
  - A. Authority
  - B. Jurisdiction
  - C. Violation and Penalties
  - D. Appeals
  - E. Variances
2. Definitions
3. Plat Requirements
  - A. Filing Procedure and Fees
  - B. Plan Requirements
  - C. Final Plats
  - D. Plat Approval
  - E. Performance Bonds
  - F. Dedications
4. Water and Sewer Requirements
  - A. General
  - B. Water Service Requirements if Public Systems Available
  - C. Water Requirements if no Public Systems Available
  - D. Sewerage Requirements
  - E. Septic Requirements
5. Road Classification and Design Standards
  - A. Road Classifications
  - B. Design Standards for Private Roads
  - C. Design Standards for Public Roads: right of way, grades, curve standards, intersections, easements, cul de sacs, island standards
  - D. Construction Standards: subgrades, base, surface, compaction
  - E. Drainage Standards
  - F. Driveways, Sidewalks, Curbs, Joints, Patching

6. General Subdivision Standards
  - A. Street Names and Markers
  - B. Sidewalks
  - C. Road Frontage
  - D. Access to Community Facilities
  - E. Open Space - Common Space Standards
7. Floodplain Regulations

### **Performance Standards Ordinance**

In accordance with South Carolina enabling legislation, a performance standards ordinance promotes the public health, safety, morals, convenience, order, appearance, prosperity, or general welfare of the community. Unlike with zoning, a performance standards ordinance does not designate land uses by districts. All land use activities would be permitted anywhere in the county. Allowable purposes for a performance standards ordinance include;

1. the provision of adequate light, air, and open space,
2. the prevention of overcrowding, the avoidance of undue concentrations of populations, and the reduction of street congestion,
3. the creation of a convenient, attractive, and harmonious community,
4. the protection and preservation of scenic, historic, or ecologically sensitive areas,
5. the protection of airports and approaches,
6. the protection of the water supply, the promotion of healthy sanitation practices, and protection against floods,
7. the provision of adequate transportation, police, fire protection, water, sewerage, schools, parks, affordable housing, and other services,
8. the protection of the public from fire, flood, and other dangers, and
9. the promotion of the public welfare in any other regard as specified by the governing body.

The ordinance could establish standards for development relating to such features as:

1. lot size, dimensional requirements, setbacks from lot lines
2. landscape, buffer, and open space standards
3. off-street parking requirements
4. sign regulations
5. density standards for multi-family housing complexes and mobile home parks

Oconee County, Land Development Regulations and Performance Standards Ordinance Proposal

6. regulations applied to specific land use activities, such as automotive race tracks, hazardous material disposal sites, mining operations, gun clubs, stockyards, adult entertainment establishments, industrial or commercial developments, apartments, or mobile home parks.

Performance Standards Ordinance - Typical Outline

The outline below is provided as an example. Any ordinance developed for Oconee County would be tailored to best fit the needs of the county and would not necessarily match this outline.

1. General Provisions
  - A. Authority
  - B. Jurisdiction
  - C. Violation and Penalties
  - D. Appeals
  - E. Variances
2. Definitions
3. General Requirements
4. Performance Standards for Single Family Subdivisions, Mobile Home Subdivisions
  - A. Lot Size, Dimensional Requirements, Setbacks
  - B. Parking Requirements
  - C. Regulations Addressing Accessory Uses, Fencing, Satellite Dish Antennas, and Signage
5. Performance Standards for Multi-Family Dwelling
  - A. Lot Size, Dimensional Requirements, Setbacks
  - B. Parking Requirements
  - C. Regulations Addressing Accessory Uses, Fencing, Satellite Dish Antennas, and Signage
  - D. Open Space Requirements
  - E. Density Restrictions
6. Performance Standards for Mobile Home Parks
  - A. Lot Size, Dimensional Requirements, Setbacks
  - B. Parking Requirements
  - C. Regulations Addressing Accessory Uses, Fencing, Satellite Dish Antennas, and Signage
  - D. Open Space Requirements
  - E. Density Restrictions, Spacing of Units
7. Performance Standards for Industrial, Commercial, and Non-Residential Uses
  - A. Lot Size, Dimensional Requirements, Setbacks
  - B. Parking Requirements
  - C. Regulations Addressing Accessory Uses, Fencing, Satellite Dish Antennas, and Signage
  - D. Regulations Addressing Noise, Vibration, Fire Safety and Explosives, Odor, Glare, Fumes, and Toxic Matter
  - E. Supplemental Standards for Certain Uses such as; Cellular Communication Towers, Prisons, Detention Centers, Juvenile Facilities, Hazardous Waste Sites, Automotive Race and Test Tracks, Mining Operations, Gun Clubs, Stockyards, Slaughter Houses, Adult Uses, etc.

*B. P. V. Mills*

## **Unified Development Ordinance**

The unified development ordinance is becoming more common among local governments. This tool would combine both the land development regulations and the performance standards. If the county elects to proceed with both, it would offer several advantages. By having all development related regulations in one document, the ordinance would be easier to use by both citizens and the county's administrative staff. Also, by developing the two sets of regulations in a unified manner, the county could combine the review, public input, and adoption processes. This would save both time and money.

## **PLANNING PROCESS**

In recent years, citizens have increasingly questioned the imposition of regulations by government. Resistance often results from the government failing to articulate the public purpose served by the restrictions, failing to match regulations to local values, goal, and needs, or imposing a regulatory framework that is overly restrictive for the purposes set forth. Fortunately, with both the land development ordinance and the performance standards ordinance, state law provides the county with broad authority to develop ordinances that reflect its local character and needs.

The process for developing the ordinances will be interactive, with staff from the Council of Governments managing the project, providing regulatory alternatives and examples, and writing draft ordinance documents, as directed by local policy makers. The planning commission and county council will determine which policy options are most effective for Oconee County. The COG will also work with the county to conduct a public input process and will revise draft ordinances into final documents for adoption. A community relations effort will be a significant component of the process. This will help citizens develop an understanding of the ordinances and will ensure that regulations are developed with consideration of community input.

Throughout the process, draft documents will also be provided to the county administrator, codes enforcement director and county attorney for review. The clerk to council will be asked to publish meeting notices and distribute information for review.

## **Project Schedule**

A schedule for both the Land Development Standards ordinance and the Performance Standards Ordinance are presented, as well as a schedule for a Unified Development Ordinance, which would incorporate policies of both. Because of the interactive nature of the process, time-frames cannot be guaranteed. Rather, the schedules below are presented to provide approximate time-frames. For the Land Development Standards ordinance, a period of 17 weeks is estimated to present a final document to county council. The Performance Standards ordinance is estimated to require 19 weeks, and the estimated time-frame for a Unified Development ordinance is 29 weeks.

Oconee County, Land Development Regulations and Performance Standards Ordinance Proposal

Land Development Standards Ordinance

1.	Project Initialization, Background Research	1 week
2.	Planning Commission Discussion of Issues, Review of Policy Alternatives (Assumes 2 meetings in 1 month)	4 weeks
3.	Production of Draft Ordinance Document	4 weeks
4.	Planning Commission – Staff – Attorney - County Council Review	4 weeks
<del>5.</del>	<del>Refinement – Final Planning Commission Recommendation</del>	<del>4 weeks</del>
Total – Submission of a Draft Ordinance to County Council		17 weeks

Performance Standards Ordinance

1.	Project Initialization, Background Research	1 week
2.	Planning Commission Discussion of Issues, Review of Policy Alternatives (Assumes 3 meetings in 6 weeks)	6 weeks
3.	Production of Draft Ordinance Document	4 weeks
4.	Planning Commission – Staff – Attorney - County Council Review	4 weeks
<del>5.</del>	<del>Refinement – Final Planning Commission Recommendation</del>	<del>4 weeks</del>
Total – Submission of a Draft Ordinance to County Council		19 weeks

Please note that the time frame provided is to produce a comprehensive ordinance that will address a broad range of issues in the county and that will be upheld in a legal challenge as promoting the public interest in a unified manner. Should Oconee County face specific issues, an interim ordinance could be developed and adopted quickly to address those issues, while work proceeds on the remainder of the ordinance. Courts in South Carolina have found such interim restrictions to be valid, as long as the local governing body has expressed a desire to develop comprehensive regulations and continues to work toward the completion of such regulations.

Unified Land Development – Performance Standards Ordinance

1. Project Initialization, Background Research	2 weeks
2. Planning Commission Discussion of Issues, Review of Policy Alternatives (Assumes 5 meetings in 10 weeks)	10 weeks
3. Production of Draft Ordinance Documents	7 weeks
4. Planning Commission – Staff – Attorney - County Council Review	4 weeks
<u>5. Refinement – Final Planning Commission Recommendation</u>	<u>6 weeks</u>
Total – Submission of a Draft Ordinance to County Council	29 weeks

**COST ESTIMATE**

Fees for services provided by the Appalachian Council of Governments are based on the estimated time required to complete the initiative, as well as anticipated project expenses. Should actual costs be less than estimated expenses, the fee to the client will be adjusted accordingly. In no case shall the total fee exceed the estimated cost for the scope of services included in this work program. Total costs for the Land Development ordinance and the Performance Standards ordinance are broken out individually, as well as together in a unified ordinance. Oconee County is presented with the option of choosing either component, or both. Should the county choose to proceed with one component of the project at this time, it may exercise an option to include the other component at a later date. Should the county elect to do so prior to January 1, 1999, the fee for the unified ordinance will be guaranteed.

**Land Development Ordinance**

1. Project Initialization, Background Research	\$ 800
2. Planning Commission Discussion of Issues, Review of Policy Alternatives (Assumes 4 meetings in 2 months)	800
3. Production of Draft Ordinance Document	2,200
4. Planning Commission – Staff – Attorney - County Council Review	400
<u>5. Refinement – Final Planning Commission Recommendation</u>	<u>400</u>
Total – Submission of a Draft Ordinance to County Council	\$ 4,600
6. County Council Review – Adoption	<u>\$ 500</u>
Overall Total	\$ 5,100



Oconee County, Land Development Regulations and Performance Standards Ordinance Proposal

**Performance Standards Ordinance**

1.	Project Initialization, Background Research	\$	800
2.	Planning Commission Discussion of Issues, Review of Policy Alternatives (Assumes 4 meetings in 2 months)		1,200
3.	Production of Draft Ordinance Document		4,000
4.	Planning Commission – Staff – Attorney - County Council Review		400
<u>5.</u>	<u>Refinement – Final Planning Commission Recommendation</u>		<u>400</u>
Total – Submission of a Draft Ordinance to County Council		\$	6,800
7.	County Council Review – Adoption	\$	500
<b>Overall Total</b>		\$	<b>7,300</b>

**Unified Development Ordinance**

1.	Project Initialization, Background Research	\$	800
2.	Planning Commission Discussion of Issues, Review of Policy Alternatives (Assumes 8 meetings in 3 months)		2,000
3.	Production of Draft Ordinance Documents		6,000
4.	Planning Commission – Staff – Attorney - County Council Review		500
<u>5.</u>	<u>Refinement – Final Planning Commission Recommendation</u>		<u>700</u>
Total – Submission of a Draft Ordinance to County Council		\$	10,000
7.	County Council Review – Adoption	\$	600
<b>Overall Total</b>		\$	<b>10,600</b>

## PERSONNEL / QUALIFICATIONS

The Planning Services Manager for the Appalachian Council of Governments, Steve Pelissier, will oversee this project and will be responsible for its successful completion. Mr. Pelissier has considerable experience directing similar projects for other cities in the Appalachian region and has received statewide recognition for his work by his professional peers in the South Carolina chapter of the American Planning Association. Under Mr. Pelissier's direction, the Appalachian Council of Governments' Planning Division has undertaken similar projects for Oconee County, the City of Gaffney, the City of Seneca, and the City of Spartanburg, among others. Mr. Pelissier has earned a Master of Urban and Regional Planning degree from Virginia Tech and a BS in Economics from Clemson University.

Mr. Pelissier will be assisted by Cheryl Dean, a Senior Community and Regional Planner with ACOG. In Ms. Dean's year and a half with the agency, she has gained experience working with the Oconee County Planning Commission on several issues. She has also developed comprehensive plans for the Cities of Duncan and Landrum. Prior to coming to the Council of Governments, Ms. Dean worked as the Assistant Planning Director with Douglas County, Georgia. In that capacity, she was responsible for preparing the county's unified development ordinance. Ms. Dean has earned both a Master of Public Affairs degree and BA in Communication Studies from the University of Iowa.

Additional details concerning the professional experience, educational background, and achievements of Mr. Pelissier and Ms. Dean are provided in their resumes, which follow.

**STEVEN R. PELISSIER, AICP**

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Planning Director, Appalachian Council of Governments  
P.O. Box 6668, 50 Grand Avenue, Greenville, SC 29606, Ph. (864) 242-9733

**PROFESSIONAL EXPERIENCE**

**Appalachian Council of Governments; Greenville, SC**

Planning Director, 1993 - Present

Senior Planner, 1990 - 1993

- Managed projects to develop comprehensive land use plans for the Cities of Central, Seneca, and Spartanburg.
- Managed projects to develop zoning ordinances for the Cities of Blacksburg, Central, Gaffney, Honea Path, Liberty, and Seneca.
- Produced a feasibility study for industrial development in Gaffney, SC.
- Project manager for the Appalachian Regional Development Partnership, economic development strategic planning initiative.
- Oversaw Oconee Foothills Scenic Highway Corridor Management Plan development.
- Managed a project to develop a historic preservation ordinance for the City of Spartanburg.
- Provide technical assistance on planning matters to local governments throughout the Upstate.

**Cobb County, Georgia Planning and Zoning Department; Marietta, GA**

Senior Planner, 1988 - 1989

Planner, 1987 - 1988

- Served as staff planner to two rapidly growing cities in the metropolitan Atlanta area, Austell and Powder Springs.
- Developed, implemented, and administered land use plans and zoning ordinances for the Cities of Austell and Powder Springs.
- Developed a historic preservation, downtown development guideline ordinance for the City of Powder Springs.

**Virginia Community Resource Development Extension Service; Blacksburg, VA**

Research Associate, 1985 - 1987

- Assisted with the development of an agriculture preservation ordinance for the City of Virginia Beach.
- Developed a statewide database of demographic and socioeconomic information.
- Assisted with a statewide planning commissioner training program.

**EDUCATION**

**VIRGINIA TECH; Blacksburg, VA**

Master of City and Regional Planning, June 1987

*PROGRAM EMPHASIS:* Comprehensive Planning, Land Use Planning, Economic Development

**CLEMSON UNIVERSITY; Clemson, SC**

Bachelor of Science in Economics, May 1985

*PROGRAM EMPHASIS:* Urban Economics, Public Policy

**STEVEN R. PELISSIER, AICP**

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**AWARDS AND MEMBERSHIPS**

Named South Carolina Planner of the Year, 1992, by the South Carolina Chapter of the American Planning Association.

Member, American Institute of Certified Planners (AICP), 1993 - present

Member, American Planning Association, 1985 - present

**CHERYL ANN DEAN, AICP**

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Senior Community and Regional Planner, Appalachian Council of Governments  
P.O. Box 6668, 50 Grand Avenue, Greenville, SC 29606, Ph. (864) 242-9733  
e-mail: dean@acog.greenville.sc.us

**PROFESSIONAL EXPERIENCE:**

**Appalachian Council of Governments; Greenville, SC**  
Senior Community and Regional Planner, January 1997 to Present

- Project Manager for the Oconee Foothills Scenic Highway Corridor Management Plan development.
- Project Manager for the Town of Duncan Land Use and Development Plan and Zoning Ordinance development.
- Project Manager for the Oconee County Land Use and Development Plan development.
- Provide technical assistance on planning matters to local governments throughout the Upstate.
- Experience in the presentation of reports and recommendations at public meetings.

**Douglas County Board of Commissioners; Douglasville, GA**  
Acting Director of Planning and Zoning, September 1996 to December 1996  
Assistant Director of Planning and Zoning, January 1995 to September 1996

- Project Manager for the Unified Development Ordinance development.
- Oversaw revisions to all aspects of the Comprehensive Plan, including the Future Land Use Map.
- Coordinated with federal, state, regional, and local regulating agencies regarding Comprehensive Plan and Unified Development Ordinance amendments.
- Supervised the Code Enforcement division.
- Reviewed and provided assistance regarding development proposals.
- Prepared analyses, of development impacts, reports and recommendations for local planning agency and commission meetings.
- Presented reports and recommendations at public meetings.

**City of Altamonte Springs, Altamonte Springs, Florida.**  
Senior Planner, June 1992 to January 1995.

- Project Manager for the development of the Concurrency Management System (CMS), including small scale traffic studies, coordination of Traffic Impact Analyses (TIA), and Capacity Reservation Fees.
- Reviewed development applications.
- Prepared analyses of development impacts, reports and recommendations for local planning agency and commission meetings.
- Presented reports and recommendations at public meetings.
- Public contact for land use and site plan matters.

**CHERYL ANN DEAN, AICP**

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**Indian River County Board of Commissioners, Vero Beach, Florida.**

Senior Planner, December, 1990 to June 1992

Staff Planner, June 1989 to December 1990

- Coordinated Concurrency Management Program activities.
- Prepared analyses, development reports and recommendations for local planning agency and commission meetings.
- Presented reports and recommendations at public meetings.
- Reviewed and provided assistance regarding a wide variety of development proposals.

**EDUCATION:**

**M.A., Public Affairs, May 1989**

The University of Iowa; Iowa City, Iowa.

Emphasis: Urban and Regional Planning

**B.A., Communication Studies, May 1987**

The University of Iowa; Iowa City, Iowa.

Emphasis: Graphic Production

**MEMBERSHIPS AND ACTIVITIES:**

- Member, American Institute of Certified Planners, July 1996 to Present.
- American Planning Association, July 1988 to Present.
- South Carolina Chapter, American Planning Association, January 1997 to Present.
- Georgia Chapter, American Planning Association, January 1995 to December 1996.
- Florida Chapter, American Planning Association, June 1989 to December 1994.
- Florida Planning & Zoning Association, June 1992 to January 1995.
- 1987-88 Conference Planning Committee, ISPA Annual Conference, Des Moines, Iowa, October 1988.

**Similar Projects / References**

Steve Pelissier served as project director for each of the initiatives listed.

**Project:** City of Spartanburg Comprehensive Land Use Plan Update

**Completed:** 1994

**Reference:** Mr. Tim Kuether, Development Services Director

**Contact Information:** P.O. Drawer 1749, Spartanburg, SC 29304

Phone (864) 596-2068

**Project:** Town of Pickens Zoning Ordinance Update

**Completed:** 1997

**Reference:** Ms. June Bowers, Town Council Member, Chair - Planning Committee

**Contact Information:** P.O. Box 217, Pickens, SC 29671

Phone (864) 878-9925

**Project:** Town of Central Comprehensive Plan and Zoning Ordinance

**Completed:** 1991

**Reference:** Mr. Herbert Thompson, Town Administrator

**Contact Information:** P.O. Box 248, Central, SC 29639

Phone (864) 639-6381

**Project:** Town of Central Comprehensive Plan Update

**Completed:** 1997

**Reference:** Mr. Herbert Thompson, Town Administrator

**Contact Information:** P.O. Box 248, Central, SC 29639

Phone (864) 639-6381

**Project:** City of Anderson Zoning Ordinance Revision

**Completed:** 1996

**Reference:** Mr. Maurice McKenzie, City Planner

**Contact Information:** 401 South Main Street, Anderson, SC 29624

Phone (864) 231-2222

**Project:** Town of Honea Path Zoning Ordinance

**Completed:** 1995

**Reference:** Mr. Bob Elledge, Planning Commission Chairman

**Contact Information:** 30 North Main Street, Honea Path, SC 29654

Phone (864) 369-7352

**Project:** Oconee County Community Facilities Plan

**Completed:** 1997

**Reference:** Ms. Kathy Lusk, Planning Commission Director

**Contact Information:** 208 Booker Drive, Walhalla, SC 29691

Phone (864) 638-4218

Oconee County, Land Development Regulations and Performance Standards Ordinance Proposal

**Project:** Cherokee County Comprehensive Plan

**Completed:** 1997

**Reference:** Mr. Max Shirley, Planning Commission Chairman

**Contact Information:** Phone (864) 489-6577

**Additional Reference:** Mr. Joey Preston, Anderson County Administrator (was Oconee County administrator during the period that this project was active)

**Contact Information:** P.O. Box 8002, Anderson, SC 29622  
Phone (864) 260-4031

**Project:** City of Gaffney Zoning Ordinance Revision

**Completed:** 1993

**Reference:** Mr. James Taylor, City Administrator

**Contact Information:** P.O. Box 2109, Gaffney, SC 29342  
Phone (864) 487-8505

**Project:** Town of Blacksburg Zoning Ordinance

**Completed:** 1994

**Reference:** Ms. Trudy Martin, Town Administrator

**Contact Information:** P.O. Box 487, Blacksburg, SC 29702  
Phone (864) 839-2332

**Project:** City of Seneca Comprehensive Plan and Zoning Ordinance

**Completed:** 1993

**Reference:** Mr. Walt Scharer, Planning Director

**Contact Information:** P.O. Box 4773, Seneca, SC 29679  
Phone (864) 885-2725



