



# PUBLIC COMMENT SESSION SIGN IN SHEET

OCONEE COUNTY COUNCIL MEETING

Tuesday, July 21, 2009

7:00 PM

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

Limited to forty [40] minutes, four [4] minutes per person.

Comments MUST be related to a specific agenda item  
slated for action at the meeting.

PLEASE PRINT

	FULL NAME	AGENDA ITEM FOR DISCUSSION
X1	STEVEN MAJURE	CAIP IMP.
X2	George Cleveland	Grant Proposal
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**SPECIAL PUBLIC COMMENT SESSION**  
**RE: PRIORITIES FOR**  
**SELECTION OF COUNTY ADMINISTRATOR**  
**SIGN IN SHEET**

OCONEE COUNTY COUNCIL MEETING

Tuesday, July 21, 2009

7:00 PM

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

Limited to four [4] minutes per person.

**PLEASE PRINT**

	FULL NAME
1	Jenny BARNETT
2	Dick Higgins
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**PUBLIC HEARING  
SIGN IN SHEET  
OCONEE COUNTY COUNCIL MEETING  
DATE: July 21, 2009 7:00 p.m.**

**Ordinance 2009-13** AN ORDINANCE TO RATIFY, AFFIRM AND AUTHORIZE THE USE OF CERTAIN PROCUREMENT METHODS FOR A CERTAIN OCONEE COUNTY PROJECT AND TO REVIEW, CONSIDER AND APPROVE THE AWARD OF CONTRACT FOR A CERTAIN OCONEE COUNTY PROJECT; AND OTHER MATTERS RELATING THERETO.

Public comment will be limited to four minutes per person.  
Written comments may be submitted at any time prior to the hearing for inclusion in the official record of the meeting.

**Please PRINT your name**

- 1. *Suzie Cornelius*
- 2.
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# The Oconee County Board of Zoning Appeals



Presentation to County Council  
July 21, 2009

## Establishing Authority

- 1994 SC Comprehensive Planning Act
  - Specifically § 6-29-780 & 790

- The Oconee County Board of Zoning Appeals (BZA) was Established Upon Adoption of the Unified Performance Standards Ordinance in 1999

### The BZA is Quasi-Judicial

- Hears evidence and issues findings of fact
- BZA findings of fact that are treated the same as jury findings
- May subpoena witnesses and certify contempt to Circuit Court
- All appeals of BZA decisions go to Circuit Court

## Current Board Members

■ Gary Winters	District 1
■ Sam Lee (Vice-Chair)	District 2
■ Gary Littlefield	District 3
■ Mike Willimon	District 4
■ Eric Molin (Chairman)	District 5
■ Barry Nichols	At Large
■ Paul Reckert	At Large

Members of the Planning Department Serve as Staff

## Powers of the Board

- Administrative
  - Hear appeals of staff decisions
  - May direct the issuance of a permit
- Variances
  - May grant a variance when the strict application of a standard would impose an unnecessary hardship
  - Must be based on proof a property is unique, and strict application of standard would prohibit or unreasonably restrict the utilization of property
- Special Exceptions
  - Permit of uses based on terms and conditions outlined in an ordinance

## Regulations Utilizing the BZA

- Zoning Enabling Ordinance
- Unified Performance Standards Ordinance
  - Sexually Oriented Business Regulations
  - Airport Height Limitation Regulations
  - Communication Towers Regulations
  - Tattooing Facilities Regulations
  - Sign Control Regulations
- Road Standards Ordinance

## Board Activity to Date

- Primarily permitting communication towers as Special Exceptions
  - 14 of the 40 'cell towers' currently in Oconee County have been approved as Special Exceptions by the BZA (others existed prior to adoption of regulations in 2000)

## Future Activity

- The adoption of the Zoning Enabling Ordinance will result in a significant increase in workload
- Appeals and requests for variances related to standards in the Road Standards Ordinance, Communications Tower Regulations, and other standards that involve the BZA are expected to increase over time, but are often impacted by economic conditions

QUESTIONS?



Oconee County  
Parks, Recreation  
& Tourism

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

Phone: 864-898-1458  
Fax: 864-686-1459

Phillip S. Shirley  
Director of Parks,  
Recreation & Tourism  
[ps Shirley@oconeesc.com](mailto:ps Shirley@oconeesc.com)  
[www.experienceoconee.com](http://www.experienceoconee.com)

Ann Leonard,  
PRT Secretary  
[part@oconeesc.com](mailto:part@oconeesc.com)

TO: Mrs. Kendra Brown, Assistant County Administrator  
FROM: Phillip S. Shirley, Director of Parks, Recreation & Tourism  
CC: Mrs. Beth Hulst, Clerk to Council  
DATE: July 21, 2009  
RE: ATAX

### STATE ATAX FUNDING

Oconee County receives State ATAX funds as mandated by SC Code of Laws 6-4-5 and allocated locally by Ordinance 98-1. State ATAX funds are received and broken down as described in SC 6-4-5 as follows:

- (1) The first twenty-five thousand dollars must be allocated to the general fund of the municipality or county and is exempt from all other requirements of this chapter.
- (2) Five percent of the balance must be allocated to the general fund of the municipality or county and is exempt from all other requirements of this chapter.

#### 30% Fund

(3) Thirty percent of the balance must be allocated to a special fund and used for advertising and promotion of tourism to develop and increase tourist attendance through the generation of publicity. To manage and direct the expenditure of these tourism promotion funds, the municipality or county shall select one or more organizations, such as a chamber of commerce, visitor and convention bureau, or regional tourism commission, which has an existing, ongoing tourist promotion program. If no organization exists the municipality or county shall create an organization with the same membership standard in Section 6-4-25. To be eligible for selection the organization must be organized as a nonprofit organization and shall demonstrate to the municipality or county that it has an existing, ongoing tourism promotion program or that it can develop an effective tourism promotion program. Immediately upon an allocation to the special fund, a municipality or county shall distribute the tourism promotion funds to the organizations selected or created to receive them. Before the beginning of each fiscal year, an organization receiving funds from the accommodations tax from a municipality or county shall submit for approval a budget of planned expenditures. At the end of each fiscal year, an organization receiving funds shall render an accounting of the expenditure to the municipality or county which distributed them.

#### 65% Fund

(4)(a) The remaining balance plus earned interest received by a municipality or county must be allocated to a special fund and used for tourism-related expenditures. This section does not prohibit a



OCONEE COUNTY FINANCE  
 ACCOMMODATIONS TAX 65% FUND  
 Payments by organization as of 07-21-09

Organization	Organization Total
Walhalla Civic Auditorium	\$ 98,578
Seneca Chamber of Commerce, #75443	\$ 86,824
Oconee Community Theater	\$ 72,281
Blue Ridge Arts Council	\$ 46,765
Walhalla Merchants Association	\$ 36,480
Downtown Seneca Merchant's Assoc.	\$ 31,990
Fair-Oak Youth Center	\$ 25,599
W.P. Anderson Park Renovation	\$ 24,995
Westminster Chamber of Commerce	\$ 24,918
Walhalla Partners for Progress	\$ 24,900
March of Dimes, CFP to AP 09/05	\$ 23,400
Oconee Southern Cultural Festival	\$ 19,765
Oconee Conservatory of Fine Arts	\$ 19,882
Devils Fork State Park, CFP to AP 09/05	\$ 18,927
SC Apple Festival Assoc.	\$ 18,000
Discover Upcountry	\$ 17,879
South Cove County Park	\$ 16,798
Walhalla Chamber of Commerce	\$ 15,952
Oconee Cultural Festival	\$ 14,879
Walhalla Sesquicentennial Celebration, #73835	\$ 13,250
Lazy Daisy Garden Club	\$ 9,742
Oconee Heritage Center	\$ 9,684
Westminster Recreation Department	\$ 9,000
Oconee Extension Fund	\$ 8,425
Brittany Wright, #75822	\$ 7,860
ATAA Grant to Oconee County PRT, \$5,319.00 Approved by OCC 09/18/01 (Leslie Adve	\$ 7,724
Westminster Area Historic Preservation Society	\$ 5,700
Miss Golden Corner Scholarship Committee	\$ 5,354
Ram Cat Alley Merchant Association	\$ 4,541
Westminster American Legion	\$ 4,498
Jerry Rhyne's Bass Circuit	\$ 4,000
Seneca Merchants Association	\$ 3,000
Tokeene Beagle Club	\$ 2,977
Walhalla American Legion	\$ 2,929
West-Oak Young Farmers	\$ 2,819
Quality Coffee March of Dimes Team	\$ 2,000
Seneca Women's Club	\$ 2,000
Lunney Museum	\$ 1,850
American Red Cross	\$ 1,400
Oconee Station State Historic Site	\$ 1,400
FOOTHILLS CONSERVATORY PERFORMING ARTS	\$ 1,200
Walhalla High School	\$ 450
<b>Total</b>	<b>\$ 748,231</b>



## Saint Luke United Methodist Church

607 East Main Street • P.O. Box 339  
Walhalla, SC 29691

Office: (864) 636-9828  
Fax: (864) 718-8907  
e-mail: stlukeumc@nuvox.net

Oconee County Council  
415 South Pine Street  
Walhalla, SC 29691

Dear Council Members:

The congregation of St. Luke United Methodist Church is very appreciative of the fire fighting and law enforcement services you provided during or recent loss at St Luke. The firefighters did a tremendous job. We were extremely impressed with the cooperation between departments and efficiency with which all units worked.

The Walhalla and Westminster Rescue Squads spent endless hours assisting the fire and police departments. The workers time, effort and cooperative spirit did not go un-noticed by our congregation.

Mark Lyle, of the Oconee Sheriff's Department, was extremely professional. After a very long day, he took the time to stop and talk to groups of members and patiently answered repeated questions.

This was a heartbreaking experience for us, but also an opportunity to see firsthand how fortunate we are to live in Oconee County.

Thank you for providing such outstanding services for the citizens of our county. Please commend our protective services personnel.

Sincerely,

Bobbie Wilhite, Church Council Chairman  
The Congregation of St. Luke United Methodist Church

Cc: James Singleton

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

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

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

**PREAMBLE:**

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

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

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

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

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

6. "Oconee County Sewer Commission" shall mean the agency created by Act No. 950, South Carolina Acts and Joint Resolutions, 1971, as amended by Ordinance No. 78 - 2, dated 28 February, 1978.
7. "Oconee County Water Quality Management Subplan" shall mean the Oconee County Water Quality Management Subplan" adopted by Resolution of the Oconee County Council, dated September 15, 1981, endorsed by the councils of the following municipalities on March 21, 1978: Salem, Seneca, Walhalla, Westminster, and West Union.
8. "OJRSA" shall mean the Oconee Joint Regional Sewer Authority.
9. "Section 208" shall mean Section 208 of Public Law 92-500 (Section 1288, Chapter 26, Subchapter, II, Title 33, U.S. Code, 33 USC 1288).
10. "Wastewater" shall mean any water containing sewage, industrial waste, water containing garbage, refuse, decayed wood, sawdust, shavings, bark, sand, clay, offal, oil, gasoline, other petroleum products or by-products, tar, dye stuffs, acids, chemicals, dead animals, heated substances and all other products, by-products, or substances not sewage or industrial waste.
11. "Waters" means lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, and all other bodies of surface or underground water, natural or artificial, public or private which are wholly or partially or bordering Oconee County.
12. "208 Water Quality Management Agency" shall mean the governmental agency designated by appropriate authority as the agency to implement and direct the Water Quality Management Plan for Oconee County in conformity with Section 208 of Public Law 92-500, which, to this point, is Oconee County, and which, to this point, has acted through its delegated agent, the OCSC.

## SECTION 2. PURPOSE

It is the purpose of the Oconee Joint Regional Sewer Authority to collect, transport and treat wastewater from the three municipalities who are members of the Authority; to collect, transport and treat wastewater from any entity as set forth in the Agreement creating the Authority, filed with the Oconee County Register of Deeds in Deed Book 1709 at page 5; to collect, transport and treat wastewater from any entity or area designated by Oconee County in accordance with an Agreement between Oconee County and the Authority, filed with the Oconee County Register of Deeds, in Deed Book 1709 at page 5; as the delegated agent of Oconee County, and as the successor to the OCSC in that regard, to advise, supervise, and manage wastewater treatment in Oconee County in conformity with the Oconee County Water Quality Management Subplan, as may be amended from time to time; and, to consult with and advise the Oconee County Council with regard to the implementation of the provisions of the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500).

## SECTION 3. DESIGNATION

Oconee County, acting by and through the County Council, hereby delegates to the Oconee Joint Regional Sewer Authority its authority to act as the 208 Water Quality Management Agency for Oconee County, and the Authority shall replace the Oconee County

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

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

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

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

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

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

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

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

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

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

AGENDA ITEM SUMMARY  
OCONEE COUNTY, SC

COUNCIL MEETING DATE: July 21, 2009  
COUNCIL MEETING TIME: 7:00 PM

**ITEM TITLE OR DESCRIPTION:**

ORDINANCE 2009-14 - "AMENDMENT AND RESTATEMENT OF TRUST INDENTURE AND AMENDMENT AND RESTATEMENT OF LOAN AGREEMENT RELATING TO \$77,000,000 OCONEE COUNTY, SOUTH CAROLINA POLLUTION CONTROL FACILITIES REVENUE REFUNDING BONDS, SERIES 1993 (DUKE POWER COMPANY PROJECT) (THE "BONDS") TO PROVIDE FOR CHANGE IN INTEREST RATE FROM VARIABLE RATE TO FIXED RATE, TO PROVIDE FOR APPOINTMENT OF WACHOVIA BANK, NATIONAL ASSOCIATION, AS REMARKETING AGENT, REMARKETING OF THE BONDS AND EXECUTION OF DOCUMENTS RELATING THERETO, AND TO PROVIDE FOR CHANGE IN COLLATERAL SUPPORT FOR THE BONDS BY DELIVERY OF FIRST AND REFUNDING MORTGAGE BONDS ISSUED BY DUKE ENERGY CAROLINAS, LLC."

**BACKGROUND OR HISTORY:**

Duke Power bonds issued in 1993 for pollution control facilities. Duke wishes to change some of the terms of the debt and needs the County to approve via an ordinance.

**SPECIAL CONSIDERATIONS OR CONCERNS:**

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

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

**STAFF RECOMMENDATION:**

Approve 1<sup>st</sup> reading in title only of ordinance 2009-14.

**FINANCIAL IMPACT:**

Legal fees incurred are expected to be reimbursed from bond proceeds. No county liability related to the bonds.

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

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

**ATTACHMENTS**

Caption of ordinance.

**Reviewed By/ Initials:**

\_\_\_\_\_ County Attorney      \_\_\_\_\_ Finance      \_\_\_\_\_ Grants      \_\_\_\_\_ Procurement

**Submitted or Prepared By:**

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

**Approved for Submittal to Council:**

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

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

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



State of South Carolina  
County of Oconee County  
**ORDINANCE 2009-14**

AMENDMENT AND RESTATEMENT OF TRUST INDENTURE AND AMENDMENT AND RESTATEMENT OF LOAN AGREEMENT RELATING TO \$77,000,000 OCONEE COUNTY, SOUTH CAROLINA POLLUTION CONTROL FACILITIES REVENUE REFUNDING BONDS, SERIES 1993 (DUKE POWER COMPANY PROJECT) (THE "BONDS") TO PROVIDE FOR CHANGE IN INTEREST RATE FROM VARIABLE RATE TO FIXED RATE, TO PROVIDE FOR APPOINTMENT OF WACHOVIA BANK, NATIONAL ASSOCIATION, AS REMARKETING AGENT, REMARKETING OF THE BONDS AND EXECUTION OF DOCUMENTS RELATING THERETO, AND TO PROVIDE FOR CHANGE IN COLLATERAL SUPPORT FOR THE BONDS BY DELIVERY OF FIRST AND REFUNDING MORTGAGE BONDS ISSUED BY DUKE ENERGY CAROLINAS, LLC.

**AGENDA ITEM SUMMARY  
OCONEE COUNTY, SC**

**COUNCIL MEETING DATE: July 21, 2009  
COUNCIL MEETING TIME: 7:00 PM**

**ITEM TITLE OR DESCRIPTION:**

A Resolution Approving a Reasonable Accommodations Policy to Meet Section 504 Regulations

**BACKGROUND OR HISTORY:**

Oconee County is a recipient of federal Community Development Block Grant funds for the Workforce Development Center. The Community Development Block Grant Program requires a reasonable accommodations policy for Section 504 Regulations.

**SPECIAL CONSIDERATIONS OR CONCERNS:**

Section 504 (of the Rehabilitation Act of 1973) is a civil rights law that created and extended civil rights to people with disabilities. Section 504 provides opportunities for children and adults with disabilities in education, employment and various other settings. It allows for reasonable accommodations and assistance as necessary for each individual. Each federal agency has its own set of Section 504 regulations that apply to its own programs. Agencies that provide federal financial assistance also have Section 504 regulations covering entities that receive federal aid. Requirements common to these regulations include reasonable accommodations for employees with disabilities; program accessibility; effective communication with people who have hearing or vision disabilities; and accessible new construction and alterations. Each agency is responsible for enforcing its own regulations.

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

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

**STAFF RECOMMENDATION:**

Approval of "A Resolution Approving a Reasonable Accommodations Policy to Meet Section 504 Regulations."

**FINANCIAL IMPACT:**

No financial impact at this time. Oconee County's compliance with the American with Disabilities Act (ADA) will be audited by the SC Department of Commerce on July 22, 2009. Any resulting recommendations requiring action will be reported to Council for consideration.

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

Are Matching Funds Available:  
If yes, who is matching and how much:

**ATTACHMENTS**

A Resolution Approving a Reasonable Accommodations Policy to Meet Section 504 Regulations.

**Reviewed By/ Initials:**

\_\_\_\_\_ County Attorney       Finance      \_\_\_\_\_ Grants      \_\_\_\_\_ Procurement

**Submitted or Prepared By:**

Veronda Holcombe-Lewis

Department Head/Elected Official

**Approved for Submittal to Council:**

  
Kendra Brown, Asst. County Administrator

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

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

**STATE OF SOUTH CAROLINA  
OCONEE COUNTY  
RESOLUTION 2009-12**

**A RESOLUTION APPROVING A REASONABLE ACCOMMODATIONS POLICY FOR OCONEE COUNTY, SOUTH CAROLINA, TO MEET SECTION 504 REGULATIONS REQUIREMENTS**

**WHEREAS**, Oconee County is a participant in the federal Community Development Block Grant Program for the purpose of undertaking various important community and economic development activities throughout Oconee County and,

**WHEREAS**, the Community Development Block Grant Program requires that Oconee County have in place a reasonable accommodations policy to meet Section 504 regulations for that program; and

**WHEREAS**, Oconee County desires to comply with all necessary grant requirements,

**NOW, THEREFORE BE IT RESOLVED BY OCONEE COUNTY COUNCIL, in meeting duly assembled**, that Oconee County establishes, and has hereby established the official policy of the County that Oconee County is willing to make, and will make, reasonable accommodations for the known physical or mental impairments of an otherwise qualified participant, applicant or employee, providing it does not cause undue financial or administrative burden on Oconee County or cause a fundamental alteration of the County's programs. This policy includes and will include employees, applicants for employment, and the public when involved in County activities.

**THIS RESOLUTION WILL TAKE EFFECT** immediately upon enactment. All orders and resolutions inconsistent herewith are, to the extent of such inconsistency, hereby revoked, rescinded and repealed.

**THIS RESOLUTION WILL TAKE EFFECT** immediately upon enactment.

APPROVED AND ADOPTED this 7<sup>th</sup> day of July, 2009.

OCONEE COUNTY, SOUTH CAROLINA

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

ATTEST:

By: \_\_\_\_\_  
Elizabeth G. Hulse, Clerk to County Council  
Oconee County, South Carolina

AGENDA ITEM SUMMARY  
OCONEE COUNTY, SC

COUNCIL MEETING DATE: July 21, 2009  
COUNCIL MEETING TIME: 7:00 PM

**ITEM TITLE OR DESCRIPTION:**

Local ATAX request for \$4,800 for advertising in IPTAY Communications to include a full page ad in 8 editions of the Orange: The Experience magazine as well as a presence on over 37 e-newsletters to all 16,000 members of IPTAY.

**BACKGROUND OR HISTORY:**

IPTAY has over 16,000 members who frequent our area for direct involvement with Clemson University. This advertising opportunity places Oconee County in front of those for consideration when making plans to visit.

**SPECIAL CONSIDERATIONS OR CONCERNS:**

This will be a joint venture with the CVB to highlight the lodging opportunities and resources available in Oconee County.

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

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

**STAFF RECOMMENDATION:**

Approval of advertising funds for IPTAY Communications.

**FINANCIAL IMPACT:**

\$4,800 with funds coming from the 75% local tax fund. Current balance in the 75% fund is \$58,395.21

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

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

**ATTACHMENTS**

Reviewed By/ Initials:

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

\_\_\_\_\_ Finance

*KRW*

\_\_\_\_\_ Grants

\_\_\_\_\_ Procurement

**Submitted or Prepared By:**

Phil Shirley, PRT Director  
Department Head/Elected Official

**Approved for Submittal to Council:**

  
Kendra Brown, Assistant County Administrator

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

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

**AGENDA ITEM SUMMARY  
OCONEE COUNTY, SC**

**COUNCIL MEETING DATE:** July 21, 2009  
**COUNCIL MEETING TIME:** 7:00 PM

**ITEM TITLE OR DESCRIPTION:**

The Oconee County Finance Department wishes to request a change to the Grants Policy.

**BACKGROUND OR HISTORY:**

Current policy requires that all requests to apply for grants (regardless of match, operational support, in-kind support, etc.) be submitted to the County Administrator for review and approval and then to County Council as an agenda item to be voted on by Council. Additionally, some Administrators have required awarded grants to be returned to Council for approval of the award. Placing every grant application request and award consideration on the County Council agenda creates extra work for the staff and can unnecessarily clutter the Council agenda. Some grants also have very short application periods which make it very difficult to get the grant on the Council agenda prior to submission dates due to the new Agenda Item Summary deadlines.

**SPECIAL CONSIDERATIONS OR CONCERNS:**

The attached Grants Policy will streamline the grants application process. It should reduce the number of grant applications and awards Council must review and instead place that task in the hands of the Administrator. However, grants requesting new or additional personnel will be submitted to Council prior to application. Grants requiring a match in excess of \$5,000 will be submitted to Council for consideration as well.

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

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

**STAFF RECOMMENDATION:**

Approval of revised Grant Policy.

**FINANCIAL IMPACT:**

NONE

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

Are Matching Funds Available:  
If yes, who is matching and how much:

**ATTACHMENTS**

Grants Policy

**Reviewed By/ Initials:**

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

*VB*

Finance

\_\_\_\_\_ Grants

\_\_\_\_\_ Procurement

**Submitted or Prepared By:**

Veronda Holcombe-Lewis

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

**Approved for Submittal to Council:**

*Kendra Brown*  
\_\_\_\_\_  
Kendra Brown, Asst. County Administrator

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

## POLICY

### Concerning Applications for Grants

Frequently it is in the best interest of the citizens of Oconee County for the county government to seek financial assistance in the form of grants from the state and/or federal governments.

Many of these grants require financial and/or other commitments from the county government.

**As a matter of policy, the Oconee County Council has determined that:**

1. Council approval shall be obtained prior to the submission of any application for a grant of funds for new or additional personnel.
2. Under normal circumstances, Council approval shall be obtained prior to the submission of any applications for a grant of funds for other than personnel, which requires a commitment of County funds of \$5,000 or more. If circumstances do not permit obtaining prior approval, Council shall be notified at its next regular meeting of the submission of the grant application.
3. Applications for grants, which require a commitment of County funds of less than \$5,000, can be made with the approval of the County Administrator, if the Administrator determines that the County funds are available.
4. Application for the renewal of grants or for the extension of grants can be made without prior Council approval, but the Council is to be notified of such action.

Adopted this 21st day of July, 2009.

Attest:

Approved:

Elizabeth G. Hulse, Clerk to Council  
Oconee County

Reginald Dexter, Chairman  
Oconee County

**AGENDA ITEM SUMMARY  
OCONEE COUNTY, SC**

**COUNCIL MEETING DATE:** July 21st, 2009  
**COUNCIL MEETING TIME:** 7:00 PM

**ITEM TITLE OR DESCRIPTION:**

Authorization to apply for and accept an FAA Airport Improvement Program Grant offer for approximately \$2.2 million dollars towards the 600 foot extension of runway (AIP #19). This grant is for the construction of the runway 25 extension.

**BACKGROUND OR HISTORY:**

The Federal Aviation Administration (FAA) split this Fiscal Year's AIP grant program into a two-phase process. Airport sponsors who were allocated funding in phase I are now applying for grant funding in phase II. The anticipated phase II grant of \$2.2 million will be compiled with \$1.312 million set aside (remainder) of AIP #17, and the \$98,129 phase I grant #9 (AIP 18) to cover the FAA's 95% share of the runway extension construction.

**SPECIAL CONSIDERATIONS OR CONCERNS:**

The deadline for acceptance of this grant is August 30<sup>th</sup> 2009. The construction bids for the project expire on Oct 7<sup>th</sup> 2009. Delay in applying for and accepting this grant will likely eliminate the County from consideration for funding the construction of the 600 foot runway extension and severely restrict the economic viability of the facility for the foreseeable future.

**STAFF RECOMMENDATION:**

Recommend Council authorize the Interim County Administrator to apply for and accept the runway extension construction grant by signature.

**FINANCIAL IMPACT:**

The estimated total construction cost of the runway extension is approx. \$3,796,629.00

		FAA Share	SC State Share	Oconee Share
Low Bid 600 foot extension	\$3,451,481			
RPR, Testing, Engineer's fees	\$ 345,148			
<b>Total Cost</b>	<b>\$3,796,629</b>	<b>\$3,606,798</b>	<b>\$94,915</b>	<b>\$94,916</b>
AIP 17 previous set aside	minus	- \$1,321,140	- \$34,530	- \$34,530
AIP 18 Phase I grant	minus	- \$98,129	- \$2,582	- \$2,582
<b>Remaining Cost</b>		<b>\$2,196,529</b>	<b>\$57,803</b>	<b>\$57,804</b>

AIP 19 grant →

There is currently \$95,890 available for the County's grant match for this project. The matches for AIP 17 & 18 were previously set aside. The County only needs to provide a match to AIP 19 (\$57,804).

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

Are Matching Funds Available: Yes

If yes, who is matching and how much: FAA will pay 95% of costs.

SC Division of Aeronautics will match 2.5% of costs for AIP 17, 18, & 19. (\$94,915)

**ATTACHMENTS**

None

Submitted or Prepared By:

Kevin D. Short, Airport Director

Approved for Submittal to Council:

  
Kendra Brown, Interim County Administrator

Department Head/Elected Official

Reviewed By/ Initials:

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

\_\_\_\_\_ Finance

 Grants

C: Clerk to Council



AGENDA ITEM SUMMARY  
OCONEE COUNTY, SC

COUNCIL MEETING DATE: July 21, 2009  
COUNCIL MEETING TIME: 7:00 PM

**ITEM TITLE OR DESCRIPTION:**

Update on Response to FEMA Findings Related to Flood Management Program

**BACKGROUND OR HISTORY:**

Oconee County's flood management program has been inspected three times in its history during Community Assistance Visits (CAVs). These inspections occurred in 1995, 2004, and the latest on August 18, 2008. The findings issued by FEMA following the last inspection deem Oconee County's efforts to enforce all requirements to be insufficient, and we have been instructed to undertake a series of measures to mediate the deficiencies, some of which date back to the beginning of the program. Among efforts to date aimed at resolving the problems include the transfer of oversight of the floodplain management program to the Planning Department in March of 2009; Council's resolution to fully implement all NFIP requirements in April of 2009; and the development of a draft action plan to remediate remaining deficiencies. In May of this year, staff submitted the draft plan to FEMA for comments; staff has followed up on several occasions, but no official response has yet been received.

**SPECIAL CONSIDERATIONS OR CONCERNS:**

FEMA's instructions are to have a complete plan in place in August of 2009.

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

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

**STAFF RECOMMENDATION:**

Refer the matter to the Planning and Economic Development Committee for study and review of draft plan; if approved, Council adopt resolution to implement plan.

**FINANCIAL IMPACT:**

Unknown at this time

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

Are Matching Funds Available: Yes / No  
If yes, who is matching and how much: N/A

**ATTACHMENTS**

Copy of draft action plan

**Reviewed By/ Initials:**

\_\_\_\_\_ County Attorney      \_\_\_\_\_ Finance      \_\_\_\_\_ Grants      \_\_\_\_\_ Procurement

Submitted or Prepared By:



Department Head/Elected Official

Approved for Submittal to Council:



Kendra Brown, Interim County Administrator

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

# **Proposed Action Plan:**

## **August 2008 CAV Findings**



## Background

On August 18, 1987, Oconee County adopted Ordinance 87-4, the "Flood Damage Prevention Ordinance", and on September 1, 1987, joined the National Flood Insurance Program. At that time, as no building codes or planning departments existed, oversight of floodplain-related activity was assigned to the Tax Assessor's Office. Over the years, the County's floodplain program has been inspected three times during Community Assistance Visits (CAV's) by staff from the Federal Emergency Management Agency (FEMA) or the South Carolina Department of Natural Resources (DNR). In spite of found deficiencies during each review, Oconee County has maintained its status as a member in good standing, which has enabled county residents to obtain flood insurance backed by the federal government.

The first CAV occurred in August 1995. As no copy of the CAV findings has been located in county files, a copy of the findings has been requested from FEMA to determine the extent of identified deficiencies, as well as any efforts to remedy them.

In 2004, a second CAV was made by FEMA, and deficiencies were noted. One of these was the need to update the county floodplain ordinance, which was soon completed. By this time, oversight of the floodplain program had been moved from the Tax Assessor's Office to Information Technology/GIS, which oversaw most day-to-day activity in the Map Room under the GIS Coordinator. Upon taking over the responsibility for floodplains, the GIS Coordinator undertook the necessary training and became a Certified Floodplain Manager. It should be noted that, soon after the second CAV, an administrative reorganization returned the Map Room back to the Tax Assessor, which also moved the Floodplain Manager's position, although day to day, there was little or no impact on the review process, for most floodplain reviews were conducted as part of the application process to obtain a building permit. Because it was also necessary to confirm the project address, the E-911 Addressing Technician (who was located in the Map Room and reported to the GIS Coordinator) typically performed the basic floodplain status review as well.

In 2006, the Addressing Technician was transferred from the Map Room to the Building Codes Department to make the road naming and addressing operation more efficient, and to streamline the overall permitting process for the public. Although this move transferred day-to-day floodplain review activity as well, with the Floodplain Manager remaining in the Map Room, the change had little impact on the vast majority of floodplain reviews; most applications require only a simple check to verify compliance of proposed projects. For problematic issues, or more complex situations, staff from both Building Codes and the Assessor coordinated efforts as necessary, but such situations were very rare, and the overall operation worked relative well. During this same time period, the Floodplain Manager made arrangements with FEMA to update the County's official Flood Insurance Rate Maps (FIRM), which had not been changed since the 1970's, necessitating a review and amendment of the Floodplain Ordinance to reflect the map changes.

On August 18, 2008, FEMA conducted a third CAV, which resulted in findings of a list of program deficiencies (detailed below). Upon receipt of the findings in October 2008, a team of Oconee County staff members, including Brad Norton, the County Attorney at the time, was assembled to evaluate the situation, and determine the county's options for rectifying the situation. Among the initial actions identified by the team was the need to immediately begin amending the Floodplain Ordinance, and to begin an internal review of the building projects identified as potential violations in the CAV findings. As the review showed that the majority of identified projects did not impact flood hazard areas shown on the flood maps, it was determined that a meeting with FEMA representatives would be necessary to clarify the CAV findings. In March 2009, members of the team of county staff met with FEMA officials. This meeting provided the team with clarification of FEMA's expectations, and provided guidance in moving forward with dealing with the situation.

The following sections outline the identified deficiencies, solutions proposed by staff, and a brief discussion of the resources necessary.

## Identified Deficiencies as Noted by FEMA

- No Inventory of All Development in SFHA's Since August 15, 1995
- Failure to Issue Development Permits for All Proposed Development
- Failure to Review All Proposed Development to Insure All Required Approvals and Permits from State and Federal Agencies Have Been Issued
- Lack of Complete and Accurate Elevation Data on All New and Substantially Improved Structures Within SFHA's Since August 15, 1995
- Lack of Flood-Proofing Certificates on All New and Substantially Improved Structures Within SFHA's Since August 15, 1995
- Lack of Documentation of Determination of Substantial Damage and Improvement Since August 15, 1995
- Failure to Conduct 'No Rise/ No Impact' Studies for All Proposed Development in SFHA's Since August 15, 1995 in All Regulatory Floodways
- Floodplain Ordinance Requires Revision

## **Corrective Actions and Proposed Solutions**

### **1. As requested by FEMA, Pass a Resolution on Intent that Oconee County will enforce its flood damage prevention ordinance.**

#### **Status: Completed**

On April 14, 2009 the Oconee County Council passed resolution 2009-07, which states: "Oconee County Council Assures the Federal Insurance Administration that it will enact as necessary, and maintain in force in those areas having flood, or flood related erosions hazards, adequate land use and control measures with effective enforcement provisions consistent with the criteria set forth in part 60 of the National Flood Insurance Program Regulations (CFR44)." See Appendix A.

### **2. Restructure Floodplain Review Process-**

#### **Status: Completed**

The members of the staff team all agreed that one of the greatest concerns regarding the floodplain program was the manner in which various aspects of the floodplain program were often divided between more than one department. To help insure future compliance with the requirements of the National Flood Insurance Program, all aspects of the floodplain program need to be under the direction of a single supervisor. Also, it is critical that day-to-day activities are coordinated by an individual possessing a Certified Floodplain Manager certification. To that end, immediately after the August 2008 CAV, efforts were initiated to get staff members from Planning and Building Codes the training necessary to test for the certification. In March 2009, Aaron Gadsby (County Planner) and Channon Chambers (Building Codes Director) received confirmation of their certifications, and the County Administrator named Aaron Gadsby as Floodplain Manager. As a result, all aspects of the floodplain management program are now under the supervision of the Planning Director, which puts in place the necessary structure for moving ahead with the changes necessary for maintaining compliance.

### **3. Implement Floodplain Development Permit Process-**

#### **Status: Completed (Subject to FEMA Review)**

The lack of a formal floodplain development permitting process is one of the chief deficiencies identified in the CAV findings, particularly as it was one of the major components of membership in the NIFP agreed to in 1987. In spite of the fact that the County created the permit with the adoption of its floodplain ordinance at that time, no process was ever established for implementation. Upon the transfer of control of the program under Planning, a process was created to issue the required floodplain development permit. Although it is still subject to review and approval by FEMA, the requirements put in place meet both the standards put forth by FEMA, and those adopted in the county's floodplain ordinance.

Currently, all applications for Building Permits and Land Use Permits for Subdivisions are reviewed for floodplain status. Those determined to be in or near a Special Flood Hazard Zone are subject to the following standards:

- 1) All structures and development activity proposed to be located within the Special Flood Hazard Zone, or within 25' of the apparent boundary, as determined by the county GIS, require a floodplain development permit to determine compliance with all federal and state laws and an elevation certificate;
- 2) All structures and development activity proposed to be located between 25' and 50' of the apparent boundary, as determined by the county GIS, require a floodplain development permit and a professionally stamped site plan;
- 3) All structures and development activity proposed to be located more than 50' from the apparent boundary, as determined by county GIS, shall require a floodplain development permit, with the location established by GPS and verified by the Floodplain Manager.

This process, if approved by FEMA, will insure compliance with of all future floodplain activities in the county.

### **3. Inventory all Structures and Development Activity in Special Flood Hazard Zones since August 15, 1995-**

#### **Status: Awaiting Delivery of Digital Data from FEMA**

The lack of documentation on development activity in Special Flood Hazard Zones prior to the creation of the Building Codes Department in July, 1999, is one of the more problematic aspects of achieving compliance with the standards of the NFIP. Therefore, we propose to inventory all development in the SFHA utilizing the best information we have available. The inventory will be conducted in three phases: Phase One will utilize County GIS data to identify those properties and structures of potential concern, and establish any not governed by the standards of the Floodplain Ordinance; in Phase Two, county staff will research permits issued for projects of concern, and make any required site visits; Phase Three will consist of any required mitigation. A more detailed discussion of each phase follows:

#### Phase I

County staff will narrow the scope of the inventory to those parcels that have special flood hazard areas on them, and contain structures either touching or within the SFHA. This will provide an accurate assessment of the structures built within the floodplain, as well as providing a determination of those parcels not subject to the standards.

The proposed methodology will utilize address points, elevation data (4-foot contours), 2009 mobile video information, and aerial photography. The 2005 aerial photographs will be updated by the newly acquired Pictometry® images, which will allow for 3-D images of structures in and near the SFHA's. ESRI mapping software will be used analyze and inventory the SFHA's. The new digital flood data from

FEMA will be used to select all parcels that come into contact with, or are crossed by, the outline of the SFHA's. Then, we will select all building footprints that are completely within or are closer than 25 feet from the SFHA. This will provide us with an accurate assessment of development in the flood prone areas of the county up to 2005. Then staff will compare the existing structures from the 2005 data with the new aerial photos and address points. Any parcel that contains a new structure that is within 25 feet of the SFHA will be included in the initial inventory.

Next, the initial inventory will be evaluated with comparison models and county roadway data. County staff will compare the 2005 contours with the updated 3-D aerial photos determine if any contour change has occurred. Also, the county road layer will be used to select those roadways crossing the flood zone.

#### Phase II

Upon completion of Phase I, county staff will determine what permits and documentation exists on identified structures, as well as determining what funding or additional paperwork may be needed to insure compliance with the NFIP. This may involve additional research on a case by case basis. Upon completion of an initial assessment of cost, staff will brief County Council and, if necessary, recommend a schedule for funding the mitigation.

#### Phase III

Upon completion of all studies, identification of costs, and approval of necessary funding by County Council, staff will work to mitigate all deficiencies to the fullest extent possible.

- 4. Correct the deficiencies that were identified in our review of the County's flood damage prevention ordinance, as specified and provide a copy of the flood prevention ordinance by June 10, 2009.**

#### **Status: Awaiting Comments from FEMA on Final Draft of Ordinance Prior to Adoption**

The amendments specified in the CAV findings have been included in the draft document. Upon receipt of FEMA comments, appropriate changes will be made and the final draft presented to County Council for a public hearing and 3<sup>rd</sup> Reading.

#### **5. Evaluate and Address Potential Violations**

The CAV findings listed fifty potential violations, and note that elevation certificates for each are required. An initial investigation by county staff indicate that only 12 of the potential violations involve structures near the SFHA as identified on the preliminary floodplain maps provided to the county. Upon receipt of the FEMA digital map data, we propose to reevaluate each site to more accurately determine their status. The table below lists each of the potential violations mentioned by FEMA and the proposed action by Deonee County. A map for each site can be found in Appendix B.



## IDENTIFIED POTENTIAL VIOLATIONS

Address of Development	Potential Violation	Administrative Deficiency	Corrective Action	Geonee County Response
3001 S. Highway 11	Below required elevation (no EC)	No development permit, no EC	Provide EC	Structures are not in SFHA, ordinance does not apply, see map
14058 E. Carnellin Ln	Below required elevation (no EC)	No development permit, no EC	Provide EC	Structure not in SFHA, ordinance does not apply, see map.
7180 N. Highway 11 7176 N. Highway 11	Below required elevation (no EC)	No development permit, no EC	Provide EC	Same property. 7180 is not in SFHA, ordinance does not apply. 7176 is a potential violation. See map.
146 Friendship Point Dr.	Below required elevation (no EC)	No development permit, no EC. Listed as not in SFHA	Provide EC	Structure and parcel are not in SFHA, ordinance does not apply. See map
540 Bethel Church Rd.	Below required elevation (no EC)	No development permit, no EC	Provide EC	Structure is approximately 1/2 mile from SFHA, ordinance does not apply, see map
240 Krabbe Lane	Below required elevation (no EC)	No development permit, two different elevations on two EC	Provide EC	Elevation Certificates are for two different structures, 135 and 240 Krabbe Lane. 236 - was originally permitted under the 240 address, but later adjusted. Structures not in SFHA, ordinance does not apply, see map.
10836 Wind Tree	Below required elevation (no EC)	No development permit, no EC	Provide EC	This street does not exist in Oconee County. Can not provide data.
425 S. Pine St	Below required elevation (no EC)	No development permit, no EC	Provide EC	Address does not exist, all of S. Pine Street is in the jurisdiction of the City of Walhalla.

10836 Clemons Blvd. Building 1000 Building 1100 Building 1200 Building 1300	Below required elevation (no EC) "same" "same" 5' below required elevation	No development permit, no flood study, no EC	Provide EC	All buildings are located outside of the regulated SFHA, ordinance does not apply. See map.
728 Edgewater Lane	Below required elevation (EC)	No development permit, no EC	Provide EC	Potential violation
436 Little Country Lane	Below required elevation (no EC)	No development permit, no EC	Provide EC	No SFHA on property, ordinance does not apply, see map.
742 Timberlake One Cir	Below required elevation (no EC)	No development permit, no EC	Provide EC	No part of parcel is located within SFHA, parcel borders Army Core of Engineer Property
139 A Stonegate Dr.	Below required elevation (no EC)	No development permit, no EC	Provide EC	Electrical service for irrigation, property is not in SFHA, see map
Hart's Cove Apt. Building 101-130 Building 201-233 Building 301-333 Building 401-433 Building 501-533	Below required elevation (no EC)	No development permit, no EC	Provide EC	No part of parcel is located within SFHA, ordinance does not apply
179 Chauga Valley Rd	Below required elevation (no elevations) (no EC)	No development permit, no elevation on EC	Provide EC	Potential violation
392 Elizabeth Cox Rd	Below required elevation (no EC)	No development permit, no EC	Provide EC	Larger parcel, will conduct site visit to determine location of structure
305 Westgate Dr	Below required elevation (no EC)	No development permit, no EC	Provide EC	No part of the lot is located in the SFHA, ordinance does not apply
414 Edgewater Dr	Below required elevation (no EC)	No development permit, no EC	Provide EC	Structure is outside of SFHA, ordinance does not apply
159 Coffee Lake Rd 155 Coffee Lake Rd	Below required elevation (no EC)	No development permit, no EC	Provide EC	Will conduct site visit, and provide EC if needed.
191 Chauga Valley Rd.	Below required elevation (no EC)	No development permit, no EC	Provide EC	Possible violation.

280 Edgewater Lane	Below required elevation (no EC)	No development permit, no EC	Provide EC	Need to conduct site visit, will provide EC if needed
306 Simon Shoals Rd.	Below required elevation (no EC)	No development permit, no EC	Provide EC	Parcel not located in SFHA, ordinance does not apply, see map
3614 Woodale Cir	Below required elevation (no EC)	No development permit, no EC	Provide EC	Structure is located outside of the SFHA, ordinance does not apply, see map
Country Lane	Below required elevation (no EC)	No development permit, no EC	Provide EC	Road does not cross SFHA, ordinance does not apply
899 S. Hwy 11	Below required elevation (no EC)	No development permit, no EC	Provide EC	Located in City of Wauhatchie, not in our jurisdiction, ordinance does not apply, see map
179 Riverside Ct	Below required elevation (no EC)	No development permit, no EC	Provide EC	New parcel does not touch SFHA, ordinance does not apply, see map
112 Wilkerson Dr	Below required elevation (no EC)	No development permit, no EC	Provide EC	Structure not located within SFHA, ordinance does not apply
969 Summers Lane	Below required elevation (no EC)	No development permit, no EC	Provide EC	Potential violation
234 Riverbank Ct	Below required elevation (no EC)	No development permit, no EC	Provide EC	Road does not exist, see Riverbank Ct
353 Cody Rd	Below required elevation (no EC)	No development permit, no EC	Provide EC	Parcel is not located in SFHA, ordinance does not apply, see map
296 Knox Creek Rd	Below required elevation (no EC)	No development permit, no EC	Provide EC	Will conduct site visit, and provide EC if needed
352 Country Lane	Below required elevation (no EC)	No development permit, no EC	Provide EC	Will conduct site visit, and provide EC if needed
224 Riverbank Ct	Below required elevation (no EC)	No development permit, no EC	Provide EC	Parcel is not located in SFHA, ordinance does not apply, see map

# **APPENDIX A**

**Resolution 2009-07**

STATE OF SOUTH CAROLINA  
COUNTY OF OCONEE

**RESOLUTION 2009-07**

WHEREAS, certain areas of Oconee County, South Carolina are subject to periodic flooding, or flood-related erosion, causing serious damage to properties within these areas; and

WHEREAS, relief is available in the form of Federally subsidized flood insurance as authorized by the National Flood Insurance Act of 1968; and

WHEREAS, it is the intent of the Oconee County Council to require the recognition and evaluation of flood, or flood-related erosion hazards in all official actions relating to the land use in areas having these hazards; and

WHEREAS, this body has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to the laws of the State of South Carolina;

NOW, THEREFORE, BE IT RESOLVED, that the Oconee County Council assures the Federal Insurance Administration that it will enact as necessary, and maintain in force in those areas having flood, or flood-related erosions hazards, adequate land use and control measures with effective enforcement provisions consistent with the Criteria set forth in Part 60 of the National Flood Insurance Program Regulations (CFR#4);

Vests the Oconee County Planning Department with the responsibility, authority and means to:

(a)

Assist the Administrator, at his request, in his delineation of the limits of the area having special flood, or flood-related erosion hazards.

(b)

Provide such information as the Administrator may request concerning present uses and occupancy of the flood plain, or flood-related erosion areas.

(c)

Cooperate with Federal, State and local agencies and private firms which undertake to study, survey, map and identify flood plains, communities with respect to management of adjoining flood plains, and/or flood-related erosion areas in order to prevent aggravation of existing hazards.

(d)

Upon occurrence, notify the Administrator in writing whenever the boundaries of the Community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that all Flood hazard Bounty Maps and Flood Insurance Rate Maps accurately represent the Community's boundaries, include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished flood plain management regulatory authority; and

Appoints the Oconee County Planning Department to maintain for public inspection and to furnish upon request for the determination of applicable flood

insurance risk premium rates within all areas having special flood hazards identified on a Flood Hazard Boundary Map or Flood Insurance Rate Map, any certificates of flood-proofing, and information on the elevation (in relation to mean sea level) of the level of the lowest flood (including basement) of all new or substantially improved structures and include whether or not such structures include a basement and if the structure has been flood proofed; and

Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the program.

RESOLVED & ADOPTED on first and final reading this 14<sup>th</sup> day of April, 2009.

---

Reginald J. Dexter Dexter  
Chairman of County Council  
Oconee County, South Carolina

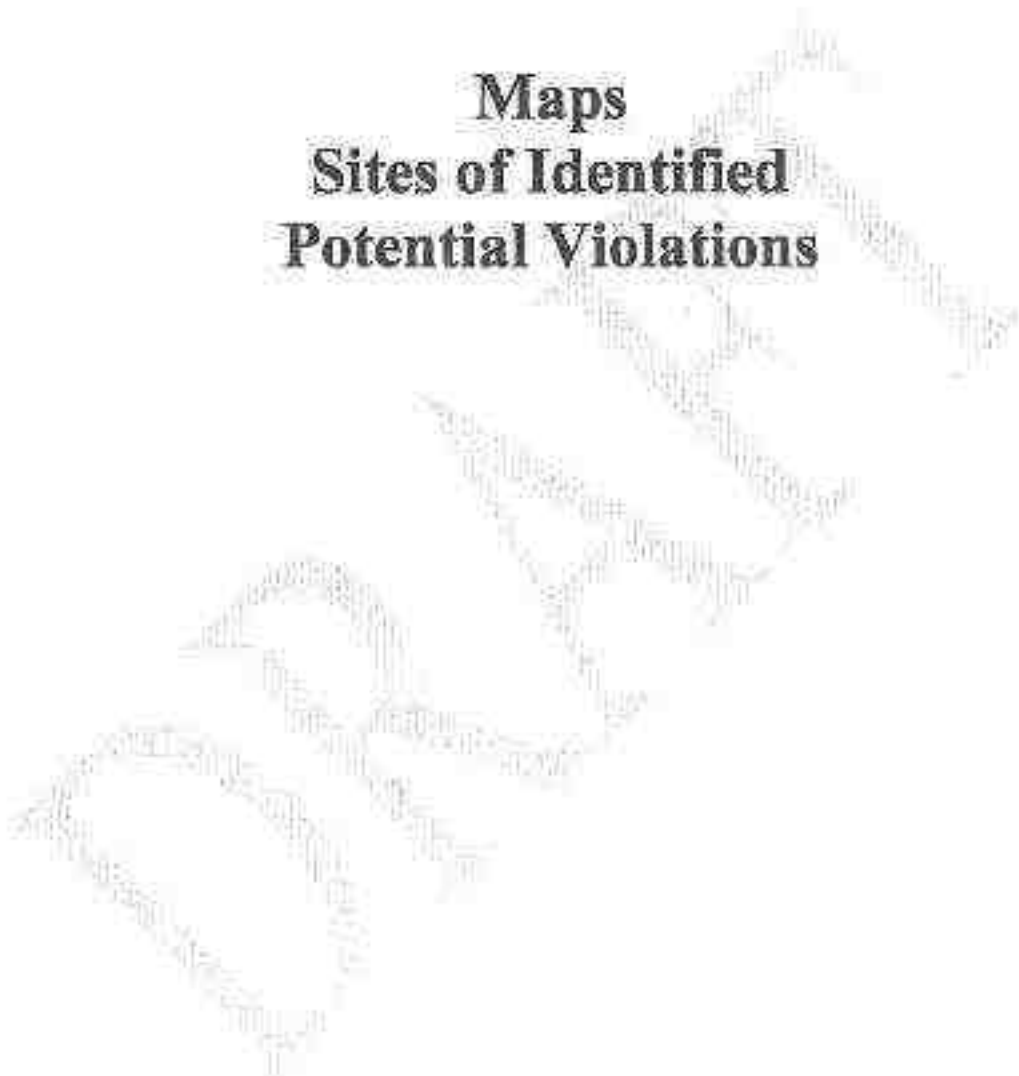
ATTEST:

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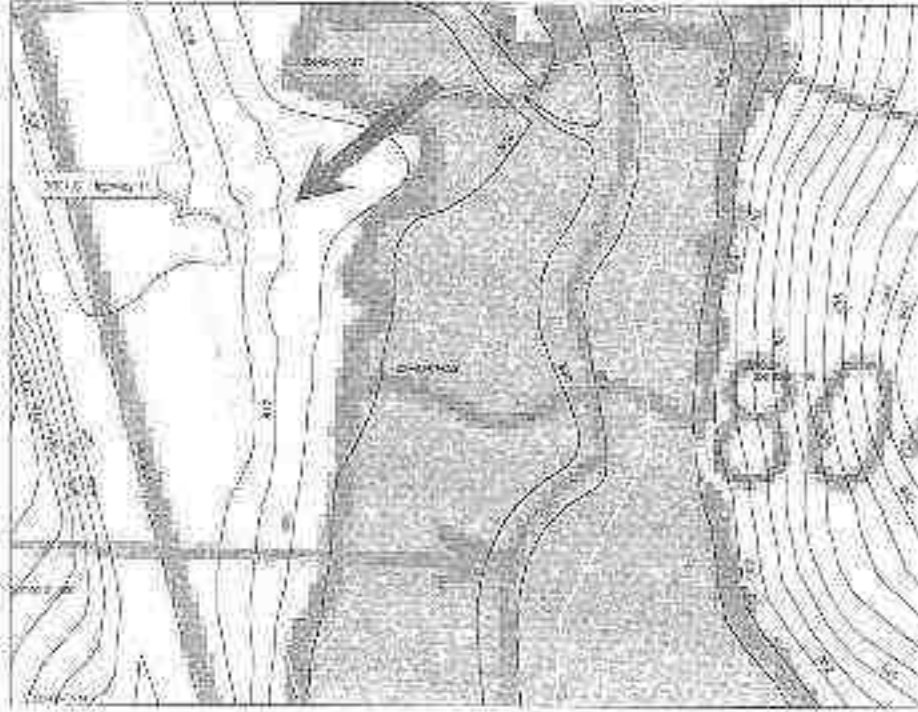
Elizabeth Hulse, Clerk to County Council  
Oconee County, South Carolina

# **APPENDIX B**

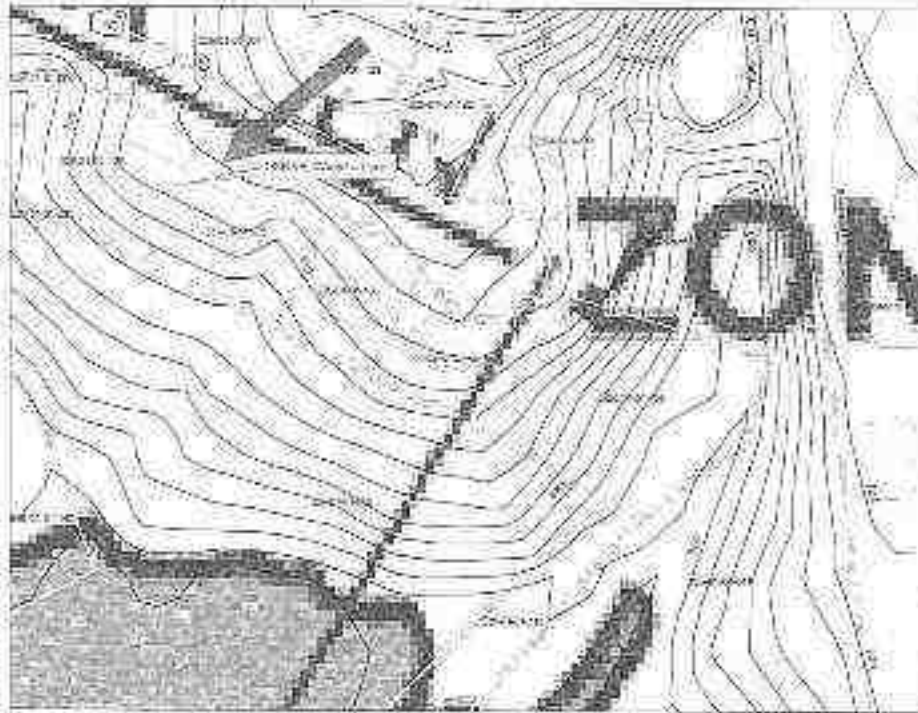
## **Maps Sites of Identified Potential Violations**



Site: 3001 S. Highway 11



Site: 14058 E. Camellia Ln

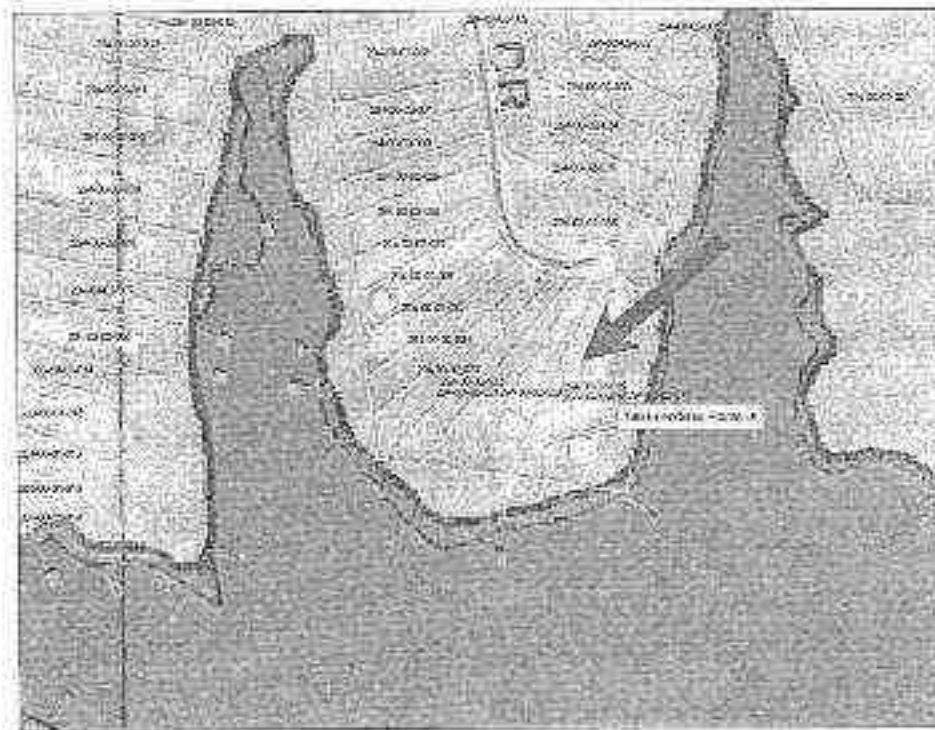




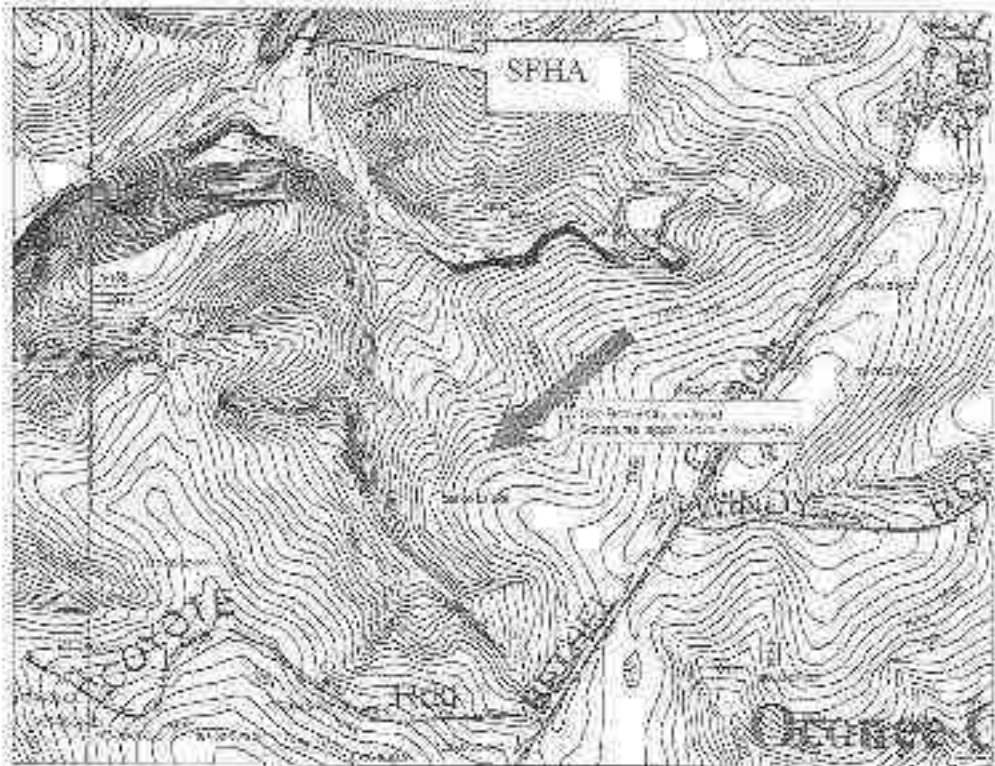
Site: 7176 and 7180 N. Highway 11



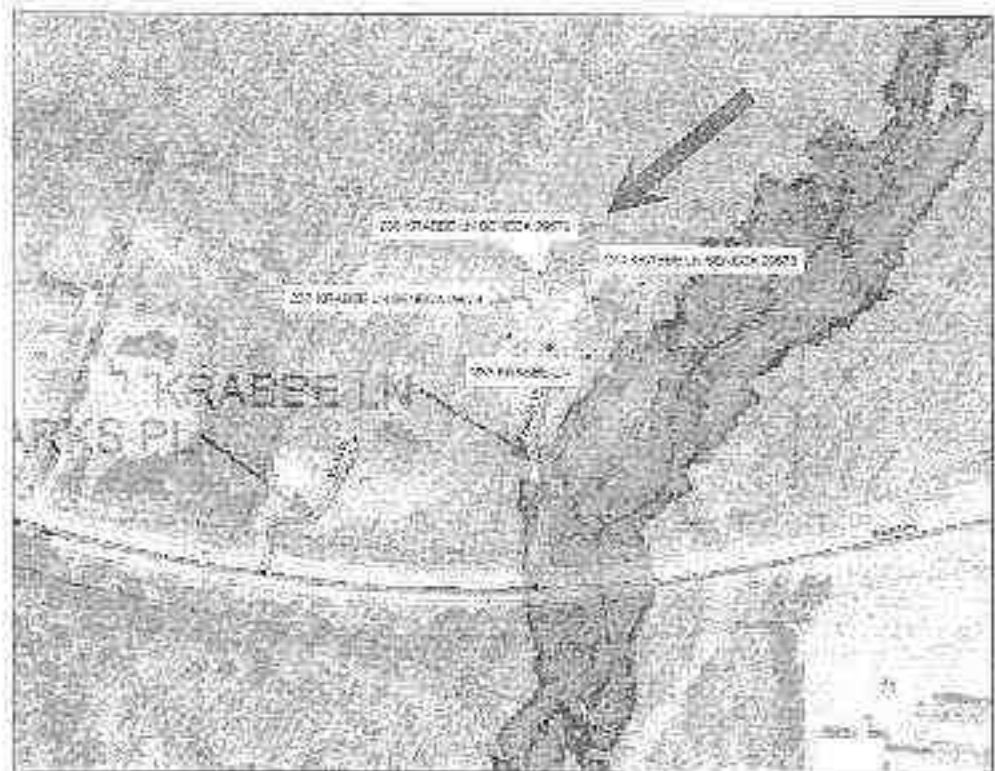
Site: 146 Friendship Point Dr.



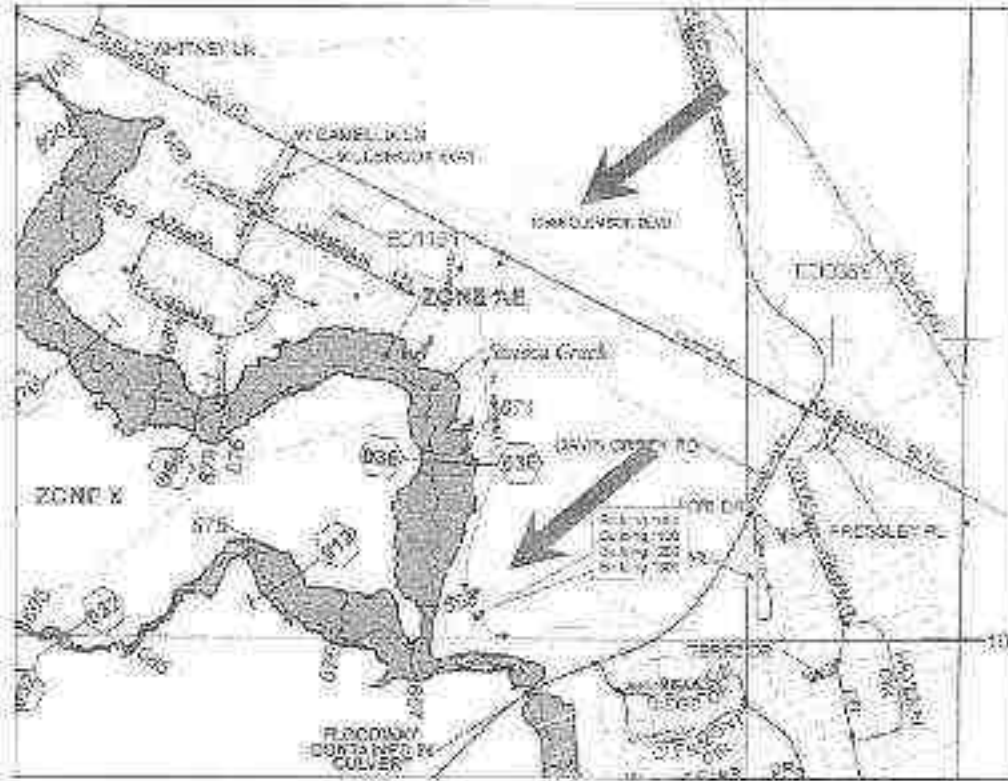
Site: 540 Bethel Church Road



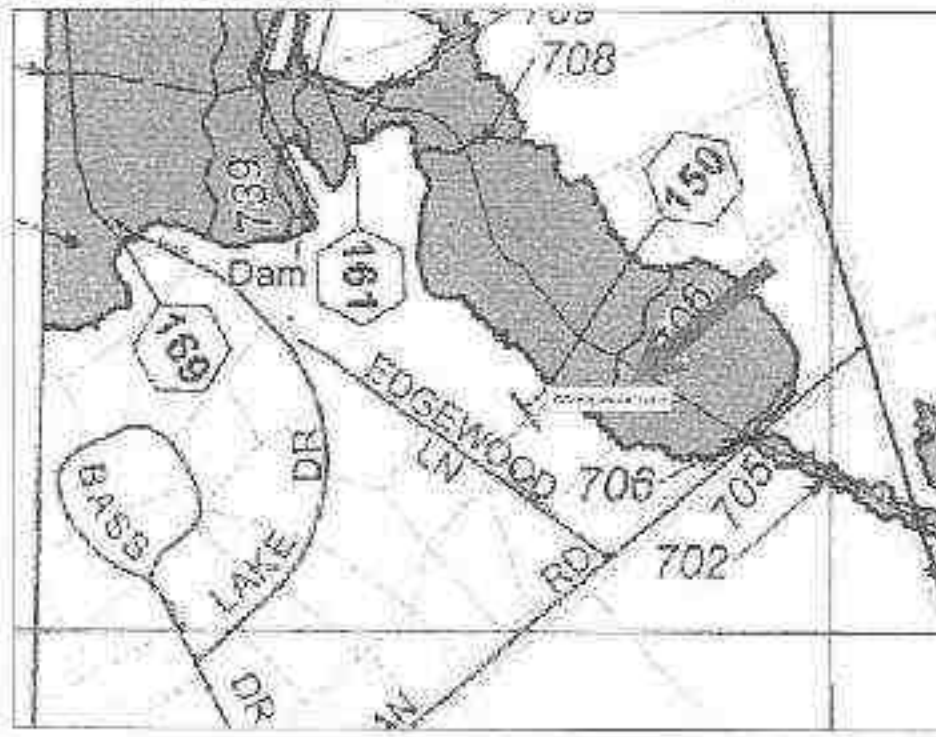
Site: 240 Krabbe Lane



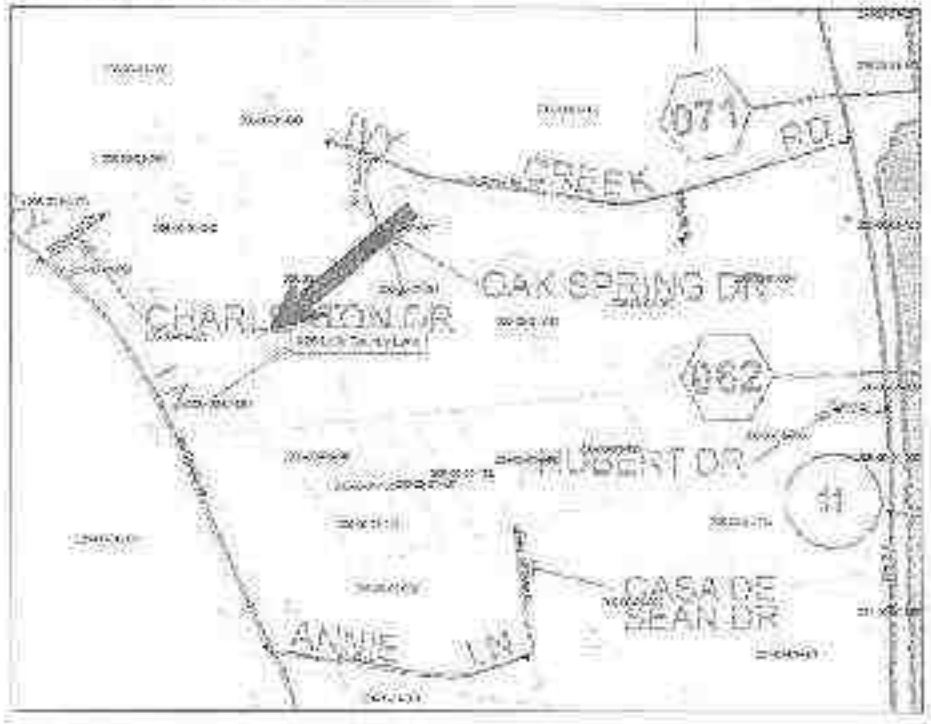
Site: 10836 Clemson Blvd



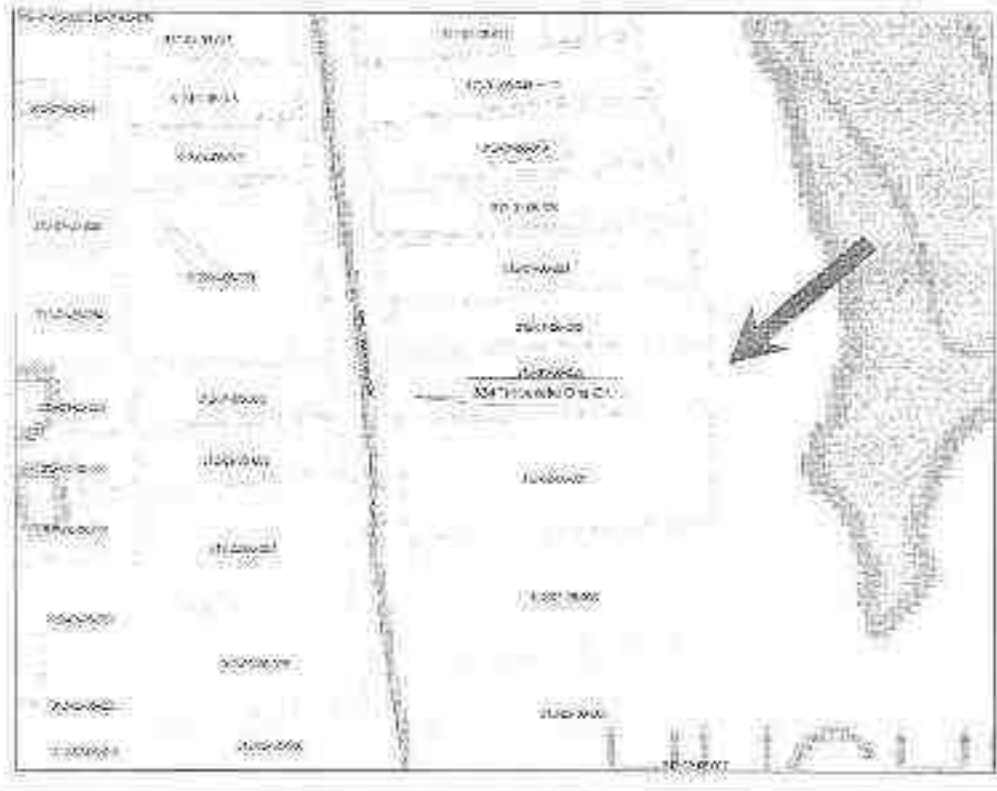
Site: 720 Edgewater Lane



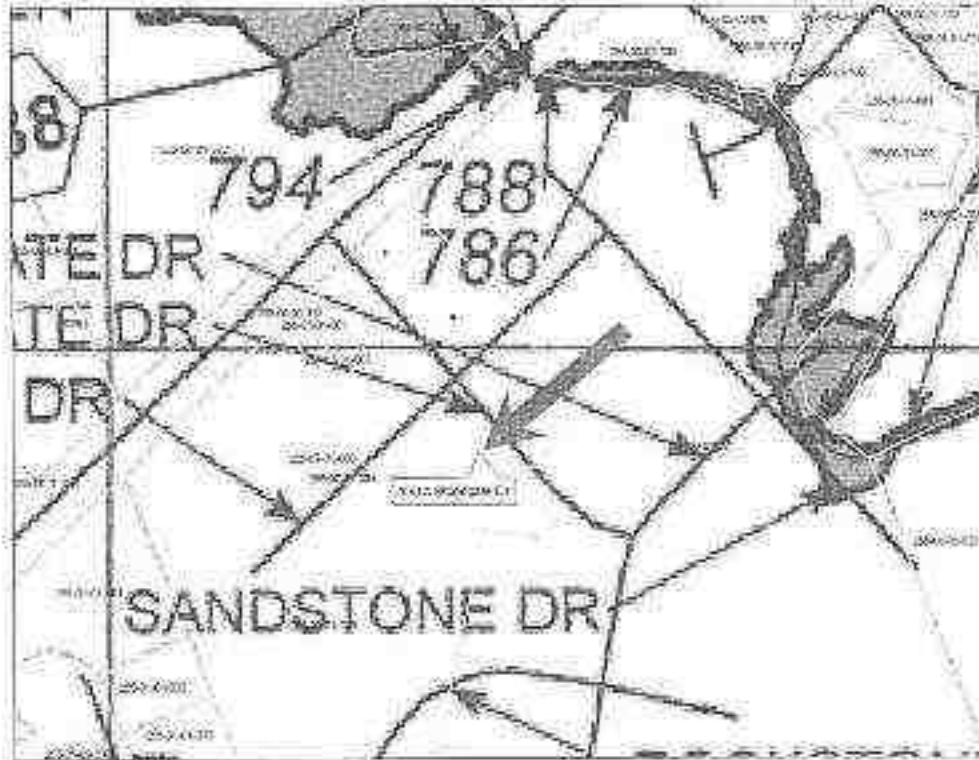
Site: 426 Little Country Lane



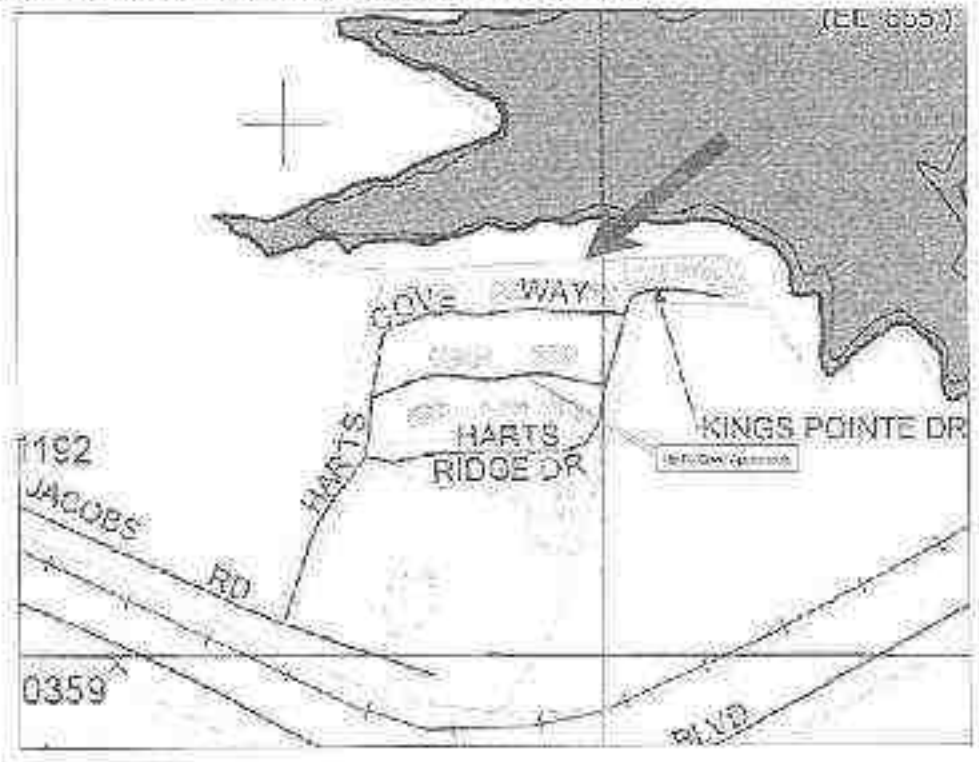
Site: 342 Timberlake One Cir



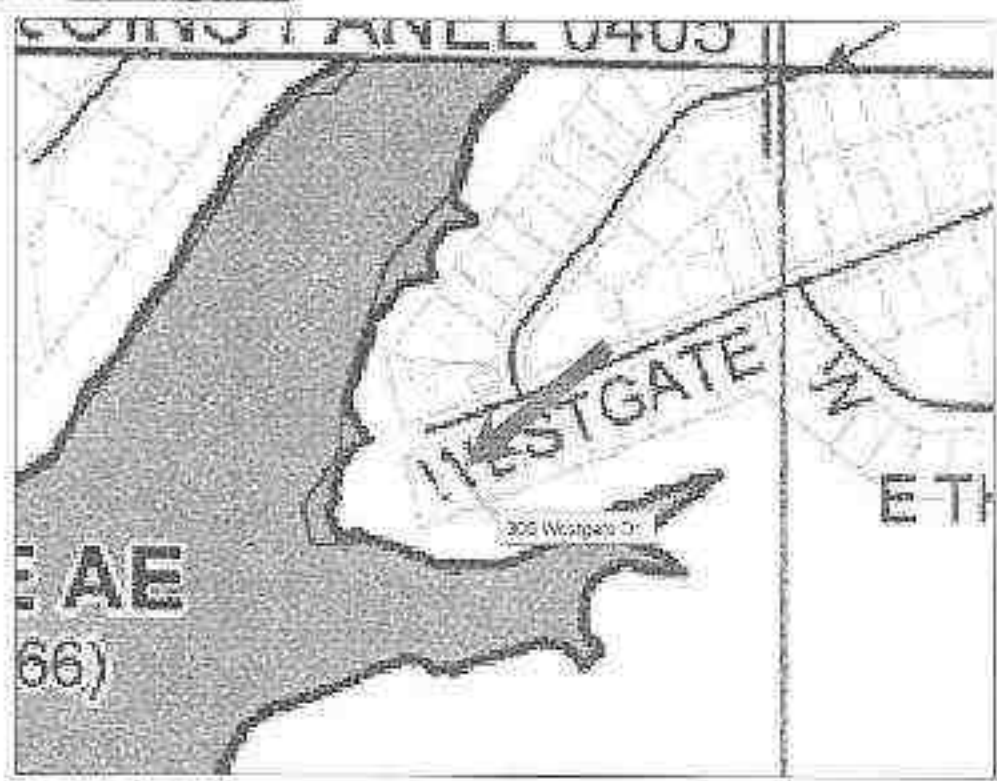
Site: 130 A Stonegate Dr.



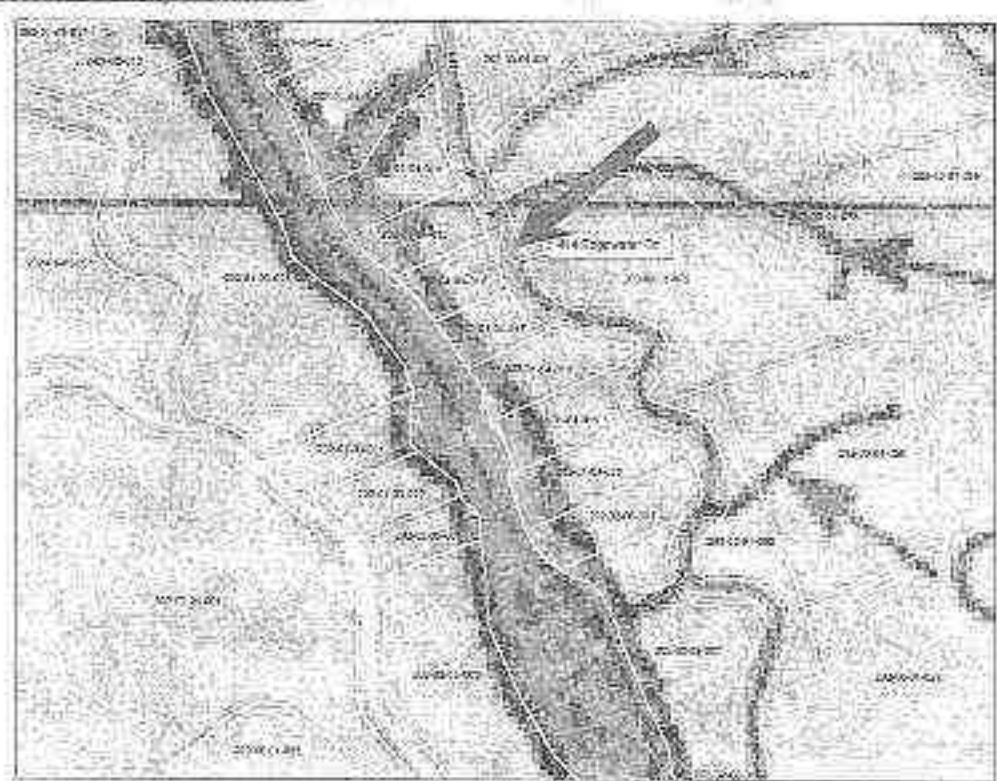
Site: Hart's Cove Apartments (Buildings 100-500)



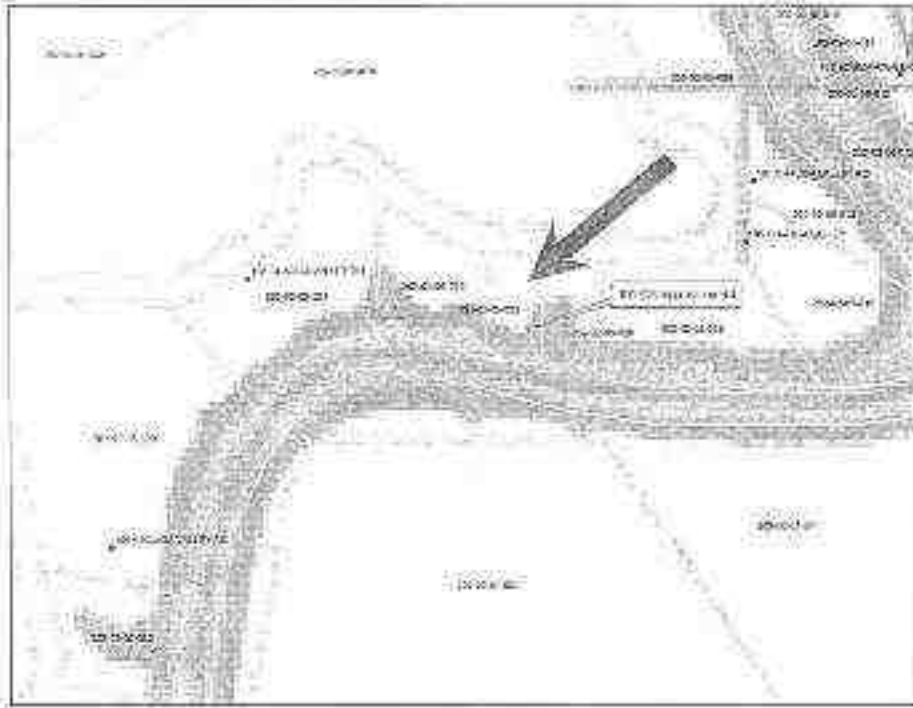
Site: 305 Westgate Dr.



Site: 414 Bogewater Dr.



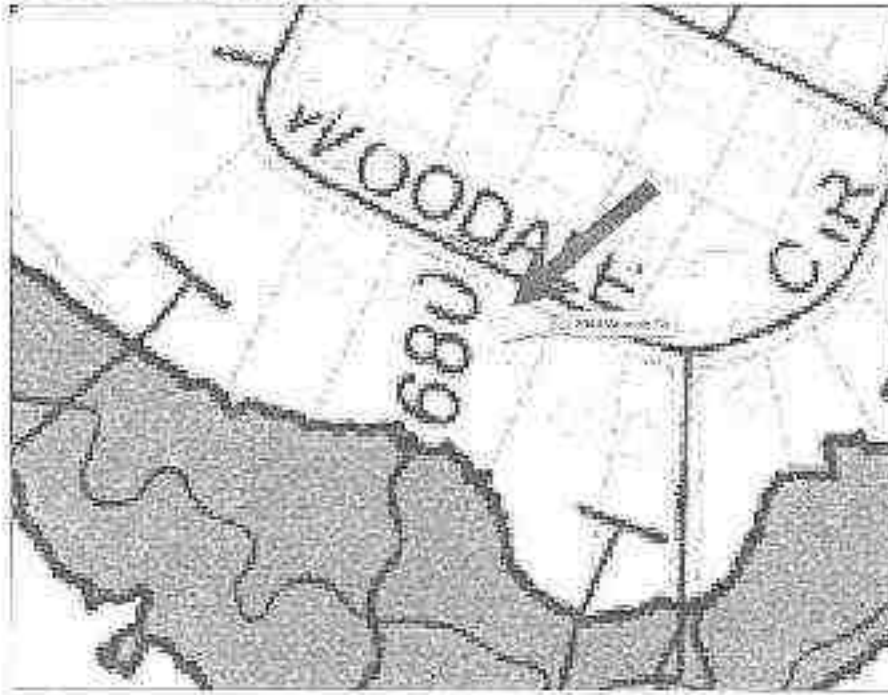
Site: 191 Chauga Valley Road



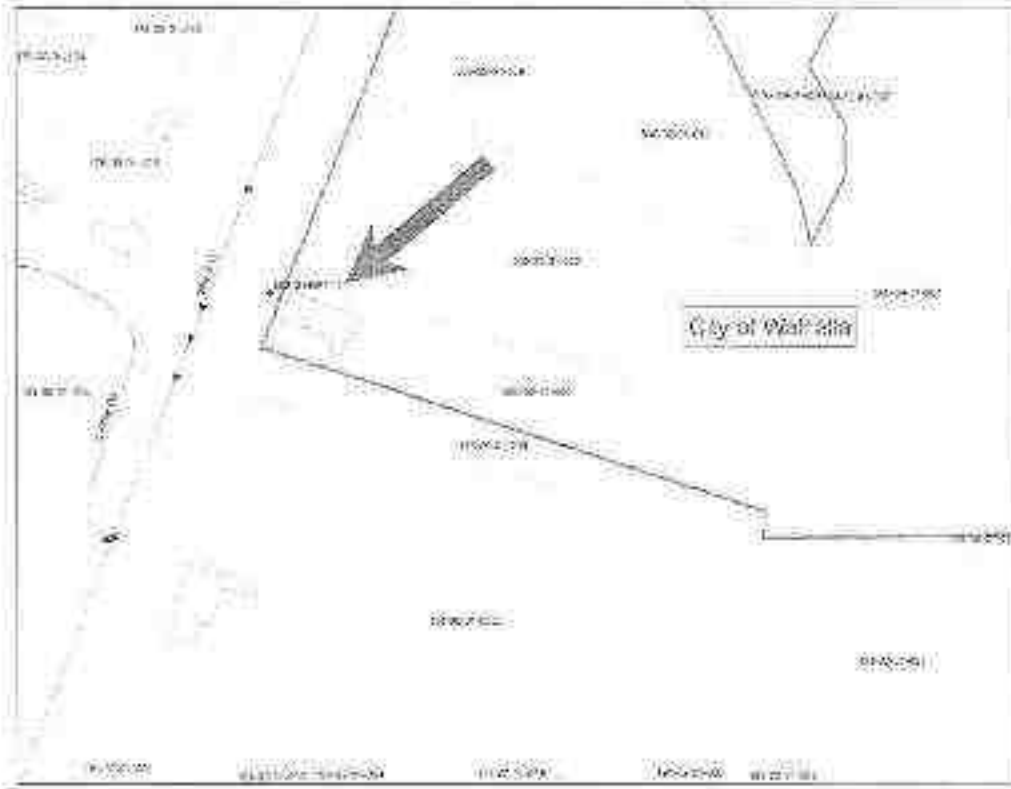
Site: 506 Siron Shoals Rd.



Site: 3044 Woodale Circle

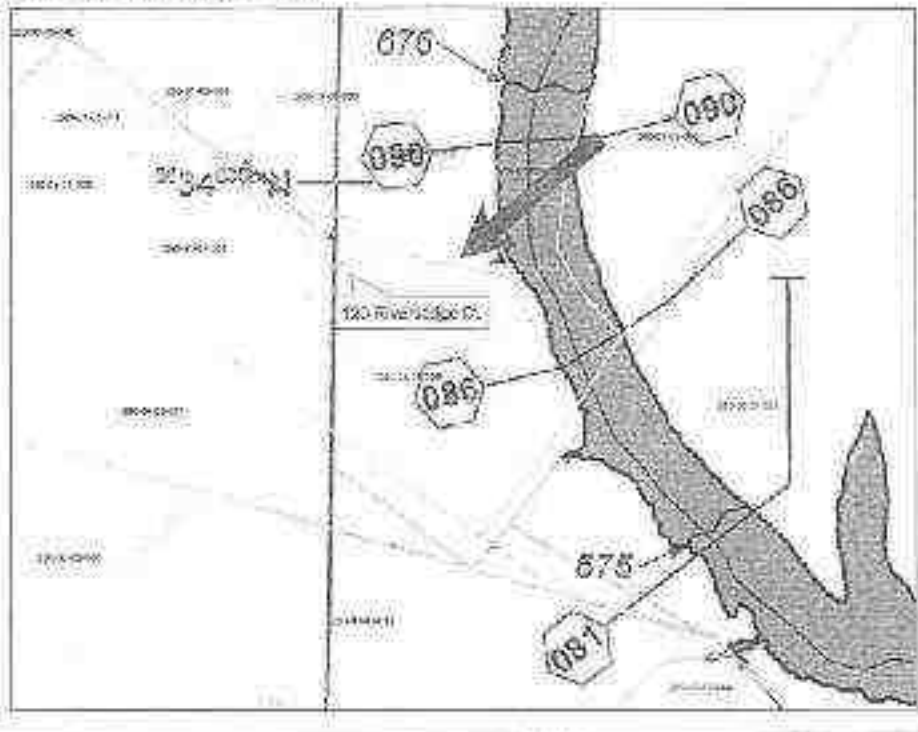


Site: 899 S. Hwy 11

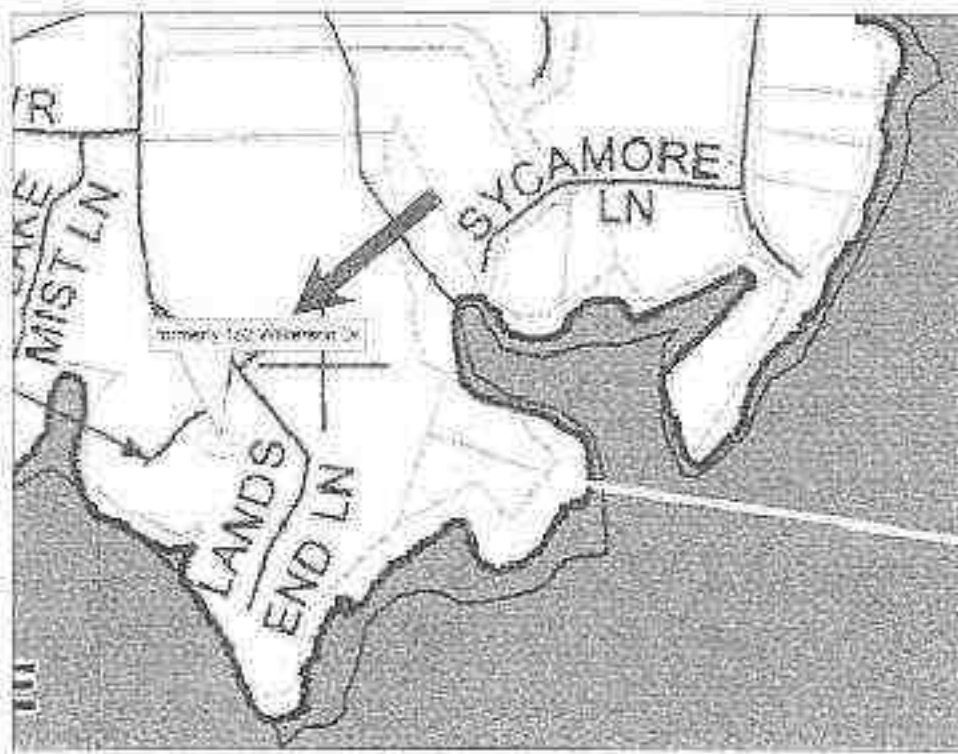




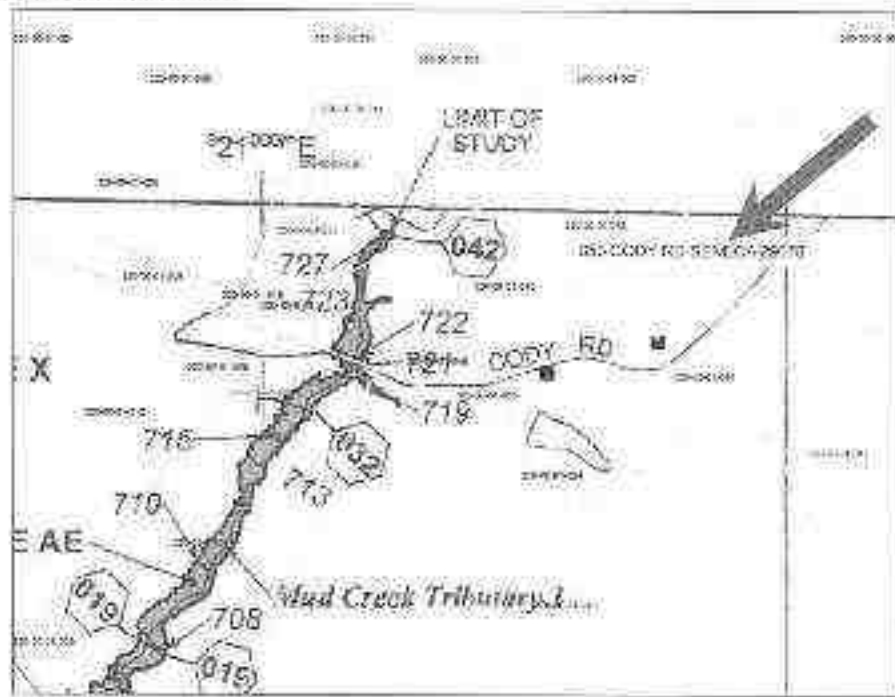
Site: 120 Riversedge Ct.



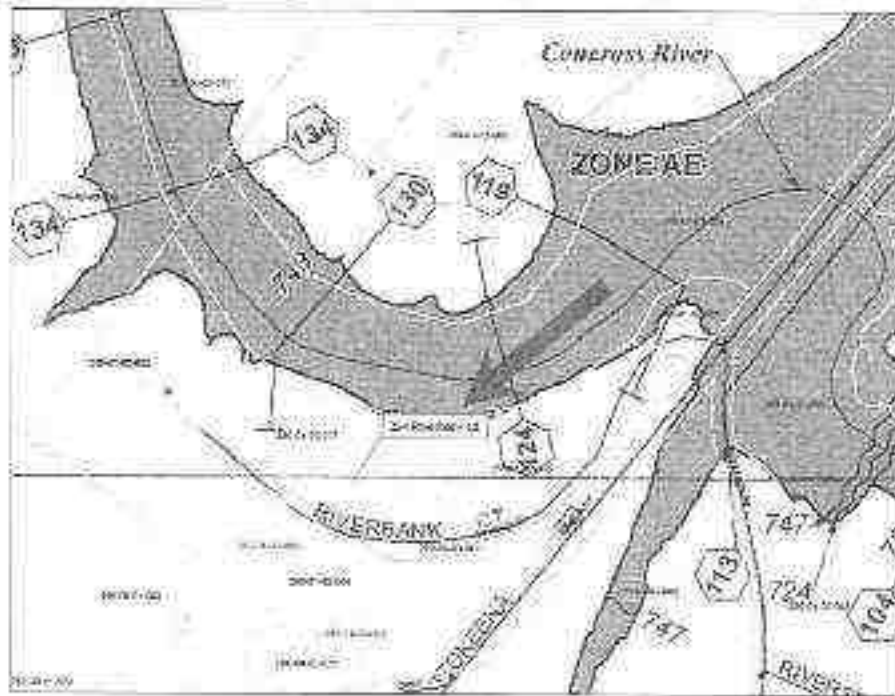
Site: 152 Wilkerson Dr.



Site: 353 Cody Rd



Site: 224 Riverbank Ct





# Oconee County Planning Department

415 S. Pine Street, Walhalla, SC 29691

Telephone: 864-858-1214  
Fax: 864-834-6168

July 14, 2009

To: County Council  
Clerk to Council  
County Attorney

From: Art Holbrooks

A handwritten signature in dark ink, appearing to read "Art Holbrooks".

This is to inform you that last night the Planning Commission reviewed the proposed performance standard requiring the Board of Zoning Appeals to approve structures greater than 65 feet in height as a Special Exception. The Commission had previously recommended the standard as an amendment to zoning regulations. The Commission voted unanimously to affirm their endorsement of the standard as a performance standard.

Please do not hesitate to contact me for more information.

Cc: Interim Administrator



# Oconee County Planning Department

415 S. Pine Street, Walhalla, SC 29691

Telephone: 864-638-4718  
Fax: 864-638-1168

July 14, 2009

To: County Council  
Clerk to Council  
Interim Administrator

From: Art Holbrooks

A handwritten signature in dark ink, appearing to read "Art Holbrooks".

Re: Planning Commission Nomination

This is to inform you that last night the Planning Commission voted unanimously to recommend County Council consider Mr. Randy Abbott for appointment to serve as the remaining at-large member on the Planning Commission. Mr. Abbott had previously served on the Commission as the District II representative.

Please do not hesitate to contact me for more information.

Cc: Interim Administrator



Copy

**Capital Projects Commission**  
**502 East Main Street, Walhalla, South Carolina 29691**

May 5, 2009

Oconee County Council

Mr. Reg Dexter, Chairman, District V

Mr. Wayne McCall, District II

Mr. Mario Suarez, District III

Mr. Joel Thrift, District IV

415 South Pine Street

Walhalla, SC 29691

Dear Members of Oconee County Council:

The Current Capital Projects Commission (CPC) was organized in May 2008 at the request of the Oconee County Council. The member representation was composed of three members appointed by County Council and three members appointed by the municipalities. They are as follows:

County:

Don Fuller, Chairman

Bill Lewis

Marty McKee

City:

Dewitt Martin, Seneca

Sam Dickson, Westminster

Jim McCoy, Walhalla

In June 2008 the members of the Capital Projects Commission met and developed the following Mission Statement, *The Oconee County Capital Projects Commission is tasked to investigate and report on projects that meet a selected criterion that will be funded through a citizen approved One-cent Sales Tax Referendum in November 2010.*

In addition to the Mission Statement the members developed criteria to evaluate candidate projects submitted for funding by the Sales Tax Referendum. A timeline was established for interviews to support the initiation and completion of the interview process.

Since June of 2008 the Capital Projects Commission has met almost monthly and to date have held interviews with the Library Board, the Oconee Alliance and the Oconee County PRT Commission. We also have met with a representative of the successful 2008 Sumter County "Pennies for Progress" tax referendum campaign. In the remaining time period from May 2009 to November 2009 the Commission plans to meet with the following organizations.

School District of Oconee County

Oconee Medical Center

Oconee Alliance Vision Committees

Chambers of Commerce

Municipalities of Oconee County

Oconee County Roads Department

Oconee County Economic Development Commission

Oconee County Planning Commission

Other organizations or citizens who have projects that meet the basic criteria

In order for the Sales Tax Referendum to be successful the CPC believes that there are a number of critical issues that must be addressed. The most critical issue is the support of the newly elected County Council members who were not involved in the May 2008 decision to appoint a new Capital Projects Commission. Without the full support of the County Council the commission believes that the sales tax referendum will not be successful and therefore request your guidance no later than May 26, 2009.

The other critical issues involve the formation and funding for a marketing organization to inform and sell the benefits of the projects to be funded by the sales tax referendum to the residents Oconee County.

The Capital Projects Commission looks forward to having the opportunity to make a presentation and discuss our program with the County Council in the near future.

Sincerely,

Don Fuller

Chairman

Oconee County Capital Projects Commission

Cc: Mr. Sam Dickson  
Mr. Bill Lewis  
Mr. Dewitt Martin  
Mr. Jim McCoy  
Mr. Marty McKee  
Mr. Art Holbrooks, Planning Commission  
Mr. Jim Alexander, Economic Development Commission  
✓ Mr. Dale Surrent, Administrator  
Ms. Kendra Brown, Assistant Administrator  
Mr. Tom Martin, County Attorney

Enclosures:

Sample Letter of Invitation  
Candidate Project Criteria  
New CPC Timeline – May 2009/May 2011  
State Map of Approved County Referendums  
Capital Sales Tax Summary



Capital Projects Commission  
502 East Main Street, Walhalla, South Carolina 29691

July 7, 2008

Mr. Concerned Citizen  
Main Street  
Our County, USA

Dear Mr. Citizen:

The Oconee County Council has re-established the Capital Projects Commission in order to determine what County Projects (meeting a defined selection criterion) should be considered for funding through a citizen-approved One Cent Sales Tax Referendum in November 2010.

The Capital Projects Commission intends to initiate scheduled interviews over the next eighteen (18) months with all interested parties to receive inputs on candidate projects.

If your organization wishes to meet with the Commission to discuss your candidate projects, please contact Mr. Jim Alexander at the Oconee County Economic Development office, Telephone: 638-4210 or E-mail: [jaxalexander@oconeesc.com](mailto:jaxalexander@oconeesc.com) and a meeting place and time will be scheduled. The defined selection criteria and a presentation outline will be provided to your organization prior to your scheduled meeting.

The Oconee County Capital Projects Commission looks forward to meeting with you and discussing the needs and future direction of our County.

Yours truly,

Dori Fuller  
Chair  
Capital Projects Commission



**CAPITAL PROJECTS CRITERIA  
Oconee County 2010**

**Project Name:**

**Submitted by:**

**Contact person:**

**Telephone number:**

**E-mail address:**

**Project Description:**

**Describe Purpose and Need:**

**What are the benefits and value to the citizens of Oconee County?**

**How many citizens will benefit from this project?**

**Cost of project:**

**To build or buy?**

**To operate?**

**Time required to build or buy?**

**Where will the project be built or the purchase placed?**

**Are other funding sources available? Yes or No, if yes who and how much.**

**If so, what is the source and how much is available?**

**If you have questions please contact:**

**Oconee County Planning Commission at 638-4218**

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

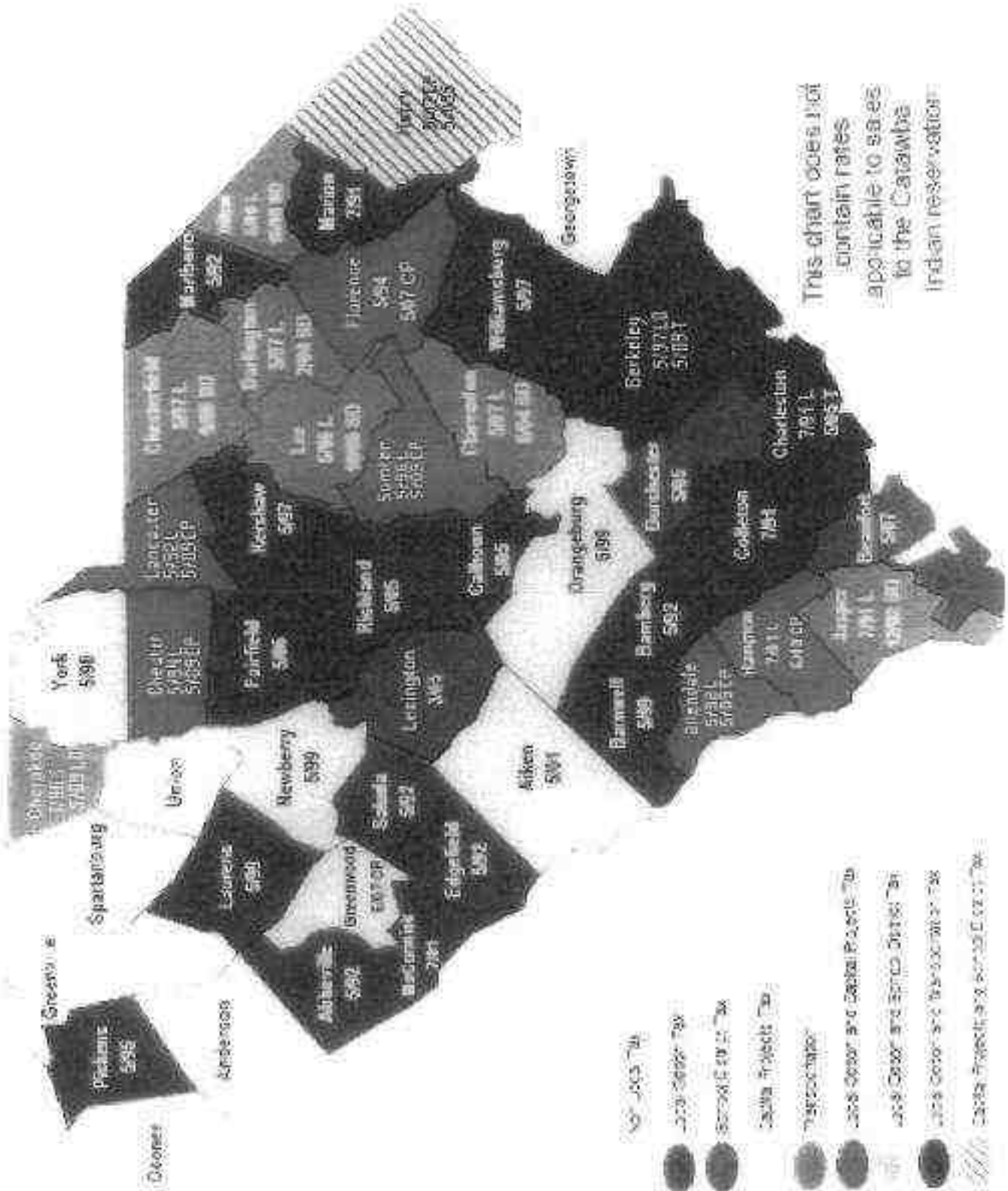
**Oconee County Economic Development Commission at 638-4210**

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

### Capital Projects Commission Timeline

- Information to County Council May 2009
- Meeting with County Council May 2009
- Project Presentations May 2009-November 2009
- Interviews Completed November 2009
- Start Marketing January 2010
- Project Evaluation Complete April 2010
- First reading of ordinance adopting question and authorizing referendum April 2010
- Second reading of ordinance  
Publication of notice of public hearing – *The Seneca Daily Journal*  
April 2010
- Third reading and Public hearing May 2010
- Project List to County Council June 2010
- Submission Letter to Justice Department for Preclearance under Voting Rights Act June 2010
- Informing the Citizens July-November 2010
- 1<sup>st</sup> Publication of notice of election September 2010
- 2<sup>nd</sup> Publication of notice of election September 2010
- Publication of Notice of referendum - *The Seneca Daily Journal*  
October 2010
- Election November 3, 2010
- Certification of results, publish results and certify results to County Council November 30, 2010
- Implementation/collection of tax May 2011

State of South Carolina  
 Local Tax Designation  
 by County Effective May 1, 09



This chart does not contain rates applicable to sales to the Catawba Indian reservation.

- Local Sales Tax
- Special Use Tax
- State Project Tax
- Transportation
- Local Government and Capital Projects Tax
- Local Government and Capital Projects Tax
- Local Government and Capital Projects Tax
- Local Government and Capital Projects Tax

# Capital Project Sales Tax

## *Summary*

### Authorization

- SC Code Section 4-10-300  
"the county governing body may impose a 1% sales and use tax by ordinance, subject to referendum, within the county for a specific purpose or purposes and for a limited amount of time to collect a limited amount of money."

### Commission

- Created by county resolution
- 3 county and 3 municipal appointees
- Must be residents
- Population formula for municipal appointees
- Considers proposals for funding
- Formulates the ballot question

### Referendum

- County council considers ballot question but cannot make changes
- Enacts ordinance containing ballot question
- Subject to county referendum
- Details how the proceeds are to be used
- Projects can be anywhere in the county, municipalities or special purpose districts

# Capital Project Sales Tax

## Referendum - Permitted Uses

- highways, roads, streets, and bridges
- courthouses, administration buildings, civic centers, hospitals, emergency medical facilities, police stations, fire stations, jails, correctional facilities, detention facilities, libraries, coliseums, or any combination
- cultural, recreational, historic facilities
- water and/or sewer projects
- flood control projects, storm water management facilities
- jointly operated projects

## Referendum – Should also specify

- duration of tax (7 years maximum)
- whether bonds will be issued and amount
- whether proceeds will be used to pay bonds
- whether any other funding sources will be used
- maximum cost of projects
- maximum amount of proceeds used for costs
- any other conditions or restrictions
- prioritization of multiple projects

## Referendum

- Held at general election
- Referendum expense shared proportionally among all benefiting governmental entities
- Must publish two-week notice of the entire ballot question
- Results certified to SCDOR and county council by Nov. 30th
- Results declared by county resolution

## Capital Project Sales Tax

### Imposition

- Imposed May 1<sup>st</sup> after referendum
- Against gross proceeds of taxable sales
- Collected by SCDOR (up to 1% admin fee)
- Distributed quarterly to the county treasurer
- County reports activity to SCDOR
- Can be re-imposed once