

**AGENDA ITEM SUMMARY  
OCONEE COUNTY, SC**

**COUNCIL MEETING DATE: August 16, 2005  
COUNCIL MEETING TIME: 3:00 p.m.**

**ITEM TITLE OR DESCRIPTION:**

**PURCHASE OF LIVESCAN DEVICE FOR THE OCONEE COUNTY DETENTION CENTER:** LiveScan technology allows the processing of fingerprints and palm prints from arrestees directly into a reliable digital format, compared with present ink and paper methods. The system includes the control computer, monitor, keyboard, print acquisition station, cabinet, application software and system administrative software, interface for SLED Automated Fingerprint Identification System (AFIS), remote communications hardware and software, uninterruptible power supply, NIST archive for 100,000 print storage, network printer, demographic data import interface from Jail Management System (JMS), mug shot image export to JMS, electronic signature pad, delivery, installation, on-site training, service, and one year warranty.

**BACKGROUND OR HISTORY:**

Currently, when arrestees are brought to the Detention Center, correctional officers must manually "roll" three sets of fingerprint cards – one to be kept by the arresting agency, one for SLED and one for the FBI. This is a time-consuming process (25 minutes or more per inmate) and is prone to error. Improperly rolled prints are returned to the Sheriff's Office, by which time if it occurs, arrestees could be out of jail making it difficult to re-print or accurately identify them.

**SPECIAL CONSIDERATIONS OR CONCERNS:**

A LiveScan station at the Detention Center will also interface with the SLED Automated Fingerprint Identification System (AFIS), allowing immediate transmission of prints. Fugitives using false identifications can be quickly and properly identified. The possibility of errors will be greatly reduced. The LiveScan can also interface with an in-house AFIS system, which will allow comparison of arrestee prints with unidentified prints taken from crime scenes.

**BID SOLICITATION HISTORY:**

On May 24, 2005, three responses were received to our formal Request for Proposals as follows:

- Identix, Inc (Minnetonka, MN) \$70,287.45
- Cross Match Technologies, Inc. (Palm Beach Gardens, FL) \$52,153.50
- DataWorks Plus (Greenville, SC) \$50,830.00

After using the evaluation criteria (experience, proposal details, cost, service availability and other factors) established by the Procurement department, it was the determination of the LiveScan selection committee (Steve Pruitt, Mike Fostervold, Dallas Shirley, and Mark Washington) that **DataWorks Plus provided the best overall solution to meet county needs.** DataWorks provided pricing for two (2) different brands of hardware, Smiths-Riemann and Identix. The Smiths-Riemann hardware best satisfies our

**AGENDA ITEM SUMMARY  
OCONEE COUNTY, SC**

**COUNCIL MEETING DATE:** August 16, 2005  
**COUNCIL MEETING TIME:** 1:00 pm

**ITEM TITLE OR DESCRIPTION:**

Public Hearing to allow public comment as provided by South Carolina Code Section 6-1-320 (C), to override the limitation of Code Section 6-1-320 (A) and increase the millage rate on a subsequent Council meeting of either August 23<sup>rd</sup> or August 30<sup>th</sup>.

**BACKGROUND OR HISTORY:**

Council will receive written and oral comment concerning the establishment of a millage rate for Oconee County General Government Operations, County Debt Service, School District of Oconee County Operations, School District Debt Service, Tri-County Technical College, and Tri-County Technical College Debt.

**SPECIAL CONSIDERATIONS OR CONCERNS:**

State law requires that public comment be solicited whenever the millage rate increase for a year exceeds a statutory COLA adjustment (this year 2.7% as determined by the State). As previously discussed the budgets for the County and the School District will both require more than this provided rate of increase.

Staff (County Auditor, OMB, and School District) are awaiting final information on Manufacturing and Utility Assessments from the State Department of Revenue so that they may prepare an accurate estimate of the millage required to fund the budgets that County Council have previously approved.

County Council will need to schedule a meeting time and date to adopt the millage rate prior to September 1, 2005 as the processing center at Smith Data must have the millage rates on this date in order to prepare tax notices for timely distribution in accordance with state law (October 1).

**STAFF RECOMMENDATION:**

Staff recommends that County Council conduct the hearing to receive written and oral comment in accordance with the provisions of South Carolina Code Section 6-1-320.

Staff recommends that County Council subsequently set a date for a special meeting solely for the purpose of adopting the 2005-2006 millage rate.

**FINANCIAL IMPACT:**

Staff (County Auditor, OMB, and School District) are awaiting final information on Manufacturing and Utility Assessments from the state Department of Revenue so that they may prepare an accurate estimate of the millage required to fund the budgets that County Council have previously approved.

Therefore, an exact amount of increase cannot be provided until such information is available. We expect to have further information next week, but cannot be certain as the State has missed several other promised dates.

The law does not require that County Council state the actual millage rate prior to the public comment period.

**ATTACHMENTS:**

Submitted or Prepared By:

Garry Freeman  
Garry Freeman, Manager - OMB

Approved for Submittal to Council:

Ron H. Rabun  
Ron H. Rabun, County Administrator

Reviewed By/ Initials:

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

\_\_\_\_\_ DGAS

\_\_\_\_\_

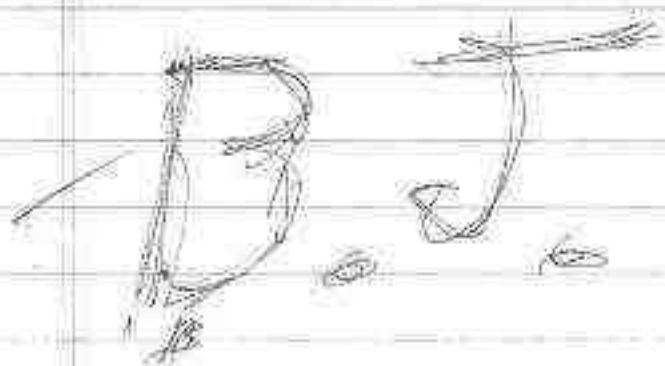
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C: Clerk to Council

Sign in Sheet

8/10/05

✓ Mike Wright  
✓ Rocky Ballinger  
✓ Jerry Nichols  
✓ ~~Steve~~ Cameron  
✓ FRANK PALMER



August 16, 2005

To: Oconee County Council

From: Susie Cornelius

RE: Public Comment  
Public Hearing on County Budget regarding millage rate

The budget process has not been acceptable this year because the public has not been told how all the budgeted capital money is to be spent.

Now, we come to understand that the huge budget increase is far in excess of the cost of living increase calculated by the state.

The public cannot reasonably comment on the budget until a completed budget has been furnished and is assessable to the public with time for review. That is not the case in this instance.



Susie Cornelius  
170 Old Mill Lane  
Mountain Rest SC 29664

Phone: 864.638.7243  
e-mail: [corneliussb@yahoo.com](mailto:corneliussb@yahoo.com)

requirements, is within price constraints, has no moving parts and is widely used by other law enforcement departments in South Carolina.

**STAFF RECOMMENDATION FOR COUNCIL ACTION:**

Staff recommends that County Council approve the award to DataWorks Plus of Greenville, S.C. in the amount of \$50,830.00 as the best overall and lowest bid (see attached Bid Tabulation). In accordance with the Grant guidelines, the South Carolina Department of Public Safety has reviewed and approved Oconee County's request for permission to purchase a LiveScan device from DataWorks Plus.

**FINANCIAL IMPACT:**

The LiveScan system is being purchased pursuant to a 75% grant obtained through the federal Drug Control and System Improvement Formula Grant Program. This program is administered by the South Carolina Department of Public Safety, Office of Justice Programs. In this program, federal funds pay 75% of the project costs, requiring a 25% match from local government. The projected cost at the time was \$51,060 (\$38,295 federal and \$12,765 local). The local match is available in the current budget. County Council approved the grant application and the grant match. A maintenance agreement, including on-site response, after the first year (FY 2006-07 budget) is estimated at \$5,320.00.


**ATTACHMENTS:**

1. Bid Tabulation

Submitted or Prepared By:

  
Marianne A. Dillard, Procurement Director

Approved for Submittal to Council:

  
Ron H. Rabun, County Administrator

Reviewed By/ Initials:

  N/A   County Attorney

  [Signature]   OMB

  N/A   ASAF

  N/A   Department  
C: Clerk to Council



Oconee County  
Live Scan Fingerprint System  
for Detention

May 24, 2015  
2:00 p.m.

Approved Budget/Finance amount for bidders \$50,000.00  
Budget Code 010-106-05000 (12,765) & 010-106-05072-00700 (36,235)

I hereby certify that to the best of my knowledge  
the estimation of bids is correct.

*Marianne A. Dillard*  
Procurement Director

| Bidders   | Identix Corp                      | Cross Match Tech                  | Dataworks Plus LLC                |
|---|-----------------------------------|-----------------------------------|-----------------------------------|
| Address   | Round Rock, TX                    | Palm Beach, FL                    | Greenville, SC                    |
| Submitted proposal  | yes                               | yes                               | yes                               |
| Model Number  | TP380CXCH                         | ID 2500                           | Livescan Plus S11<br>Ver          |
| Base Price  | 49,294.00                         | 31,990.00                         | 34,000.00                         |
| Demographic Import Interface                              | Included                          | 2,500.00                          | 3,960.00                          |
| NIST Archive (40,000)<br>Image Export to New<br>World IMS | 22,050.00                         | 15,000.00                         | 10,500.00                         |
| Elec. Signature   | 5,100.00                          | not included                      | 1,000.00                          |
| Subtotal  | 65,268.00                         | 49,670.00                         | 49,130.00                         |
| Tax (9%)  | 1,669.45                          | 2,483.50                          | 1,700.00                          |
| Grand Total   | 70,287.45                         | 52,153.50                         | 50,830.00                         |
| Add for Identix<br>Hardware                               |                                   |                                   | 9,240.00                          |
| Support Coming From                                       | Atlanta, GA                       | Columbia-Palm<br>Atlanta Computer | Greenville, SC                    |
| Training  | 1 day                             | 2 days                            | 1 day                             |
| Delivery  | 30 days                           | 45 days                           | 3-8 weeks                         |
| Maintenance   | M-F \$5,585.00<br>24/7 \$6,883.00 | M-F \$5,235.00<br>24/7 \$7,275.00 | M-F \$4,580.00<br>24/7 \$5,320.00 |
| Warranty  | 1 year                            | 1 year                            | 1 year                            |
| Ranking   | 2                                 | 3                                 | 1                                 |
| Smaller NIST (40,000)                                     | 18,864.95                         |                                   |                                   |
| Does not include New World<br>System Interface            |                                   |                                   |                                   |
| State Tax N/A   |                                   |                                   |                                   |
| Tax Included  |                                   |                                   |                                   |

**AGENDA ITEM SUMMARY  
OCONEE COUNTY, SC**

**COUNCIL MEETING DATE: August 16, 2005  
COUNCIL MEETING TIME: 3:00 pm**

**ITEM TITLE OR DESCRIPTION:**

**Sale of Timber at County C & D Landfill**

**BACKGROUND OR HISTORY:**

County Council decided at its May 15, 2001 Council meeting to open a new portion of the Landfill for Construction and Demolition (C&D) disposal. Council's decision was based on a recommendation from the Solid Waste Division that the existing C&D portion of the Landfill was nearing capacity. After bidding the timber for the Strawberry Farm Borrow Area, it was determined that **timbering the new portion of C&D Landfill (another estimated 11 acres)** at the same time would produce additional revenue to offset the C&D construction. See **Attachment 1 (drawing of Seneca Landfill)**.

County Council also decided at its May 20, 2003 Council meeting to re-cap the second portion of the County's C & D Landfill. Council's decision was based on a recommendation from the Solid Waste Division that re-capping the landfill would be the most cost effective means of addressing groundwater concerns. Special clay soils are recommended to be used to properly re-cap the landfill. Suitable soils were found on the existing landfill property which will save soil and soil hauling costs. It was determined by staff that **timbering the site (Strawberry Farm Borrow Area, 11 acres)** prior to excavation of the soil would generate additional revenue to help to offset the cost of re-capping the landfill. See **Attachment 1 (drawing of Seneca Landfill)**.

**BID SOLICITATION HISTORY:**

In accordance with Mr. John Little's Forestry Consultant contract with the County, Mr. Little advertised and received bids to cut timber on the original + 11 acres on July 11, 2005. There were six bids received (see Bid Tabulation sheet). **The high bidder was Tugaloo Wood Company.**

After the bids were received, the Solid Waste Division determined that the additional 11 acres for the new C & D area also should be cleared. Since the original bid had established a per ton price, and the additional timber was of the same quality, Mr. Little contacted Tugaloo Wood Company, who agreed to combine the timber work in the two acreages (22 acres) at the same unit prices.

If awarded, Mr. Little will verify the timber quantities and coordinate payment for the timber to be deposited into his escrow account, in accordance with South Carolina State law for unit price sales. Mr. Little will then write the County one check for the entire sale.

**SPECIAL CONSIDERATIONS OR CONCERNS:**

The quantity of the timber on the Strawberry Farm borrow area was such that timber companies would only bid on a per ton basis. The Tugaloo Wood Company was the winning bidder. When Solid Waste staff decided to try to combine the Strawberry Farm Borrow Area timbering project with the proposed C&D Landfill expansion timbering project, the County's Forester, John Little, reviewed the property. He determined that the timber was of the same quality as the timber at the Strawberry Farm Borrow Area. **Mr. Little indicated to staff that if the project were re-bid, the per ton price would be lower, meaning less revenue for the County.**



**STAFF RECOMMENDATION:**

Award the bid from Tugaloo Wood Company to cut and purchase timber on a per ton basis for both tracts (+ 22 acres).

**FINANCIAL IMPACT:**

Using suitable on-site soils will save transportation costs and purchasing soil from an off-site borrow area. Timbering both sites should generate approximately \$6,000 in net revenue. Mr. Little's contract allows him 8% of sale proceeds.

**ATTACHMENTS:**

- Attachment 1: Drawing of Seneca Landfill
- Attachment 2: Bid Tabulation Sheet
- Attachment 3: Sale Contract

**Submitted or Prepared By:**

  
Marianne A. Dillard  
Procurement Director

**Approved for Submittal to Council:**

  
Ron H. Rabun, County Administrator

**Reviewed By/ Initials:**

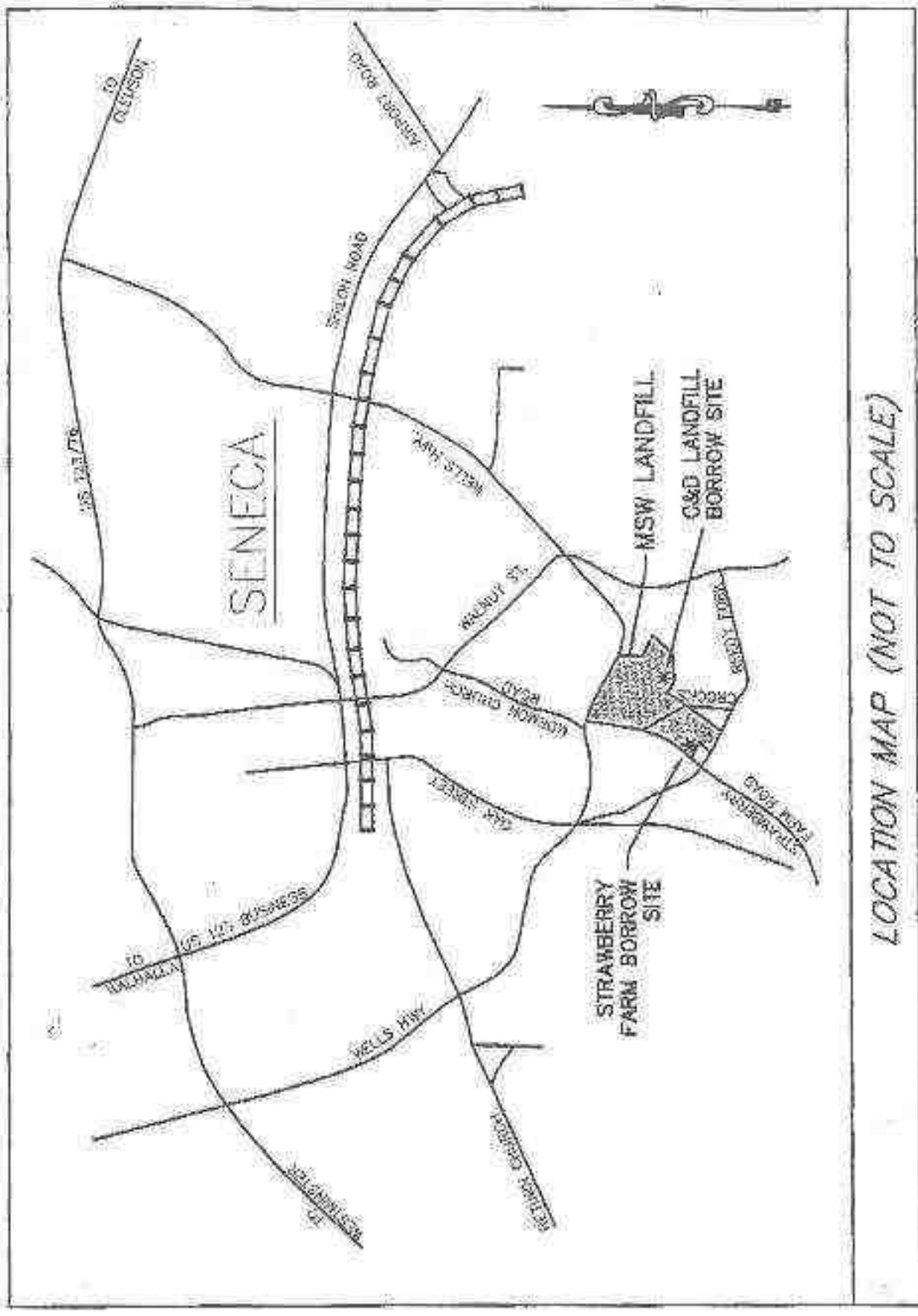
\_\_\_\_\_ County Attorney

\_\_\_\_\_ OMB

\_\_\_\_\_ DOAS

\_\_\_\_\_ Department

C: Clerk to Council



LOCATION MAP (NOT TO SCALE)

Bid Opening conducted by  
Forester Consultant John  
Little at his office

Timber Sale  
Seneca Landfill

July 11, 2005  
4:00 p.m.

**BID TAB**

I hereby certify that to the best of my knowledge this  
tabulation of bids to be correct

*Devinne A. Pickett*  
Procurement Specialist

Approved Budget (Or invoice amount for bid item \$xxx)

| Bidders:                                 | Tugaloo<br>Wood<br>Company              | Steed Timber<br>Co Inc | Canal Wood<br>LLC | Durham's<br>Hardwoods                  | Thrift Bros<br>Lumber Co<br>Inc | Coldwater<br>Timber Co |
|--|---|------------------------|-------------------|--|---------------------------------|------------------------|
| Address                                  | Seneca, SC                              | Anderson, SC           | Clemson, SC       | Pickens, SC                            | Westminster,<br>SC              | Elberton, GA           |
| Description                              | Bid per ton unless stated otherwise     |                        |                   |  |                                 |                        |
| Chip-n-saw                               | 24.00                                   | 15.00                  | 10.00             |  |                                 | Non-responsive         |
| Ply logs                                 | 22.00                                   | 40.00                  |                   |  |                                 |                        |
| Virginia Pine<br>logs                    | 14.50                                   | 15.00                  |                   | 14.50                                  | 25.00                           |                        |
| Hardwood logs                            | 26.00                                   | 180.00/WBF             | 12.00             | 100.00/WBF Oak/Peak<br>50.00/WBF Misc. | 25.00                           |                        |
| Hardwood<br>pulpwood                     | 7.00                                    | 6.00                   | 4.00              | 8.00/cord                              | 5.00                            |                        |
| Pine pulpwood                            | 6.00                                    | 6.50                   | 1.00              | 5.00/cord                              | 5.00                            |                        |
|  |   |                        |                   | 50.00/WBF                              |                                 |                        |
|  | Recommended<br>Award to<br>Tugaloo Wood |                        |                   |  |                                 |                        |
| Forester's Fee<br>8% of selling<br>price |   |                        |                   |  |                                 |                        |

STATE of SOUTH CAROLINA  
OCONEE COUNTY

SALE CONTRACT

OCONEE COUNTY, (hereinafter referred to as SELLER) sell all trees which are designated by JOHN W. LITTLE CONSULTING FORESTER (hereinafter referred to as JWL) ON SELLER'S LAND (APPROXIMATELY 14 ACRES ON STRAWBERRY FARM RD.) TO TUGALOO WOOD COMPANY, 558 OLD CLEMSON HIGHWAY, SENECA, S.C. 29678 (HEREINAFTER REFERRED TO AS BUYER).

BOUNDARY OF SALE AREA FLAGGED PINK WITH STAKES MARKED "CLEARING OR CUTTING LIMIT" AND 40 LINEAR FEET BUFFER ALONG STRAWBERRY FARM ROAD AND FLAGGED LINE ON SOUTH SIDE. ADDITIONALLY: NO TREES WITH BLUE PAINT AT BASE CAN BE CUT.

BUYER will PAY: \$24 PER TON FOR CHIP-N-SAW PINE LOGS  
\$33 PER TON FOR PINE PLY LOGS  
\$14.50 PER TON FOR V.A. PINE SAWLOGS  
\$26 PER TON FOR HARDWOOD SAWLOGS  
\$7 PER TON FOR HARDWOOD PULPWOOD  
\$5 PER TON FOR PINE PULPWOOD

BUYER WILL MERCHANDISE TREES SO AS TO UTILIZE MOST VALUABLE PRODUCTS.

PAYMENT MADE WEEKLY TO: J.W. LITTLE CONSULTING FORESTER ESCROW ACCOUNT, MAILED TO JOHN W. LITTLE CONSULTANT FORESTER, 210 LITTLE LANE, SENECA, S.C. WITH SCALE TICKETS FOR EACH LOAD OF FOREST PRODUCT.

SELLER and JWL DO NOT GUARANTEE ANY VOLUME OR VALUE OF THESE FOREST PRODUCTS (TREES).

BUYER will notify JWL at beginning of logging and at completion of logging (JWL will determine contract adherence). BUYER WILL CONTACT JWL IF THEY HAVE ANY QUESTION OR QUESTION CONCERNING CHITTING BOUNDARIES AND/OR BUFFERS.

BUYER AND SELLER AGREE TO FOLLOWING:

1. Restrict logging operations to land owned by SELLER. Not destroy PINK, RED, BLUE & ORANGE flagged or painted trees OR CORNERS on property lines and/or sale boundaries.
3. Dozer and skidder blade work restricted to HAUL ROADS and LOGGING DECKS. HAUL ROADS AND/OR LOGGING DECKS DIRECTED BY JWL. Roads will have outslope of 2 to 4 inches with no berm and waterbarred and/or broadbase dips established as directed by JWL. Trees will be pulled and/or skidded away from streams and or ravines as directed by JWL and skidded on contour or "grade" where possible.
4. BUYER RESPONSIBLE FOR WARNING SIGNS AND MUD ON HIGHWAY.
5. SELLER NOT LIABLE FOR INJURY TO BUYER OR HIS EMPLOYEES WHILE THEY ARE ON SELLER'S PROPERTY OR ARE CONDUCTING ANY LOGGING OR HAULING OPERATIONS ASSOCIATED WITH HARVESTING SAID TREES.  
SELLER NOT LIABLE FOR THEFT, ETC. ASSOCIATED WITH HARVESTING SAID TREES.

- 6. SELLER WILL NOT DO ANY BURNING OR SITE PREPARATION WITH DOZER ETC. WHILE BUYER IS CONDUCTING LOGGING OPERATION UNLESS APPROVED BY JWL.

BUYER responsible for any fire, littering, etc. caused by him, his agents and/or employees.

- 7. BUYER, his employees, agent, etc will not hunt or fish on this property unless SELLER gives same permission.
- 8. SMZ's (Streamside Management Zones) are 40 linear feet from stream edge. No cutting or skidding equipment in SMZ'S unless as directed by JWL. ALL OPERATIONS IN SMZ UNDER DIRECTION OF JWL. ABSOLUTELY NO RUTTING OR BLADE WORK IN SMZ'S. NOT APPLICABLE, NO STREAMS.
- 9. ALL LOGGING DEBRIS REMOVED FROM SMZ. CREEK CROSSINGS DIRECTED BY JWL. NOT APPLICABLE, NO STREAMS.
- 10. ACCESS ROADS DESIGNATED BY JWL. Seller grants unlimited access to these trees as directed by JWL.

It is mutually understood and agreed by and between the parties hereto as follows:

- (1) Agreement will terminate: SEPTEMBER 1, 2005.
- (2) Title to and responsibility of the above-mentioned trees will pass to the Buyer as they are severed from the stumps, but the Seller retains and the Buyer grants a vendor's lien on all forest products cut or removed from the above-mentioned property until paid in full.
- (3) Any marked trees which are uncut and any cut forest products which are not removed at the date this agreement terminates remain and become the property of the Seller.
- (4) Any ADDENDUM to this SALE CONTRACT will be signed by SELLER and BUYER.

In witness whereof the parties hereto have set their hands and seal.

Witness

BUYER

Date

Witness

SELLER

SS OR TAX ID#

Date



**AGENDA ITEM SUMMARY**  
**OCONEE COUNTY, SC**

**COUNCIL MEETING DATE:** 8/16/05  
**COUNCIL MEETING TIME:** 3:00pm

**ITEM TITLE OR DESCRIPTION:**

1. Request for recreation funds of \$8,500 for Tamassee Salem Recreation Corp. (T.S.R.C.) from account 010-202-30901.
2. Request for \$9,800 funding to the Town of Salem to construct an ADA compliant bathroom.

**BACKGROUND OR HISTORY:**

Money is budgeted for each council district for recreation purposes. The funds are available and approved. Disbursement requires council approval. The Recreation Commission approved the T.S.R.C. request for \$8,500 on 6/13/05. (request #1)

**SPECIAL CONSIDERATIONS OR CONCERNS:**

The \$8500 will be used to purchase equipment and uniforms, pay umpire and game officials fees for basketball and baseball, and install a water tap and septic system for the ball fields.

\*\*The Town of Salem has made a separate request for \$9,800 in additional funds to build a ADA bathroom facility in the center of the town's recreation facilities. (request #2)

\*\*\*Statements from the Town of Salem and the Recreation Commission are shown as attachment.

**STAFF RECOMMENDATION:**

1. Recommend that Council approve the disbursement of \$8,500 to the Tamassee-Salem Recreation Corp. for equipment, uniforms, umpire fees, water tap and septic system for ball fields to support organized youth team sports in accordance with current eligibility requirements.
2. Recommend that Council review and discuss the merits of the \$9,800 Town of Salem request contained in the attached position statements. There are credible claims on both sides. The confusion that may have partially caused this situation can be addressed prior to the next funding cycle by the Recreation Commission and County Council by making the current policy even more specific as to eligibility.

The extra \$9800 for the ADA bathroom could be transferred from the budgeted (\$130,000) South Cove Park bath house. Using a design/build concept for the proposed South Cove bath house could possibly (no guarantee) result in a savings of \$9800 that could be spent on the Town of Salem project if funded by the Council.

**FINANCIAL IMPACT:**

Request #1 reduces the funding for District 1 to a remaining \$6500. Request #2 reduces the budget for South Cove Park bath house to \$120,200.

**ATTACHMENTS:**

1. Position paper of Town of Salem and Recreation Commission concerning funding of request #2.
2. BRT funding policy (4 pages)



Submitted or Prepared By:



Department Head/Elected Official

Approved for Submittal to Council:



Ron H. Rabun, County Administrator

Reviewed By/ Initials:

N/A County Attorney

N/A Finance

N/A Other

C: Clerk to Council

# POSITION STATEMENTS

## Funding Request #2

### **Town of Salem:**

The Town of Salem believes the Town should receive the \$8,800 requested by letter May 3, 2005. In accordance with the **Special Provisions** section, of the **Approved Distribution Plan of County Funds For Parks and Recreation 2001-2002 Budget year (attached)**, the funds for District 1 were not requested by the February 1<sup>st</sup> deadline. Therefore, Salem believes that it was entitled to request the funds. Additionally, the request by Salem preceded the request by the recreation district by almost 3 weeks.

According to Salem, these funds are needed to construct a self contained ADA compliant unisex restroom facility with adjoining independent septic system. This restroom would be centrally located adjacent to the tennis courts, basketball court, picnic shelter and children's playground.

### **Recreation Commission:**

Oconee County Council gave the Recreation Commission the mission of developing a policy concerning the distribution of recreation funds. The commission published guidelines in 2001 (copy attached). The guidelines provide that: 1) a municipality must participate in organized youth team sports; 2) provide organized youth team sports to the general public; 3) be recognized in the state of South Carolina as a non-profit organization; 4) and must be affiliated with a youth league.

A special provisions section was added in the policy guidelines for municipalities that met the qualifications in the eligibility section of the distribution plan, i.e. Municipality that provides youth team sports. Unfortunately, the town of Salem does not provide youth team sports and does not qualify under the county's published guidelines.

Last year the Recreation Commission recommended that County Council provide the funding from District 1 to Westminster, instead of Salem. This recommendation was made because District 1 Recreation did not make a request. County Council ultimately overturned the recommendation and awarded the money to the Town of Salem even though the town did not qualify for the funds according to the published guidelines.

# P.R.T. FUNDING POLICY

## APPROVED DISTRIBUTION PLAN OF COUNTY FUNDS FOR PARKS AND RECREATION 2001-2002 BUDGET YEAR

### Eligibility

An Eligible Entity any Oconee County municipality who participates in organized youth team sports and any other County designated District organization in Oconee County, who provide organized youth team sports to the general public and are recognized in the State of South Carolina as a non-profit organization and is affiliated with a youth league.

Once an agency is determined to be eligible for County assistance, they must maintain their eligibility. Any agency that does not maintain these requirements during the budget year will relinquish their eligibility.

Any agency that disregards the portions of the agreement concerning the maintenance, operation and use of these funds will be determined ineligible for future funds until the discrepancies are rectified.

### Definitions

Youth – A participant who will be 4 years old by November 30<sup>th</sup> and participation may continue until age 18.

League – affiliated with any organized youth recreational league program such as Dixie Youth League, Babe Ruth League, Little League, United States Tennis Association, etc; or any youth organized recreational program playing by rules of and being a member of the South Carolina Recreation Parks Association (SCRPA).

Oconee County Council – the elected governing body of Oconee County who may approve or disapprove any and/or all requests.

Oconee County Parks and Recreation Commission – appointed by the Oconee county Council as an advisory committee to make recommendations as it relates to Parks and Recreation.

Municipality – an incorporated City or Town located within Oconee County. For disbursement these are referred to as City Funds.

County Area – being located within the geographical boundaries of a County.

District – Oconee County areas being designated as Districts 1, 2, 3, 4 and 5.

County Funded – funded only by Oconee County and receiving no compensation from any other adjoining County.

### Application Procedure Oconee County City/District Funds

Municipalities may request funds, designated as City Recreation Funds, by making a request in writing to the Oconee County Supervisor. Cities will receive their checks within 45 days after the request is made. City recreation funds may be spent on any recreational expense incurred by the City with the exception of Employee Salaries, donations to outside agencies and travel, lodging, workshops, conferences etc by any employee or volunteer of the agency.

### Designated District Funds

Beginning on July 1<sup>st</sup> of each year applications may be picked up at the Oconee County Parks, Recreation and Tourism office located at 415 South Pine Street, Walhalla between the hours of 8:30 a.m. and 5:00 p.m. Monday through Friday to apply for District Designated Funds. The request must be made by completing an application form.

The application is to be completed along with a budget of the proposed expenditures. It is to be returned or mailed to the Parks, Recreation and Tourism Office at which time copies will be made available to the Parks & Recreation commission, an advisory commission appointed by the Oconee County Council. After reviewing the application, the Commission will make a recommendation to the Oconee County Council to approve or disapprove the application fully or partially. If approved, the Commission will designate a Commission Member or Parks Director to present the request to the Oconee County Council, who has final approval. Deadline to apply for District Funds is February 1<sup>st</sup> of each year.

The Parks & Recreation commission meets monthly on the third Monday at 5:00 p.m. Applications must be submitted by the 1<sup>st</sup> of each month to be considered at the regular meeting.

After Council approval, the Finance Office will disburse the funds within 45 days.

At the end of each fiscal year, the organization receiving funds shall render an accounting of the expenditures, including invoices and copies of the canceled checks both front and back to Oconee County Parks, Recreation and Tourism office for review by the Finance Department.

*Failure to comply with all provision may disqualify the organization for any future District Funds and or be required to return the approved funds.*

### Eligible District Projects

Any athletic equipment and/or uniform needed for participation in the program.

Construction, maintenance and operation of the athletic facility in Oconee County used for youth team sports. *(Property must be under the control of the sponsoring agency either by deed, lease or use agreement)*

General maintenance and day-to-day operation of the athletic facility.

Examples of eligible projects: athletic equipment, uniforms, maintenance, supplies, cleaning and health supplies, advertising, league dues, game officials, fertilizer, grass, lime, gravel, team scholarship for those children who cannot pay the recreation fee in order to participate and equipment rental, etc.

#### **Ineligible District Projects**

Employee salaries. There are numerous projects, which may fall into the gray area depending on intent or location of the project. The Parks & Recreation Commission at which time they may deny the request or make a recommendation to Council to be accepted should review these.

Travel, lodging, workshops, conferences by any organizer or volunteer of the agency.

No donations to outside agencies.

#### **Ineligible City Projects**

Employee Salaries.

Travel, lodging, workshops, conferences by any employee or volunteer of the City.

No donations to outside agencies.

### Special Provisions

The deadline for requesting Oconee County District Funds for Districts 1, 2, 3, 4, and 5 is February 1<sup>st</sup>. Prior to February 1<sup>st</sup>, if there are funds still available after February 1<sup>st</sup>, the Municipality located in that District may also apply for additional funds allotted that district by completing the application for District Funds. The request will make a recommendation to the County Council. County Council will have final approval.

Any funds not used or recommended by the Parks and Recreation Commission, in any particular district, will go back into the general fund of Oconee County on June 30<sup>th</sup>.

The County Parks and Recreation Commission may request more information to aid in determining the specific nature and merits of each project. This information may be in the form of further written questions, personal interview or site visit.

If the organized youth organization should become insolvent any equipment purchased with Oconee County funds should be transferred to another organized youth organization recognized as a non-profit organization under the laws of South Carolina.



AGENDA ITEM SUMMARY  
OCONEE COUNTY, SC

COUNCIL MEETING DATE: 8/16/05  
COUNCIL MEETING TIME: 3:00pm

**ITEM TITLE OR DESCRIPTION:**

Request for recreation funds of \$7,150 for Fair-Oak Youth Center Inc. from account number 010-203-30905

**BACKGROUND OR HISTORY:**

Money is budgeted for each council district for recreation purposes. The funds are available and approved. Disbursement requires council approval. The recreation commission approved this request on 8/8/05.

**SPECIAL CONSIDERATIONS OR CONCERNS:**

Money will be used to purchase field extension lighting, pay football and soccer officials and pay for football and soccer equipment.

**STAFF RECOMMENDATION FOR COUNCIL ACTION:**

It is recommended that council grant this request and release these funds to the Fair-Oak Youth Center Inc.

**FINANCIAL IMPACT:**

The funding for District V will be reduced to \$7,850.

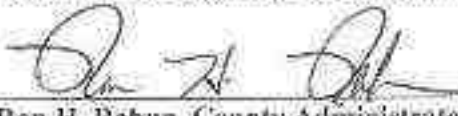
**ATTACHMENTS:**

Attached are the requests from Fair Oak Youth Inc.

Submitted or Prepared By:

  
Department Head/Elected Official

Approved for Submittal to Council:

  
Ron H. Rabun, County Administrator

Reviewed By/ Initials:

N/A County Attorney

EMB Finance

N/A Other

C: Clerk to Council

DCONEE COUNTY  
FUNDS APPLICATION  
FOR  
ORGANIZED YOUTH RECREATION

1. APPLICANT

Name of Organization FAIR-DAK Youth Center Inc.  
Address PO BOX 212  
FAIR PLAY SC 29643

2. DISTRICT FUNDS REQUESTED

Amount of funds requested \$7,150.00

*Itemized budget for District Funds are requested (attach additional sheets if necessary)*

3. NARRATIVE PROJECT DESCRIPTION

Field Extension Lighting - \$2,500.00  
Football: Officials Equipment \$3,000.00  
Soccer: Officials Equipment \$1,650.00

4. APPROXIMATE DATES OF PROJECT

Beginning August 2005 Ending October 2005

5. APPLICANT CATEGORY

Non-profit Organization. Incorporation date 1997  
(Must be recognized by the State of South Carolina)  
 Eleemosynary Organization under IRS Code: IRS7

Date of Determination Letter 10/97  
Does your organization perform an independent audit:  Yes  No  
Name of Auditor or Audit Committee ACCW District

I have read the guidelines for Oconee County District and City Funds request and do hereby agree to comply with all rules and requirements. I understand failure to comply may result in a loss of funding for the project.

Contact Name Dusty Bradshaw  
Title Board Member Signature Dusty Bradshaw  
Phone Number (s) 864 972 2317 Date 7-18-05

Alternate Contact Mark Price  
Title Athletic Director Signature Mark Price  
Phone Number (s) 572-4790 Date 7/18/05  
472-1292

Additional Comments:

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**AGENDA ITEM SUMMARY**  
**OCONEE COUNTY, SC**  
**COUNCIL MEETING DATE: 8/16/05**  
**COUNCIL MEETING TIME: 3:00 pm**

**ITEM TITLE OR DESCRIPTION:**

Appointment of Mr. Mack Moore as at-large member of the Oconee County Emergency Management Commission for a term commencing immediately and expiring December 2008.

**BACKGROUND OR HISTORY:**

Under the Administrator-Council form of government, the Council will be responsible for appointment of at large members to the Boards & Commissions. Mr. Istar, the former at-large member on the Emergency Management has resigned due to moving out of the County.

**SPECIAL CONSIDERATIONS OR CONCERNS:**

The previous at-large member can no longer serve since he has moved out of the County.

**STAFF RECOMMENDATION FOR COUNCIL ACTION:**

Staff (Henry Gordon, EM Dir.) recommends appointment of Mr. Mack Moore as the at-large member on the Emergency Management Commission.

**FINANCIAL IMPACT:**

N/A

**ATTACHMENTS:**

N/A

**Submitted or Prepared By:**

Opal O. Green  
Department Head

**Approved for Submittal to Council:**

  
Ron H. Rabun, County Administrator

**Reviewed By/ Initials:**

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

\_\_\_\_\_ N/A \_\_\_\_\_ Other

\_\_\_\_\_ Finance

**AGENDA ITEM SUMMARY  
OCONEE COUNTY, SC**

**COUNCIL MEETING DATE:** 8/16/05  
**COUNCIL MEETING TIME:** 3:00 PM

**ITEM TITLE OR DESCRIPTION:**

Third Reading and adoption of Ordinance 2005-06, "AN ORDINANCE TO PROVIDE FOR FLOOD DAMAGE PREVENTION"

**BACKGROUND OR HISTORY:**

This ordinance is follow up to the recommendations of the South Carolina Department of Natural Resources Community Assistance Visit (CAV) letter of November 22, 2004. Second reading of this ordinance was conducted on June 7, 2005.

On August 12, 2004, Mr. John LaBrune of the Federal Emergency Management Agency (FEMA) conducted a Community Assistance Visit. During the visit the county was cited for serious problems with our administration and enforcement procedures as well as the serious programmatic issues of not requiring permits for building within the flood zone, and not requiring or maintaining Flood Elevation Certificates.

This FEMA visit follows a previous visit of August 15, 1995 by South Carolina Department of Natural Resources, in which substantial problems were found with the county's floodplain management regulations.

**SPECIAL CONSIDERATIONS OR CONCERNS:**

The County must take action to adopt a stronger Flood ordinance to avoid being subject to suspension or probation from the National Flood Insurance Program (NFIP) for failing to meet adequate floodplain management regulations required by Federal Emergency Management Agency (FEMA). If this were to happen, property owners could not purchase flood insurance protection in Oconee County.

**STAFF RECOMMENDATION:**

Recommend County Council adopt Ordinance 2005-06 on third and final reading. The Planning Commission also recommended approval at their meeting of April 11, 2005.

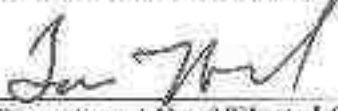
**FINANCIAL IMPACT:**

No internal financial impact.

**ATTACHMENTS:**

Ordinance 2005-06

Submitted or Prepared By:



Department Head/Elected Official

Approved for Submittal to Council:



Ron H. Rabun, County Administrator

Reviewed By/ Initials:

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

\_\_\_\_\_ Finance

\_\_\_\_\_ Other

C: Clerk to Council



# OCONEE COUNTY FLOOD ORDINANCE FINAL DRAFT

Approved by planning commission April 11, 2005

## OCONEE COUNCIL COUNCIL

### ORDINANCE 2005-06

#### "AN ORDINANCE TO PROVIDE FOR FLOOD DAMAGE PREVENTION"

### ARTICLE 1.

#### GENERAL PROVISIONS

##### SECTION ONE. Statutory Authorization

The Legislature of the State of South Carolina has in SC Code of Laws, title 4, Chapters 9 (Article 1), 25, and 27, and amendments thereto, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Oconee County Council Ordinance 87-4 "AN ORDINANCE TO PROVIDE FOR FLOOD DAMAGE PREVENTION" is amended as follows:

##### SECTION TWO. Findings of Fact

2.1: The flood hazard areas of unincorporated Oconee County, South Carolina are subject to periodic inundation which results in the loss of life, property, health and safety hazards; disruption of commerce and governmental services; extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

2.2: These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed or otherwise unprotected from flood damages.

##### SECTION THREE. Statement of Purpose

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

# OCONEE COUNTY FLOOD ORDINANCE

## FINAL DRAFT

Approved by planning commission April 11, 2005

3.1: Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities;

3.2: Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

3.3: Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;

3.4: Control filling, grading, dredging and other development which may increase erosion or flood damage; and

3.5: Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

### SECTION FOUR. Objectives

4.1: It is the purpose of this ordinance to protect human life and health, minimize property damage, and encourage appropriate construction practices to minimize public and private losses due to flood conditions by requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction. Uses of the floodplain which are dangerous to health, safety, and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion are restricted or prohibited. These provisions attempt to control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters, and control filling, grading, dredging and other development which may increase flood damage or erosion. Additionally, the ordinance prevents or regulates the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

4.2: The objectives of this ordinance are to protect human life and health, to help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize flood blight areas, and to insure that potential home buyers are notified that property is in a flood area. The provisions of the ordinance are intended to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets and bridges located in the floodplain, and prolonged business interruptions. Also, an important floodplain management objective of this ordinance is to minimize expenditure of public money for costly flood control projects and rescue and relief efforts associated with flooding.

# OCCONEE COUNTY FLOOD ORDINANCE FINAL DRAFT

Approved by planning commission April 11, 2005

4.3: Floodplains are an important asset to the community. They perform vital natural functions such as temporary storage of floodwaters, moderation of peak flood flows, maintenance of water quality, groundwater recharge, prevention of erosion, habitat for diverse natural wildlife populations, recreational opportunities, and aesthetic quality. These functions are best served if floodplains are kept in their natural state. Wherever possible, the natural characteristics of floodplains and their associated wetlands and water bodies should be preserved and enhanced. Decisions to alter floodplains, especially floodways and stream channels, should be the result of careful planning processes which evaluate resource conditions and human needs.

## SECTION FIVE. Lands to which this Ordinance Applies

This ordinance shall apply to all areas of special flood hazard within the jurisdiction of Oconee County, South Carolina as identified by the Federal Emergency Management Agency in its flood boundary and floodway maps (FIRM) # 450157, dated November 25, 1977 with accompanying maps and other supporting data, and any revision thereto, which are hereby adopted and declared to be a part of this ordinance.

## SECTION SIX. Establishment of Development Permit.

A Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities.

## SECTION SEVEN. Compliance.

No structure or land shall be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

## SECTION EIGHT. Abrogation and Greater Restrictions.

This ordinance is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this ordinance and another ordinance conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

## SECTION NINE. Interpretation.

In the interpretation and application of this ordinance, all provisions shall be:

9.1: Considered as minimum requirements;

# OCONEE COUNTY FLOOD ORDINANCE FINAL DRAFT

Approved by planning commission April 11, 2005

9.2. Liberally construed in favor of the governing body; and

9.3: Deemed neither to limit nor repeal any other powers granted under state statutes.

## SECTION TEN. Partial Invalidity and Severability.

If any part of this Ordinance is declared invalid, the remainder of the Ordinance shall not be affected and shall remain in force.

## SECTION ELEVEN. Warning and disclaimer of liability.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Oconee County, South Carolina, or by any officer or employee of the county thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

## SECTION TWELVE. Penalties for violation.

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00 or imprisoned for not more than thirty (30) days, or both, and in addition shall pay all costs and expenses involved in the case. **Each day such violation continues shall be considered a separate offense.** Nothing contained in this ordinance shall prevent the county from taking such other lawful action as is necessary to prevent or remedy any violation.

# OCONEE COUNTY FLOOD ORDINANCE FINAL DRAFT

Approved by planning commission April 11, 2005

## ARTICLE 2.

### Definitions.

Unless specifically defined in this section, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

**Accessory Structure** - structure which is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

**Addition (to an existing building)** - an extension or increase in the floor area or height of a building or structure. Additions to existing buildings shall comply with the requirements for new construction regardless as to whether the addition is a substantial improvement or not. Where a fire wall or load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and must comply with the standards for new construction.

**Agricultural structure** - a structure used solely for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock. Agricultural structures are not exempt from the provisions of this ordinance.

**Appeal** - a request for a review of the Flood Plain Administrator's interpretation of any provision of this ordinance.

**Area of shallow flooding** - a designated AO or VU Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

**Area of special flood hazard** - the land in the floodplain within a community subject to a one percent or greater chance of being equaled or exceeded in any given year.

**Base flood** - the flood having a one percent chance of being equaled or exceeded in any given year.

**Basement** - means any enclosed area of a building which is below grade on all sides.



# OCONEE COUNTY FLOOD ORDINANCE FINAL DRAFT

Approved by planning commission April 11, 2005

**Building** - any structure built for support, shelter, or enclosure for any occupancy or storage.

**DHS-FEMA**- Department of Homeland Security-Federal Emergency Management Agency

**Development** - any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

**Elevated building** - a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation, perimeter walls, pilings, columns, piers, or shear walls parallel to the flow of water.

**Existing construction** - means, for the purposes of determining rates, structures for which the start of construction commenced before the effective date of the FIRM, or before January 1, 1975, for FIRMs effective before that date.

**Existing manufactured home park or manufactured home subdivision** - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before March 3<sup>rd</sup> 1987.

**Expansion to an existing manufactured home park or subdivision** - the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs).

**Flood** - a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or the unusual and rapid accumulation of runoff of surface waters from any source.

**Flood Hazard Boundary Map (FHBM)** - an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

**Flood Insurance Rate Map (FIRM)** - an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

**Flood Insurance Study** - the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.



# OCONEE COUNTY FLOOD ORDINANCE

## FINAL DRAFT

Approved by planning commission April 11, 2005

**Flood-resistant material** - any building material capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage which requires more than low-cost cosmetic repair. Any material which is water soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumber are acceptable flooring materials. Sheet-type flooring coverings which restrict evaporation from below and materials which are impervious, but dimensionally unstable are not acceptable. Materials which absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2-93, Flood-Resistant Materials for Buildings Located in Special Flood Hazard Areas in Accordance with the National Flood Insurance Program, document number FIA-TB-2, dated 4/93, and available from the Federal Emergency Management Agency. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

**Floodway** - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**Functionally dependent facility** - a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

**Highest Adjacent Grade** - the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.

**Historic Structure** - any structure that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of the Interior (DOI)) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a State inventory of historic places; (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified (1) by an approved State program as determined by the Secretary of Interior, or (2) directly by the Secretary of Interior in states without approved programs. Some structures or districts listed on the State or local inventories **MAY NOT** be "Historic" as cited above, but have been included on the inventories because it was believed that the structures or districts have the **potential** for meeting the "Historic" structure criteria of the DOI. In order for these structures to meet NFIP historic structure criteria, it must be demonstrated and evidenced that the South Carolina Department of Archives and History has **individually determined** that the structure or district meets DOI historic structure criteria.

# OCONEE COUNTY FLOOD ORDINANCE

## FINAL DRAFT

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**Increased Cost of Compliance** - Those expenses a property owner must incur, above and beyond the cost to repair the physical damage the structure actually sustained from a flooding event, to comply with the mitigation requirements of the State or local flood damage prevention ordinance, laws or regulations. Acceptable mitigation measures are elevation, floodproofing, relocation, demolition, or any combination thereof.

**Limited storage** - an area used for storage and intended to be limited to incidental items which can withstand exposure to the elements and have low flood damage potential. Such an area must be of flood resistant or breakaway material, void of utilities except for essential lighting and cannot be temperature controlled. If the area is located below the base flood elevation in an A, AE and A1-A30 zone it must meet the requirements of art. 4, sec. 2, para. 2.5 of this ordinance.

**Lowest Floor** - the lowest floor of the lowest enclosed area. Any unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor provided that such an enclosure is not built so as to render the structure in violation of other provisions of this ordinance.

**Manufactured home** - a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

**Manufactured home park or subdivision** - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**Mean Sea Level** - the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).

**National Geodetic Vertical Datum (NGVD)** - as corrected in 1929, elevation reference points set by National Geodetic Survey based on mean sea level.

**North American Vertical Datum (NAVD)** - datum point established at Point-au-Père on the St. Lawrence River, Quebec Province, Canada, based on the mass or density of the earth. The datum listed as the reference datum on Flood Insurance Rate Maps should be used for Elevation Certificate and floodproofing certificate completion.

**New construction** - structure for which the start of construction commenced after (the effective date of the first floodplain management code, ordinance, or standard based upon specific technical base flood elevation data which establishes the area of special flood hazard) or (specific date). The term also includes any subsequent improvements to such structure.

# OCONEE COUNTY FLOOD ORDINANCE FINAL DRAFT

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**New manufactured home park or subdivision** - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs) is completed on or after 3 March 1987.

**Recreational vehicle** - a vehicle which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck, and, (d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Start of construction** - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348), includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

**Structure** - a walled and roofed building, a manufactured home, including a gas or liquid storage tank, or other man-made facility or infrastructure that is principally above ground.

**Substantial damage** - damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Please refer to the definition of "substantial improvement".

**Substantial improvement** - any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either: (1) any project of improvement to a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement



# OCONEE COUNTY FLOOD ORDINANCE FINAL DRAFT

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official and which are the minimum necessary to assure safe living conditions (does not include American with Disabilities Act compliance standards); or, (2) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure. Permits shall be cumulative for a period of five years. If the improvement project is conducted in phases, the total of all costs associated with each phase, beginning with the issuance of the first permit, shall be utilized to determine whether "substantial improvement" will occur.

**Substantially improved existing manufactured home park or subdivision** - where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction, or improvement commenced.

**Variance** - the grant of relief from a term or terms of this ordinance.

## ARTICLE 3:

### Administration

#### SECTION ONE. Designation of Local Administrator.

The Flood Plain Administrator in close coordination with the Building Code Director is appointed to administer and implement the provisions of this ordinance.

#### SECTION TWO. Development Permit and Certification Requirements.

Application for a development permit shall be made to the county on forms furnished by the Building Code Director, prior to any development activities. The development permit may include, but not be limited to, plans in duplicate drawn to scale showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures; and the location of fill materials, storage areas, and drainage facilities. Specifically, the following information is required:

2.1: A plot plan that shows the 1% (100-year) floodplain contour or a statement that the entire lot is within the floodplain must be provided by the development permit applicant when the lot is within or appears to be within the floodplain as mapped by the Department of Homeland Security - Federal Emergency Management Agency (DHS - FEMA) or the floodplain identified pursuant to either Art. 3, Sec. 5, Para. 3.9 or Art. 4, Sec. 3, and Art. 4, Sec. 4. The plot plan must be prepared by or under the direct supervision of a South Carolina Registered Land Surveyor or Professional Engineer and certified by same.

# OCONEE COUNTY FLOOD ORDINANCE

## FINAL DRAFT

Approved by planning commission April 11, 2005

2.2: The plot plan required by Art. 3, Sec.2, Para.2.1 must show the floodway, if any, as identified by the Department of Homeland Security - Federal Emergency Management Agency (DHS - FEMA) or the floodway identified pursuant to either Art.3, Sec.3, Para.3.9 or Art.4, Sec.3 and Art.4, Sec.4.

2.3: Where base flood elevation data is provided as set forth in Art.1, Sec.5 or Art.3, Sec.3, Para.3.9, the application for a development permit within the flood hazard area shall show:

2.31: the elevation (in relation to mean sea level) of the lowest floor of all new and substantially improved structures, and

2.32: if the structure will be floodproofed in accordance with Art.4, Sec.2, Para.2.2, the elevation (in relation to mean sea level) to which the structure will be floodproofed.

2.4: If no base flood elevation data is provided as set forth in Art.1, Sec.5, or Art.3, Sec.3, Para.3.9, the application for a development permit must show construction of the lowest floor at least three (3) feet above the highest adjacent grade.

2.5: Where any watercourse will be altered or relocated as a result of proposed development, the application for a development permit shall include: a description of the extent of watercourse alteration or relocation; an engineering report utilizing detailed methods accepted by DHS-FEMA, US Army Corps of Engineers and any other applicable Federal or State regulatory agencies, on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and, a map showing the location of the proposed watercourse alteration or relocation, and notification of the proposal to the appropriate authorities of all affected agencies. A copy of the notification shall be maintained in the permit records and submitted to the Department of Homeland Security-FEMA, National Flood Insurance Program. Prior to the commencement of any work on the alteration of a water course, the applicant must procure and submit to the Flood Plain Administrator any applicable Federal or State approvals or permits, including a Conditional Letter of Map Revision (CLOMR).

2.6: When a structure is floodproofed, the applicant shall provide certification from a registered, professional engineer or architect that the non-residential, floodproofed structure meets the floodproofing criteria in Art.4, Sec.2, Para.2.2.

2.7: A floor elevation or floodproofing certification is required after the lowest floor is completed. As soon as possible after completion of the lowest floor and before any further vertical construction commences, or floodproofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the Flood Plain Administrator a certification of the elevation of the lowest floor, or

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floodproofed elevation, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a South Carolina Registered Land Surveyor or Professional Engineer and certified by same. Any work done prior to submission of the certification shall be at the permit holder's risk. The Flood Plain Administrator shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

2.8: Upon completion of the development a South Carolina Registered Professional Engineer, Land Surveyor or Architect, whichever professional is appropriate, shall certify that the development is built in accordance with Art.3, Sec.2, Para.2.6 and Art.3, Sec.2, Para.2.7 and in accordance with the submitted plans and previous pre-development certifications.

2.9: If the proposed project will impact the configuration of the watercourse, floodway, or base flood elevation for which a detailed Flood Insurance Study has been developed, the applicant shall apply for and must receive approval for a Conditional Letter of Map Revision with the Department of Homeland Security-FEMA prior to actual construction.

2.10: Within 60 days of completion of an alteration of a watercourse, referenced in Art.3, Sec.2, Para.2.9, the applicant shall submit as-built certification, by a registered professional engineer, to the Federal Emergency Management Agency.

### SECTION THREE. Duties and Responsibilities of the Flood Plain Administrator.

Duties of the Flood Plain Administrator shall include, but not be limited to:

3.1: Review all development permits to assure that the requirements of this ordinance have been satisfied.

3.2: Advise permittee that additional federal or State permits may be required, and if specific federal or State permits are required that copies of such permits be provided and maintained on file with the development permit.

3.3: Notify adjacent communities and the South Carolina Department of Natural Resources, Land, Water and Conservation Division, State Coordinator for Flood Mitigation Programs for the National Flood Insurance Program, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Department of Homeland Security-FEMA.

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3.4: In addition to the notifications required in Art.3, Sec.3, Para.3.3, a program shall be established by the person altering the watercourse to maintain the watercourse and written reports of maintenance records must be maintained to show that maintenance has been provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished. This maintenance must consist of a comprehensive program of periodic inspections, and routine channel clearing and dredging, or other related functions. The assurance shall consist of a description of maintenance activities, frequency of performance, and the local official responsible for maintenance performance. Records shall be kept on file in the local office for the Department of Homeland Security-FEMA, National Flood Insurance Program inspection.

3.5: Prevent encroachments within floodways unless the certification and flood hazard reduction provisions of Article 4 are met.

3.6: Obtain actual elevation (in relation to mean sea level) of the lowest floor of all new or substantially improved structures, in accordance with Art.3, Sec.2, Para.2.7.

3.7: Obtain the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed, in accordance with Art.3, Sec.1, Para.2.7.

3.8: When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with Art.4, Sec.2, Para.2.2.

3.9: When interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

3.10: When base flood elevation data or floodway data has not been provided in accordance with Art.1, Sec.5, obtain, review, and reasonably utilize best available base flood elevation data and floodway data available from a federal, State, or other source, including data developed pursuant to Art.3, Sec.4, Para.4.3, in order to administer the provisions of this ordinance. Data from preliminary, draft, and final Flood Insurance Studies constitutes best available data from a federal, state, or other source. If an appeal is pending on the study in accordance with 44 CFR Ch. 1, Part 67.5 and 67.6, the data does not have to be used.

3.11: When the exact location of boundaries of the area's special flood hazards conflicts with the current, natural topography information at the site, the property owner may apply and be approved for a Letter of Map Amendment (LOMA) by FEMA. A copy of the Letter of Map Amendment issued from FEMA will be maintained by the Flood Plain Administrator in the permit file.



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2.616 - a determination of permanent structures which would be adversely affected by increased flooding upstream or downstream, and a method for covering this liability, such as a performance bond; and,

2.617 - a plan to restore the area to its natural condition once the temporary permit expires or the temporary use is terminated, whichever is first.

2.62 -The structure is mobile, or can be made so, and is capable of being removed from the site with a maximum of four (4) hours warning.

2.63 - The structure will not remain on the property for more than 180 days.

2.7: Accessory Structures. An accessory structure or garage, the cost of which is greater than \$2500, must comply with the elevated structure requirements of Art.4, Sec.2, Para.2.2 and Art.4, Sec.2, Para.2.5. When accessory structures of \$2500 or less are to be placed in the floodplain, the following criteria shall be met:

2.71 -Accessory structures shall not be used for human habitation (including work, sleeping, living, cooking or restroom areas);

2.72 -Accessory structures shall be designed to have low flood damage potential;

2.73 -Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

2.74 -Accessory structures shall be firmly anchored to prevent flotation, collapse, or lateral movement of the structure;

2.75 -Service facilities such as electrical and heating equipment shall be installed in accordance with Art.4, Sec.1, Para.1.4; and

2.76 -Openings to relieve hydrostatic pressure during a flood shall be provided below base flood elevation in conformance with Art.4, Sec.2, Para.2.5.

2.8: Floodways. Located within areas of special flood hazard established in Art.1, Sec.5, are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of flood waters which carry debris and potential projectiles and has erosion potential. The following provisions shall apply within such areas:

2.81 -No encroachments, including fill, new construction, substantial improvements, additions, and other developments shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment

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would not result in any increase in the flood levels during the occurrence of the base flood. Such certification and technical data shall be presented to the Flood Plain Administrator.

2.82 - If Art. 4, Sec. 2, Para. 2.81 is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 4.

2.83 - Stream crossings for any purpose (i.e., timber harvesting operations), if temporary, shall be permitted in accordance with Art 4, Sec. 2, Para. 2.6. Otherwise, the development shall comply with all applicable flood hazard reduction provisions of Article 4.

2.84 - No manufactured homes shall be permitted, except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and the elevation standards of Art. 4, Sec. 2, Para. 2.3 are met.

2.85 - Permissible uses within floodways may include: general farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm, and other similar agricultural, wildlife, and related uses. Also, lawns, gardens, play areas, picnic grounds, and hiking and horseback riding trails are acceptable uses, provided that they do not employ structures or fill. Substantial development of a permissible use may require a no-rise certification. The uses listed in this subsection are permissible only if and to the extent that they do not cause any increase in base flood elevations.

2.9: Fill. Fill is discouraged because storage capacity is removed from floodplains. Elevating buildings by other methods must be considered. An applicant shall demonstrate that fill is the only alternative to raising the building to at least three (3) feet above the base flood elevation, and that the amount of fill used will not affect the flood storage capacity or adversely affect adjacent properties. The following provisions shall apply to all fill placed in the special flood hazard area:

2.91 - Fill may not be placed in the floodway unless it is in accordance with Art. 4, Sec. 2, Para. 2.81.

2.92 - Fill may not be placed in tidal or non-tidal wetlands without the required State and federal permits.

2.93 - Fill must consist of soil and rock materials only. Dredged material may be used as fill only upon certification of suitability by a registered professional geotechnical engineer. Landfills, rubble fills, dumps, and sanitary fills are not permitted in the floodplain.

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2.94 - Fill used to support structures must comply with ASTM Standard D-698, and its suitability to support structures certified by a registered, professional engineer;

2.95 - Fill slopes shall be no greater than two horizontal to one vertical. Flatter slopes may be required where velocities may result in erosion; and,

2.96 - The use of fill shall not increase flooding or cause drainage problems on neighboring properties.

## SECTION THREE. Standards for Streams Without Established Base Flood Elevations And/Or Floodways.

Located within the areas of special flood hazard established in Art.1, Sec.5, are small streams where no base flood data has been provided or where no floodways have been identified. The following provisions apply within such areas:

3.1: No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within 100 feet of the stream bank unless certification with supporting technical data by a registered, professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

3.2: If Art.4, Sec.3, Para.3.1 is satisfied and base flood elevation data is available from other sources, all new construction and substantial improvements within such areas shall comply with all applicable flood hazard ordinance provisions of Article 4 and shall be elevated or floodproofed in accordance with elevations established in accordance with Art.3, Sec.3; Para.3.9. Data from preliminary, draft, and final Flood Insurance Studies constitutes best available data. If an appeal is pending on the study in accordance with 44 CFR Ch. 1, Part 67.5 and 67.6, the data does not have to be used. When base flood elevation data is not available from a federal, State, or other source, the lowest floor shall be elevated at least three (3) feet above the highest adjacent grade.

## SECTION FOUR. Standards for Subdivision Proposals.

4.1: All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage. An access road at or above the base flood elevation shall be provided to allow emergency access during flood conditions;

4.2: All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and,

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4.3: All subdivision proposals greater than five (5) acres or more than fifty (50) lots require a study using detailed methods acceptable by the Department of Homeland Security-FEMA. The study will utilize floodplain geometry, hydrology and hydraulics to analyze the pre and post development conditions. All studies shall take into consideration a "full build out" condition for the studied watershed area. Such analysis shall be undertaken by a S.C. licensed Professional Engineer, who shall certify that the technical methods used reflect currently accepted engineering practices. Studies, analysis, and computations shall be submitted in sufficient detail to allow review and approval by the Planning Department. In addition the study information will be provided in a digital format compatible with the requirements and standards of The Oconee County Geographic Information System (GIS) Department. The accuracy of the data submitted for the Subdivision proposal shall be the sole responsibility of the applicant. Upon the acceptance by the County Planning Department the applicant shall submit to DHS-FEMA a Conditional Letter of Map Amendment (CLOMA) for review and upon completion of the development the applicant shall apply to DHS-FEMA for a Letter of Map Amendment (LOMA).

### SECTION FIVE. Standards for Areas of Shallow Flooding (AO Zones).

Located within the areas of special flood hazard established in Art. I, Sec. 5, are areas designated as shallow flooding. The following provisions shall apply within such areas:

5.1: All new construction and substantial improvements of residential structures shall have the lowest floor elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor shall be elevated at least three (3) feet above the highest adjacent grade.

5.2: All new construction and substantial improvements of non-residential structures shall:

5.21 - have the lowest floor elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor shall be elevated at least three (3) feet above the highest adjacent grade; or,

5.22 - be completely floodproofed together with attendant utility and sanitary facilities to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.



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## ARTICLE 5.

### VARIANCE PROCEDURES

#### SECTION ONE. Establishment of Appeal Board.

The appeal board as established by Oconee County shall hear and decide requests for variances from the requirements of this ordinance.

#### SECTION TWO. Right to Appeal.

Any person aggrieved by the decision of the appeal board or any taxpayer may appeal such decision to the Court.

#### SECTION THREE. Historic Structures.

Variances may be issued for the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

#### SECTION FOUR. Agricultural Structures.

Variances may be issued to wet floodproof an agricultural structure in accordance with Technical Bulletin 7-93, Wet Floodproofing Requirements for Structures Located in Special Flood Hazard Areas in accordance with the National Flood Insurance Program, document number FLA-TB-7, dated 12/93, and available from the Federal Emergency Management Agency. In order to minimize flood damages during the base flood and the threat to public health and safety, the structure must meet all of the conditions and considerations of Art. 5, Sec. 8, Para. 8.4, this section, and the following standards:

4.1: Use of the structure must be limited to agricultural purposes as listed below:

4.11 - pole frame buildings with open or closed sides used exclusively for the storage of farm machinery and equipment;

4.12 - steel grain bins and steel frame corr. roofs;

4.13 - general purpose barns for the temporary feeding of livestock which are open on at least one side;

4.14 - for livestock confinement buildings, poultry houses, dairy operations, and similar livestock operations, variances may not be issued for structures which were substantially damaged. New construction or substantial improvement of

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such structures must meet the elevation requirements of Art 4, Sec.2, Para.2.2 of this ordinance; and,

4.15 - detached garages and storage sheds solely used for parking and limited storage in connection with agricultural uses only, which are no greater than 400 square feet in area.

4.2: The agricultural structure must be built or rebuilt, in the case of an existing building which is substantially damaged, with flood-resistant materials for the exterior and interior building components and elements below the base flood elevation;

4.3: The agricultural structure must be adequately anchored to prevent flotation, collapse, or lateral movement. All of the structure's components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, hydrodynamic, and debris impact forces. Where flood velocities exceed 5 feet per second, fast-flowing floodwaters can exert considerable pressure on the building's enclosure walls or foundation walls;

4.4: The agricultural structure must meet the venting requirement of Art.4, Sec.2, Para.2.5) of this ordinance;

4.5: Any mechanical, electrical, or other utility equipment must be located above the base flood elevation so that they are contained within a watertight, floodproofed enclosure which is capable of resisting damage during flood conditions. The structure must comply with Art.4, Sec. 1, Para.1.4 of this ordinance;

4.6: The agricultural structure must comply with the floodway encroachment provisions of Art.4, Sec.2, Para.2.8 of this ordinance; and,

4.7: Major equipment, machinery, or other contents must be protected. Such protection may include protective watertight floodproofed areas within the building, the use of equipment hoists for readily elevating contents, permanently elevating contents on pedestals or shelves above the base flood elevation, or determining that property owners can safely remove contents without risk to lives and that the contents will be located to a specified site out of the floodplain in accordance with the temporary development provisions of Art.4, Sec.2, Para.2.6.



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### SECTION FIVE. Considerations.

In passing upon such applications, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

- 5.1: the danger that materials may be swept onto other lands to the injury of others;
- 5.2: the danger to life and property due to flooding or erosion damage, and the safety of access to the property in times of flood for ordinary and emergency vehicles;
- 5.3: the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- 5.4: the importance of the services provided by the proposed facility to the community;
- 5.5: the necessity to the facility of a waterfront location, where applicable;
- 5.6: the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- 5.7: the compatibility of the proposed use with existing and anticipated development, and the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- 5.8: the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
- 5.9: the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges, and;
- 5.10: agricultural structures must be located in wide, expansive floodplain areas, where no other alternative location for the agricultural structure exists. The applicant must demonstrate that the entire farm acreage, consisting of a contiguous parcel of land on which the structure is to be located, must be in the Special Flood Hazard Area and no other alternative locations for the structure are available.

### SECTION SIX. Findings.

Findings listed above shall be submitted to the appeal board, in writing, and included in the application for a variance. Additionally, comments from the Department of Natural Resources, Land, Water and Conservation Division, State Coordinator's Office, must be taken into account and included in the permit file.

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### SECTION SEVEN. Floodways.

Variations shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

### SECTION EIGHT. Conditions.

Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variations as it deems necessary to further the purposes of this ordinance. The following conditions shall apply to all variations:

8.1: Variations may not be issued when the variance will make the structure in violation of other Federal, State, Local laws, regulations, ordinances, or Building Codes.

8.2: Variations shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

8.3: Variations shall only be issued upon a showing of good and sufficient cause; a determination that failure to grant the variance would result in exceptional hardship, and a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

8.4: Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. Such notification shall be maintained with a record of all variance actions.

8.5: The Flood Plain Administrator shall maintain the records of all appeal actions and report any variations to the Federal Emergency Management Agency upon request.

8.6: Variations shall not be issued for un-permitted development or other development that is not in compliance with the provisions of this ordinance. Violations must be corrected in accordance with Art.3, Sec.4, Para.4.5 of this ordinance.

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### ARTICLE 6

#### LEGAL STATUS PROVISIONS

##### SECTION ONE. Effect on Rights and Liabilities under the Existing Flood Damage Prevention Ordinance.

This Ordinance in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted March 3<sup>rd</sup> 1987, as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the flood damage prevention ordinance of Oconee County enacted on March 3<sup>rd</sup> 1987, as amended, which are not reenacted herein are repealed.

##### SECTION TWO Effect upon Outstanding Development permits.

Nothing herein contained shall require any change in the plans, construction, size or designated use of any building, structure or part thereof for which a development permit has been granted by the Building Code Director or his authorized agents before the time of passage of this ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of sixty (60) days subsequent to passage of this ordinance, construction or use shall be in conformity with the provisions of this ordinance.

##### SECTION THREE Disclaimer of Liability:

- (i) The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study;
- (ii) Larger floods may occur or flood heights may be increased by man-made or natural causes.
- (iii) This ordinance does not imply that development either inside or outside the Special Flood Hazard Area (SFHA) will be free from flooding or damage.
- (iv) This ordinance does not create liability on the part of the County or any officer or employee thereof, for any flood damage that results from reliance on this ordinance or any administrative decision made lawfully thereunder.

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## SECTION FOUR Effective Date.

This ordinance shall become effective upon adoption.

## SECTION FIVE Adoption Certification.

I hereby certify that this is a true and correct copy of the flood damage prevention ordinance as adopted by the Oconee County Council on the \_\_ day of \_\_\_\_\_

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3.12: Make on-site inspections of projects in accordance with Art.3, Sec.4.

3.13: Consult with The Building Codes Director, on the need to serve notices of violations, issue stop-work orders, revoke permits and take corrective actions in accordance with Art.3, Sec.4.

3.14: Maintain all records pertaining to the administration of this ordinance and make these records available for public inspection.

3.15: To determine damage to structures located in the Area of Special Flood Hazards, regardless of the source of the damage, and to further determine if the damage is considered "substantial damage" and/ or a repetitive loss due to flooding in accordance with Article 2, and notify the owner of the property of such finding. If the damage to the structure is caused by flooding and is determined to be substantial damage or is a repetitive loss, and the structure is covered by the NFIP insurance program, the structure may be eligible for the Increased Cost Coverage (ICC) provision under NFIP.

### SECTION FOUR. Administrative Procedures.

**4.1: Inspections of Work in Progress** - As the work pursuant to a permit progresses, the Building Codes Director and/or the Flood Plain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Building Codes Director and/or the Flood Plain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction at any reasonable hour for the purposes of inspection or other enforcement action.

**4.2: Stop-Work Orders** - Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the Building Codes Director and/or the Flood Plain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Violation of a stop work order constitutes a misdemeanor.

**4.3: Revocation of Permits** - The Building Codes Director or designee may revoke and require the return of the development permit by notifying the permit holder in writing, stating the reason for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any permit mistakenly issued in violation of an applicable State or local law may also be revoked.



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**4.4: Periodic Inspections** - The Building Codes Director or designee and/or the Flood Plain Administrator shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

**4.5: Violations to be Corrected** - When the Building Codes Director or the Flood Plain Administrator finds violations of applicable State and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law on the property he owns.

**4.6: Actions in Event of Failure to Take Corrective Action** - If the owner of a building or property shall fail to take prompt corrective action, the Building Codes Director or Flood Plain Administrator shall give him written notice, by certified or registered mail to his last known address or by personal service, that:

**4.61** - the building or property is in violation of the Flood Damage Prevention Ordinance;

**4.62** - a hearing will be held before the Building Codes Director and the Flood Plain Administrator at a designated place and time, not later than 10 days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and,

**4.63** - following the hearing, The Building Codes Director may issue such order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.

**4.7: Order to Take Corrective Action** - If, upon a hearing held pursuant to the notice prescribed above, the Building Codes Director or the Flood Plain Administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he shall issue an order in writing to the owner, requiring the owner to remedy the violation within a period of time not less than 60 days. Where the Building Codes Director finds that there is imminent danger to life or other property, he may order that corrective action be taken in such lesser period as may be feasible.

**4.8: Appeal** - Any owner who has received an order to take corrective action may appeal from the order to the local elected governing body by giving notice of appeal in writing to the Building Codes Board of Appeals or the Flood Plain Administrator and the county clerk within 10 days following issuance of the final order. In the absence of an appeal, the order of the Building Codes Director shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.



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**4.9: Failure to Comply with Order** - If the owner of a building or property fails to comply with an order to take corrective action from which no appeal has been taken, or fails to comply with an order of the governing body following an appeal, he shall be guilty of a misdemeanor and shall be punished according to the provisions of Article I, Section Twelve.

## ARTICLE 4.

### PROVISIONS FOR FLOOD HAZARD REDUCTION

#### SECTION ONE. General Standards.

Development may not occur in the floodplain where alternative locations exist due to the inherent hazards and risks involved. Before a permit is issued, the applicant shall demonstrate that new structures cannot be located out of the floodplain and that encroachments onto the floodplain are minimized. In all areas of special flood hazard the following provisions are required:

**1.1:** All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure;

**1.2:** All new construction and substantial improvements shall be constructed with flood resistant materials and utility equipment resistant to flood damage;

**1.3:** All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damages;

**1.4:** Electrical, ventilation, plumbing, heating and air conditioning equipment (including ductwork), and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. This requirement does not preclude the installation of outdoor faucets for shower heads, sinks, hoses, etc., as long as cut off devices and back flow devices are installed to prevent contamination to the service components and thereby minimize any flood damages to the building;

**1.5:** All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

**1.6:** New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

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1.7: On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding; and,

1.8: Any alteration, repair, reconstruction, or improvement to a structure which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance. This includes post-FIRM development and structures.

1.9: **Non-Conforming Buildings or Uses:** Non-conforming buildings or uses may not be enlarged, replaced, or rebuilt unless such enlargement or reconstruction is accomplished in conformance with the provisions of this ordinance. Provided, however, nothing in this ordinance shall prevent the repair, reconstruction, or replacement of an existing building or structure located totally or partially within the floodway, provided that the bulk of the building or structure below base flood elevation in the floodway is not increased and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.

1.10: **American with Disabilities Act (ADA).** A building must meet the specific standards for floodplain construction outlined in Art.4, Sec.2, as well as ICC/ANSI A117.1-1998. The ADA is not justification for issuing a variance or otherwise waiving these requirements. Also, the cost of improvements required to meet the ADA provisions shall be included in the costs of the improvements for calculating substantial improvement.

## SECTION TWO. Specific Standards.

In all areas of special flood hazard where base flood elevation data has been provided, as set forth in Art.1, Sec.5 or Art.3, Sec.3, Para.3.9, the following provisions are required:

2.1: **Residential Construction.** New construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor elevated no lower than three (3) feet above the base flood elevation. No basements are permitted. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with Art.4, Sec.2, Para.2.5.

2.2: **Non-Residential Construction.** New construction or substantial improvement of any commercial, industrial, or non-residential structure (including manufactured homes) shall have the lowest floor elevated no lower than three (3) feet above the level of the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with Art.4, Sec.2, Para.2.5. No basements

# OCONEE COUNTY FLOOD ORDINANCE

## FINAL DRAFT

Approved by planning commission April 11, 2005

are permitted. Structures located in A-zones may be floodproofed in lieu of elevation provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered, professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certifications shall be provided to the official as set forth in Art.3, Sec.2, Para.2.7 and Art.3, Sec.2, Para. 2.9 A variance may be considered for wetfloodproofing agricultural structures in accordance with the criteria outlined in Art.5, Sec.4 of this ordinance. Agricultural structures not meeting the criteria of Art.5, Sec.4 must meet the non-residential construction standards and all other applicable provisions of this ordinance. Structures which are floodproofed are required to have an approved maintenance plan with an annual exercise. The maintenance plan must be approved by the Building Codes Director and the Flood Plain Administrator and notification of the annual exercise shall be provided to same.

### **2.3: Manufactured Homes.**

2.31 -Manufactured homes that are placed or substantially improved on sites outside a manufactured home park or subdivision, in a new manufactured home park or sub-division, in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, must be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated no lower than three (3) feet above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

2.32 -Manufactured homes that are to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the provisions of Art.4, Sec.2, Para.2.31 of this ordinance must be elevated so that the lowest floor of the manufactured home is elevated no lower than three (3) feet above the base flood elevation, and be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement.

2.33 -Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. For the purpose of this requirement, manufactured homes must be anchored to resist flotation, collapse, or lateral movement in accordance with Section 19-425.39 of the South Carolina Manufactured Housing Board Regulations, effective date May 25, 1990, as amended. Additionally, when the elevation requirement would be met by an elevation of the chassis at least 36 inches or less above the grade at the sight, the chassis shall be supported by reinforced piers or other foundation elements of at least equivalent strength. When the elevation of the chassis is above 36 inches in height an engineering certification is required.

# OCONEE COUNTY FLOOD ORDINANCE

## FINAL DRAFT

Approved by planning commission April 11, 2005

2.34 -An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood-prone areas. This plan shall be filed with and approved by the Flood Plain Administrator and the local Emergency Preparedness coordinator.

**2.4: Recreational Vehicles.** A recreational vehicle is ready for highway use if it is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions. Recreational vehicles placed on sites shall either be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use, or meet the requirements of Art.3, Sec.2 and Art.4 and Art.4, Sec.2, Para.2.3.

**2.5: Elevated Buildings.** New construction or substantial improvements of elevated buildings that include fully enclosed areas that are usable solely for the parking of vehicles, building access, or storage in an area other than a basement, and which are subject to flooding shall be designed to preclude finished space and be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

2.51 -Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

2.511 -Provide a minimum of two openings on different walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

2.512 -The bottom of all openings shall be no higher than one foot above grade;

2.513 -Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions; and,

2.514 - Fill placed around foundation walls must be graded so that the grade inside the enclosed area is equal to or higher than the adjacent grade outside the building on at least one side of the building.

**2.52 -Hazardous Velocities.** Hydrodynamic pressure must be considered in the design of any foundation system where velocity waters or the potential for debris flow exists. If flood velocities are excessive (greater than 5 feet per second), foundation systems other than solid foundations walls should be considered so that obstructions to damaging flood flows are minimized.



# OCONEE COUNTY FLOOD ORDINANCE

## FINAL DRAFT

Approved by planning commission April 11, 2005

2.53 - Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).

2.54 - The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose a single storage area and must be void of utilities except for essential lighting as required, and cannot be temperature controlled. One wet location switch and/or outlet connected to a ground fault interrupt breaker may be installed below the required lowest floor elevation specified in Art.4, Sec.2, Para.2.1, Art.4, Sec.2, Para.2.2 and Art.4, Sec.2, Para.2.3.

2.55 - All construction materials below the required lowest floor elevation specified in Art.4, Sec.2, Para.2.1, Art.4, Sec.2, Para.2.2 and Art.4, Sec.2, Para.2.3 shall be of flood resistant materials.

**2.6: Temporary Development.** Certain types of structures (e.g. fruit stands, construction site offices, portable toilets, etc.) may be situated temporarily on flood-prone property without having to comply with the elevation or floodproofing criteria of Art.4, Sec.2, Para.2.1 and Art.4, Sec.2, Para.2.2, respectively, provided that the following criteria are met:

2.61 - All applicants must submit to the Flood Plain Administrator, prior to the issuance of the development permit, a written plan for the removal of any temporary structures or development in the event of a hurricane or flash flood warning notification. The plan shall be reviewed and approved in writing, and must include the following information:

2.611 - a specified time period for which the temporary use will be permitted;

2.612 - the name, address and phone number of the individual responsible for the removal of temporary structures or development;

2.613 - the time frame prior to the event at which any structures will be removed (i.e. minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);

2.614 - a copy of the contract or other suitable instrument with a trucking company to insure the availability of removal equipment when needed;

2.615 - designation, accompanied by documentation, of a location outside the floodplain to which any temporary structure will be moved;

**AGENDA ITEM SUMMARY**

**OCONEE COUNTY, SC**

**COUNCIL MEETING DATE:** 8/16/05

**COUNCIL MEETING TIME:** 3:00 p.m.

**ITEM TITLE OR DESCRIPTION:**

First reading of an ordinance to amend ordinance 2004-31 creating the Oconee County Infrastructure Advisory Commission.

**BACKGROUND OR HISTORY:**

In early 2004 the County Council created a fourteen (14) member Infrastructure Advisory Commission. Since that time, it has been deemed advisable to add one (1) member to be appointed from the Oconee County Planning Commission.

**SPECIAL CONSIDERATIONS OR CONCERNS:**

None

**STAFF RECOMMENDATION:**

Conduct a first reading of an ordinance to amend the Oconee County Infrastructure Advisory Commission by increasing its membership by one (1) member from the County Planning Commission for a total membership of 15.



**FINANCIAL IMPACT:**

None

**ATTACHMENTS:**

Ordinance Amendment

Submitted or Prepared by:

  
(Department Head/Elected Official)

Approved By:

  
Ron H. Rabun,  
Oconee County Administrator

Reviewed By/ Initials:

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

\_\_\_\_\_ Finance

\_\_\_\_\_ Other

C: Clerk to Council

STATE OF SOUTH CAROLINA  
COUNTY OF OCONEE  
ORDINANCE 2005-14

AN ORDINANCE AMENDING ORDINANCE 2004-31, "AN ORDINANCE  
CREATING THE OCONEE COUNTY INFRASTRUCTURE ADVISORY  
COMMISSION"

WHEREAS, Ordinance 2004-31 was adopted by County Council and established the Oconee County Infrastructure Advisory Commission; and

WHEREAS, the purpose of this Ordinance is to amend Section 2 of Ordinance 2004-31;

NOW BE IT ORDAINED by the Oconee County Council, in council duly assembled, with quorum present and voting, and upon third and final reading the following:

Section 2 of Ordinance 2004-31 is amended to read:

**Section 2. Membership and Term of Office.**

The Membership in the Oconee County Infrastructure Advisory Commission shall be Fifteen (15) in number. The Cities of Salem, Seneca, Walhalla, Westminster and West Union shall each appoint one member to the Advisory Commission. The person appointed by each respective city shall serve on said Commission until replaced by said respective city. The Oconee County Sewer Commission, Pioneer Water District, Blue Ridge Electric Co-operative, Duke Power Company, Bell South and Fort Hill Natural Gas Company, shall each appoint one person to serve on the Oconee County Infrastructure Advisory Commission. The persons selected by the Oconee County Sewer Commission and Pioneer Water District, Blue Ridge Electric Co-operative, Duke Power Company, Bell South and Fort Hill Natural Gas Company shall serve on the Commission until they are replaced by their respective selecting entity. The Oconee County Infrastructure Advisory Commission shall include four (4) members of the Oconee County government. One of the Oconee County members shall be the Director of the Oconee County Economic Development Commission. One member shall be the Oconee County Administrator. One member shall be appointed by County Council and shall serve until replaced by County Council. One member shall be appointed by the Oconee County Planning Commission and shall serve until replaced by the Planning Commission.

**AGENDA ITEM SUMMARY  
OCONEE COUNTY, SC**

**COUNCIL MEETING DATE:** 8/16/05  
**COUNCIL MEETING TIME:** 3:00 p.m.

**ITEM TITLE OR DESCRIPTION:**

County Preparedness Month 2005 – Declaration of September 2005 as County Preparedness Month in Oconee County

**BACKGROUND OR HISTORY:**

The US Dept. of Homeland Security and the American Red Cross will co-sponsor National Preparedness Month 2005 in September. The goal of National Preparedness Month is to increase public awareness about the importance of preparing for emergencies and to encourage individuals to take action.

**SPECIAL CONSIDERATIONS OR CONCERNS:**

None.

**STAFF RECOMMENDATION FOR COUNCIL ACTION:**

Recommend that Oconee County Council declare September as County Preparedness Month by adopting the attached resolution.

**FINANCIAL IMPACT:**

None.

**ATTACHMENTS:** Draft Resolution

**Submitted or Prepared By:**

  
Department Head/Elected Official

**Approved for Submittal to Council:**

  
Ron H. Rabun, County Administrator

**Reviewed By/ Initials:**

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

\_\_\_\_\_ Finance

\_\_\_\_\_ Other

C: Clerk to Council

STATE OF SOUTH CAROLINA )

COUNTY OF OCONEE )

RESOLUTION NO.

**RESOLUTION DESIGNATING SEPTEMBER 2005 AS  
COUNTY PREPAREDNESS MONTH**

WHEREAS, Oconee County is vulnerable to the threat of numerous kinds of disasters, both natural man-made; and

WHEREAS, preparedness at home, at school and in the workplace is a proven way to protect life and property; and

WHEREAS, in these challenging times it is important for every citizen to remain diligent and steadfast in their efforts to protect both family and property; and

WHEREAS, being aware of the importance of family preparedness can help mitigate the loss of life and property during times of emergency; and

WHEREAS, individuals, schools, and businesses are encouraged to obtain an emergency supply kit, develop an emergency plan, be informed about different threats and disasters and get involved in preparing their communities.

NOW, THEREFORE, BE IT RESOLVED by the governing body of Oconee County, South Carolina, the Oconee County Council, that September 2005 is proclaimed as

**COUNTY PREPAREDNESS MONTH.**

ADD-ON

AGENDA ITEM SUMMARY  
OCONEE COUNTY, SC  
COUNCIL MEETING DATE: 8/16/05  
COUNCIL MEETING TIME: 3:00 pm

**ITEM TITLE OR DESCRIPTION:**

As a matter of new business, a request has been received from Oakway Middle School for approximately 32 tons of pea gravel to use on the walkway from the class room to the greenhouse and also inside the greenhouse. The School has also asked that the County scrape the area for the walkway; however, Sam Henry, Road Department has informed me that it is impossible to get County equipment into the area that needs to be scraped. The School District Maintenance has agreed that they can scrape the area.

**BACKGROUND OR HISTORY:**

Oconee County has a long history of assisting the School District with these kinds of projects.

**SPECIAL CONSIDERATIONS OR CONCERNS:**

If the Council approves the County assisting Oakway Middle School with this project by supplying the gravel, the cost of the gravel will have to come from Council contingency funds.

**STAFF RECOMMENDATION FOR COUNCIL ACTION:**

Council consider assistance to the School Board by paying for and hauling 32 tons of gravel to be funded from Council contingency with the reminder your discretionary fund should be primarily set aside for emergency needs.

Council may also want to consider adopting a policy that would require all such requests to come through the School Superintendent's Office.

**FINANCIAL IMPACT:**

If approved, the budgeted amount of \$200,000 in contingency will be reduced by \$244 for the gravel only, leaving a balance of \$199,756

**ATTACHMENTS:**

Request of Oakway Middle School

Submitted or Prepared By:

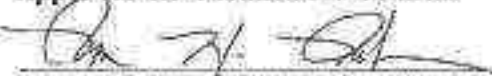
Opal O. Green  
Department Head

Reviewed By/ Initials:

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

\_\_\_\_\_ Finance

Approved for Submittal to Council:

  
Ron H. Rabun, County Administrator

\_\_\_\_\_ N/A \_\_\_\_\_ Other

# Oakway Middle School

*A South Carolina Red Carpet School*

Michelle Grant  
ASSISTANT PRINCIPAL

150 Schoolhouse Road  
Westminster, South Carolina 29693

Rob Rhodes  
PRINCIPAL

Nancy Martin  
SCHOOL COUNSELOR

(864) 972-9533 Phone  
(864) 972-0579 Fax

August 15, 2005

Mrs. Opal Greene  
Walhalla County Council  
Walhalla, SC 29691

Dear Mrs. Greene and Council Members:

Our Exceptional students at Oakway Middle School are working to become busy, productive gardeners this school year. To accomplish this, we are working to get our new greenhouse a going. Presently, we need a walkway from the classroom to the greenhouse. This would involve scraping for a walkway and a large load of pea gravel for about 20 yards. I appreciate her willingness to help our school. I hope that you will consider contributing to this worthy cause.

We are a small, rural school. While we strive to have comparable programs with other schools in the area, it does require funds to maintain such a program. Our PTO and student fundraising programs absolutely do as much as they can for our students. Sometimes, we really just need a boost of support to help us do all that we can for our students. Your donation would certainly help us to attain our goal.

Thank you for your willingness to consider our need. We look forward to hearing from you in the near future. If I can answer any questions or be of any service, please do not hesitate to call.

Sincerely,



Rob Rhodes  
Principal



I want to urge you to consider re-writing the Litter Control Ordinance of Oconee County, #2004-29.

As I read it, you defined litter to include cigarettes, brush, brush, construction materials, and liquid or granular substances among other things. You prevented placing such materials upon any public or private property in the county.

The ordinance is vague and overbroad as it is written. I think it prevents the spreading of fertilizer. It prevents the residents of Seneca from putting debris and brush out for the garbage collectors.

It is not a function of judges to try to understand what you meant when you wrote the ordinance. It is the function of you as council members to write a law that common people can understand so they will know what is prohibited and what is legal.

I do not think you meant to prohibit leaving trash out for the trash man, but I think you did. I do not think you meant to prohibit fertilizing and mulching. I do not think you meant to prohibit placing furniture on any public or private property in the county.

The ordinance is necessary, but the one you produced is quite probably un-Constitutionally vague and overbroad. You do not need to waste tax dollars enforcing an ordinance that can be re-written to do what it was meant to do in the first place. You do not need a test case to see the current ordinance is defective.

I understand a recycler was cited. He may have junk cars, but they probably are not abandoned vehicles, and citing him may cost the county funds which would be better spent elsewhere.

I hope you will read what you have, consider tweaking it to make it clear enough to pass muster, and put forth an ordinance that can help us clean up our littered county. We need a good litter control ordinance, and we need strong enforcement of it.

Thank you for your time.

Pickens  
West of the city