



# PUBLIC COMMENT SESSION SIGN IN SHEET

OCONEE COUNTY COUNCIL MEETING

Tuesday, September 1, 2009

7:00 PM

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

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

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

**PLEASE PRINT**

|    | FULL NAME | AGENDA ITEM FOR DISCUSSION |
|----|-----------|----------------------------|
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NONE



# PUBLIC HEARING SIGN IN SHEET

OCONEE COUNTY COUNCIL MEETING

DATE: September 1, 2009 7:00 p.m.

**Ordinance 2008-21** "AN ORDINANCE REPLACING ORDINANCE-2005-06, THE FLOOD DAMAGE PREVENTION ORDINANCE"

**Ordinance 2009-16** "AN AN ORDINANCE TO AMEND CHAPTER 32 OF THE OCONEE COUNTY CODE OF ORDINANCES IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY, AS TO THE ESTABLISHMENT OF UNIFIED PERFORMANCE STANDARDS REGULATING CERTAIN BUILDINGS AND STRUCTURES GREATER THAN SIXTY-FIVE FEET (65') IN HEIGHT PROPOSED FOR ANY LOCATION IN THE UNINCORPORATED AREAS OF OCONEE COUNTY, AND OTHER MATTERS RELATING THERETO"

**Ordinance 2009-17** "AN ORDINANCE TO AMEND THE FISCAL YEAR 2009-2010 BUDGET APPROPRIATES ORDINANCE FOR OCONEE COUNTY IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY, AND OTHER MATTERS RELATED THERETO"

Public comment will be limited to four minutes per person.

Written comments may be submitted at any time prior to the hearing for inclusion in the official record of the meeting.

## PRINT Your Name & Check Ordinance You Wish to Address

|     | Ordinance # | 2008-21 | 2009-16 | 2009-17 |
|-----|-------------|---------|---------|---------|
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*NONE*

AGENDA ITEM SUMMARY  
OCONEE COUNTY, SC

COUNCIL MEETING DATE: September 1, 2009

COUNCIL MEETING TIME: 7:00 PM

**ITEM TITLE OR DESCRIPTION:**

Third Reading of Ordinance 2008-21: An Ordinance Replacing Ordinance 2005-06, the Flood Damage Prevention Ordinance

**BACKGROUND OR HISTORY:**

On December 16, 2008, County Council approved Ordinance 2008-21 on First Reading in Caption Only, and on August 18, 2009, took Second Reading. The new ordinance replaces Ordinance 2005-06 (commonly called the 'County Floodplain Ordinance'), which was based on the state-approved model flood damage ordinance. The version given Second Reading has been significantly revised to remove any sections unnecessary to implement in Oconee County, and to improve clarity. It should be noted that the new ordinance reflects the date for which the County's new Flood Insurance Rate Maps (FIRM) become official (September 11, 2009), a required component of our Flood Damage Prevention Ordinance.

**SPECIAL CONSIDERATIONS OR CONCERNS:**

A copy of the draft ordinance given Second Reading was submitted to FEMA for review; to date, no comments have been received. The deadline to adopt the corrected date for the new maps is September 11, 2009.

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

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

**STAFF RECOMMENDATION:**

Adopt on Third and Final Reading.

**FINANCIAL IMPACT:**

None anticipated.

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

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

**ATTACHMENTS**

Copy of draft Ordinance 2008-21

**Reviewed By/ Initials:**



County Attorney

Finance

Grants

Procurement

Submitted or Prepared By:



Department Head/Elected Official

Approved for Submittal to Council:



Kendra Brown, Interim County Administrator

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

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

STATE OF SOUTH CAROLINA  
COUNTY OF OCONEE  
**ORDINANCE 2008-21**

**AN ORDINANCE REENACTING CERTAIN SECTIONS OF  
ORDINANCE 87-4 AND 2005-06, THE FLOOD DAMAGE  
PREVENTION ORDINANCES.**

**WHEREAS**, Oconee County, South Carolina (the "County"), a body politic and corporate and a political subdivision of the State of South Carolina, acting by and through the Oconee County Council (the "Council"), has previously adopted certain ordinances and regulations regarding flood damage prevention, all of which are codified in Chapter 16, Article II of the Code of Ordinances, Oconee County, South Carolina (the "Code of Ordinances"); and,

**WHEREAS**, the South Carolina General Assembly has delegated the responsibility to the County to enact ordinances and promulgate regulations designed to promote the public health, safety, and general welfare of its citizenry, including the authority and responsibility to enact ordinances and promulgate regulations to mitigate the damaging effects of floods in the unincorporated areas of the County; and,

**WHEREAS**, the Council recognizes that the special flood hazard areas of in the County are subject to periodic inundation which may result in loss of life and 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 may adversely affect the public health, safety, and general welfare; and,

**WHEREAS**, the Council further recognizes that losses due to floods are caused, in part, by the cumulative effect of obstructions in special flood hazard areas causing increases in flood heights and velocities, and by the occupancy in special flood hazard areas by uses that are vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages; and,

**WHEREAS**, the Council further recognizes that floodplains are an important asset to the community, that floodplains 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 and that these functions are best served if floodplains are kept in their natural state; and

**WHEREAS**, the Council further recognizes that wherever possible, the natural characteristics of floodplains and their associated wetlands and water bodies should be preserved and enhanced, and that whenever possible, decisions to alter special flood hazard areas, especially floodways and stream channels, should be the result of careful planning processes that evaluate resource conditions and human needs; and,

**WHEREAS**, the Council desires to amend the flood damage prevention ordinance for the purpose of protecting human life and health, minimizing property damage, and encouraging appropriate construction practices to minimize public and private losses due to flood conditions by requiring that uses vulnerable to floods, including facilities serving such uses, be protected against flood damage at the time of initial construction; and,

**WHEREAS**, the Council further desires to amend the flood damage prevention ordinance to prohibit or otherwise restrict uses of special flood hazard areas which are dangerous to health, safety, and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion; and Council further intends to attempt to control the alteration of special flood hazard areas, stream channels, and natural protective barriers involved in the accommodation of flood waters, to control filling, grading, dredging and other development that may increase flood damage or erosion, and to prevent or regulate the construction of flood barriers which may unnaturally divert floodwaters or increase flood hazards to other lands; and,

**WHEREAS**, it is the Council's objective 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 damage from flooding, and to insure that potential home buyers are notified that property is in a special flood hazard area, and Council further intends 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 special flood hazard area, as well as prolonged business interruptions; and,

**WHEREAS**, the Council further recognizes that, an important floodplain management objective of this article is to minimize expenditure of public money for costly flood control projects and rescue and relief efforts associated with flooding; and,

**WHEREAS**, the Council therefore intends to amend all sections in Chapter 16, Article II of the Code of Ordinances;

**NOW, THEREFORE**, be it ordained by County Council, in meeting duly assembled that:

1. Chapter 16, Article II of the Code of Ordinances, Deacon County, South Carolina, entitled *Flood Damage Prevention*, is hereby amended to read as set forth in Exhibit A, which is attached hereto and hereby incorporated by reference as fully as if set forth verbatim herein.
2. All sections of Chapter 16, Article II of the Code of Ordinances that are not specifically revised or amended by and through Exhibit A are hereby repealed, revoked, and rescinded.
3. The remaining terms and provisions of the Code of Ordinances not revised or affected hereby remain in full force and effect.
4. Should any word, phrase, clause or provision of this Ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, such determination shall not effect this Ordinance as a whole, or any part hereof, except that specific provision declared by such court to be invalid or unconstitutional. If any part of this Ordinance is declared invalid, the remainder of the Ordinance shall not be affected and shall remain in force.



5. All Ordinances, Orders, Resolutions, and actions of County Council inconsistent herewith are, to the extent of such inconsistency only, hereby repealed, revoked, and rescinded.

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

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

**OCONEE COUNTY,  
SOUTH CAROLINA**

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

ATTEST:

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

First Reading: December 16, 2008  
Second Reading: August 18, 2009  
Public Hearing: September 1, 2009  
Third Reading: September 1, 2009

STATE OF SOUTH CAROLINA  
COUNTY OF OCONEE  
**ORDINANCE 2008-21**

**EXHIBIT A**

**ARTICLE II – FLOOD DAMAGE PREVENTION**

**DIVISION 1 GENERALLY**

**Section 16-31. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Accessory structure** : A structure 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.

**Addition (to an existing building or structure)**: 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 firewall 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 article.

**Appeal**: A request for a review of the Flood Plains Manager's interpretation of any provision of this article.

**Area of shallow flooding**: A designated AO Zone on a 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.

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

**Base flood elevation (BFE)**: The height of the base flood, usually in feet, in relation to the specified geodetic vertical datum.

**Basement**: Any enclosed area of a building that is below grade on all sides.

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

**CLOMR**: Conditional Letter of Map Revision

**CLOMA**: Conditional Letter of Map Amendment

**Critical facility**: Those functions, structures or buildings used for essential services for the public good, health and welfare of the essential daily operations and delivery of services to the citizens of the county, such as, but not limited to, waste water treatment facilities, potable water distribution facilities, power generation facilities, telecommunication centers, schools, hospitals, fire departments, law enforcement facilities, emergency medical service facilities, governmental offices, care centers, disaster shelter facilities and the like.

**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:** 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) was completed before September 1, 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 (a) The overflow of inland or tidal waters; or (b) The unusual and rapid accumulation of runoff or surface waters from any source.

**Flood Hazard Boundary Map (FHBM):** An official map issued by DHS-FEMA, NFIP on which the boundaries of the special flood hazard areas have been defined.

**Flood Insurance Rate Map (FIRM):** An official map of the County on which DHS-FEMA, NFIP has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

**Flood Insurance Study:** The official report containing the examination, evaluation and determination of flood hazard areas provided by the DHS-FEMA, NFIP. The report contains flood profiles, as well as the Flood Hazard Boundary Map and flood risk data for various areas of the county and the water surface elevation of the base flood.

**Floodproofing:** Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**Flood-resistant material:** Any building material capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that 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 that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Class 4 and 5 materials, referenced in the 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 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.

**Freeboard:** A factor of safety usually expressed in feet above a flood level for purposes of flood plain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

**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 NTIP 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.

**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 mitigation requirements of state or local floodplain management ordinances, 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 that 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.

**LOMR:** Letter of Map Revision.

**LOMA:** Letter of Map Amendment.

**Lowest Adjacent Grade (LAG):** An elevation of the lowest ground surface that touches any of the exterior walls of a building or proposed building walls.

**Lowest Floor:** The lowest floor of the lowest enclosed area. An 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 the applicable non-elevation design requirements of this article.

**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 special flood hazard area.

**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 Pointe-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 September 1, 1987. The term also includes any subsequent improvements to such structure.

**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 September 1, 1987.

**NFIP:** National Flood Insurance Program.

**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 car or light duty truck; and, (d) designed primarily not for use as a permanent dwelling, but as a temporary living quarters for recreational, camping, travel, or seasonal use.

**Repetitive Loss Structure:** A structure covered by a contract of flood insurance that has incurred flood-related damages on two occasions during a ten year period ending on the date of the event for which a second claim is made, in which the cost to repair the flood damage, on average, equaled or exceeded twenty five percent of the market value of the building at the time of such flood event.

**Start of construction:** includes substantial improvement, and means the date the building 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 man-made facility or infrastructure that is principally above ground and affixed to a permanent site, including, without limitation, a building, a manufactured home, or a gas or liquid storage tank.

**Special Flood Hazard Area:** An area delineated on a Flood Insurance Rate Map as being subject to inundation by the base flood and designated as Zone A, AE, A1-30, AR, AO, and AH.

**Subdivision:** The division of a tract, lot or parcel of land into two or more lots, plats, sites or other divisions of land.

**Substantial damage:** Damage of any origin, sustained by a structure after September 1, 1987, whereby the cost of restoring the structure to its before-damaged condition would be equal to or exceed fifty percent of the market value of the structure before the damage occurred. Such repairs may be undertaken successively and their costs counted cumulatively. Please refer to the definition of "substantial improvement".

**Substantial improvement:** Any repair, reconstruction, rehabilitation, addition, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the start of the construction of the improvement. This term includes structures that have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either: (a) 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 official and which are the minimum necessary to assure safe living conditions (does not include American with Disabilities Act compliance standards); or, (b) 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 fifty 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 article.

**Violation:** The failure of a structure or other development to be fully compliant with this article.

#### **Section 16-32. Lands to Which this Article Applies.**

This article shall apply to all parcels of land that lie either wholly or partially within, or immediately adjacent to, special flood hazard areas that are within the jurisdiction of the unincorporated areas of the county. These special flood hazard areas are identified by the Department of Homeland Security-FEMA, National Flood Insurance Program (DHS-FEMA, NFIP), in its Flood Insurance Study, dated September 1, 1987 and officially amended on September 11, 2009, with accompanying maps and other supporting data, which are hereby adopted by reference and declared to be a part of this article. Further, this article shall apply to any special flood hazard areas established and accepted by the county that utilize DHS-FEMA, NFIP detailed flood study standards, or better.

#### **Section 16-33. Adoption of Letters of Map Revisions and Letters of Map Amendments.**

All LOMRs and LOMAs issued by DHS-FEMA for the unincorporated areas of the county are hereby adopted by this reference.

#### **Section 16-34. Establishment of Development Permit.**

Prior to the commencement of any development activities in the special flood hazard areas, a development permit shall be required in accordance with the provisions of this article.

#### **Section 16-35. Compliance.**

No structure shall hereafter be located, extended, converted, or structurally altered, or land developed, without full compliance with the terms of this article and other applicable regulations. Nothing in this article shall be construed to apply to parcels of land that do not lie either wholly or partially within, or immediately adjacent to, special flood hazard areas within the jurisdiction of the unincorporated areas of the county.

#### **Section 16-36. Interpretation.**

In the interpretation and application of this article, all provisions shall be considered as minimum requirements, liberally construed in favor of the governing body, and deemed neither to limit nor repeal any other powers granted under State law. This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

#### **Section 16-37. Penalties for Violation.**

In addition to any specific penalties as set forth herein, violation of the provisions of this article 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, firm, corporation or agent who violates this article or fails to comply with any of its requirements shall, upon conviction thereof, be fined within the jurisdictional limits of magistrate's court or imprisoned for not more than thirty days, or both. Each such person, firm, corporation or agent shall be deemed guilty of a separate offense for each and every day,



or portion thereof, during which any violation of any of the provisions of this article is committed or continued. Nothing herein contained shall prevent the County from taking such other lawful action, including an action for injunctive relief, as is necessary to prevent or remedy any violation.

**Section 16-38. Effect upon Outstanding Building 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 building permit has been granted by the county before the time of the enactment of this article.

**Section 16-39. Warning and Disclaimer of Liability.**

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

**Section 16-40. Effect on Rights and Liabilities under the Existing Flood Damage Prevention Ordinance.**

This article in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted August 18, 1987, as amended. It is not the intention to repeal but rather to re-enact and continue to enforce without interruption such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this article shall not affect any action, suit or proceeding instituted or pending that has been brought by the County. All provisions of the flood damage prevention ordinance of George County enacted on August 18, 1987, as amended, which are not reenacted herein, are repealed.

**Sections 16-41–16-80. Reserved.**

## **DIVISION 2. ADMINISTRATION**

**Section 16-81. Designation of Flood Plains Manager.**

The Flood Plains Manager is hereby appointed to administer and implement the provisions of this chapter.

**Section 16-82. Development Permit and Certification Requirements.**

Development permits shall be required for all development, including the placement of manufactured homes, so that the County may determine whether or not such construction or other development is proposed in the special flood hazard area. Prior to any development activities, application for a development permit shall be made to the Flood Plains Manager on forms furnished by the local Flood Plains Manager. 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:

- (a) A plot plan that shows the special flood hazard area contour, or a statement that the entire lot is within the special flood hazard area, must be provided by the development permit applicant when the lot is within, or appears to be within the special flood hazard area as mapped by DHS-FEMA or the special flood hazard area identified pursuant to either the duties and responsibilities of the Flood Plains Manager of §16-83(h) or the standards for subdivision proposals of §16-124 and the standards for streams without estimated base flood elevations and/or floodways of §16-123. 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 the same.
- (b) The plot plan required herein must show the floodway, if any, as identified by the DHS-FEMA, NFIP, or as identified pursuant to either the duties or responsibilities of the Flood Plains Manager of §16-83(h) or the standards for subdivision proposals of §16-124 and the standards for streams without estimated base flood elevations and/or floodways of §16-123.
- (c) Where base flood elevation data is provided as set forth in §16-32 or the duties and responsibilities of the Flood Plains Managers of §16-83(i) the application for a development permit within the flood hazard area shall show:
- (1) the elevation (in relation to mean sea level) of the lowest floor of all new and substantially improved structures, and
  - (2) if the structure will be floodproofed in accordance with the non-residential construction requirements of §16-122(b) the elevation (in relation to mean sea level) to which the structure will be floodproofed.
- (d) **Where Base Flood Elevation Data Is Not Provided.** In the absence of other available data from another source, and where no BFE data is provided as set forth in § 16-32, the application for a development permit plan must show construction of the lowest floor at least a minimum of three feet above the highest adjacent grade. A higher lowest floor elevation will be required if BFE data from adjacent areas indicate that the three feet minimum may be inadequate to protect the structure and service facilities from flooding. The requirements of §16-123 must also be met, if applicable. When BFE data is not available from a federal, state or other source, one of the following methods may be used to determine a BFE, subject to approval by the Flood Plains Manager. For further information regarding the methods for determining BFEs listed below, refer to DHS-FEMA's manual *Managing Floodplain Development in Approximate Zone A Areas*.
- (1) Contour interpolation.
    - i. Superimpose approximate Zone A boundaries onto a topographic map and estimate a preliminary BFE.
    - ii. Add one half of the contour interval of the topographic map to determine the final BFE.
  - (2) Data extrapolation. A BFE can be determined if a site is located within 500 feet upstream of a stream reach for which a 100-year profile has been computed by detailed methods, and the special flood hazard area and channel bottom slope characteristics are relatively similar to the downstream reaches.
  - (3) Hydrologic and hydraulic calculations. Perform hydrologic and hydraulic calculations to determine BFEs using DHS-FEMA-approved methods and software.
- (e) **Alteration of Watercourse.** 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 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; a map showing the location of the proposed watercourse alteration or relocation; and notification of the proposal to the appropriate governmental agencies. A copy of the



notification shall be maintained in the permit records and submitted to the DHS-FEMA. Prior to the commencement of any work on the alteration of a watercourse, the applicant must procure and submit to the Flood Plains Manager any applicable federal or state approvals or permits, including a CLOMR. Within 60 days of completion of an alteration of a watercourse, the applicant shall submit as-built certification, by a South Carolina-registered professional engineer, to the Flood Plains Manager, DHS-FEMA, as a LOMR, and the State of South Carolina, Department of Natural Resources, Flood Mitigation Program.

- (f) When a structure is constructed or substantially improved in the special flood hazard area or, in the opinion of the Flood Plains Manager, a flood elevation certificate is required as soon as possible after completion of the lowest floor and before any further inspections are accepted and vertical construction commences. The as-built measurement shall be made in relation to mean sea level and shall be a minimum of four feet above the BFE. The certification shall be prepared, signed and sealed by a South Carolina registered land surveyor or a South Carolina professional engineer. Any work done prior to submission of the certification shall be at the permit holder's risk. The Flood Plains Manager 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 certification or failure to make the required corrections shall be cause to issue a stop-work order for the project.
- (g) If the proposed development will impact the configuration of a watercourse, floodway, or BFE for which a detailed Flood Insurance Study has been developed, the applicant shall apply and must receive approval for a CLOMR with the DHS-FEMA, NFIP. The development permit will not be issued until DHS-FEMA has issued the CLOMR. When a CLOMR has been issued for a development the following shall apply. Within thirty calendar days of completion of construction activities, the applicant shall apply to DHS-FEMA for a LOMR. The applicant is responsible for all technical submissions and fees required to obtain the CLOMR/LOMR.
- (h) **As-built Certification.** Upon completion of the development a South Carolina-registered professional engineer, land surveyor or architect shall certify that the development is built in accordance with the submitted plans and previous pre-development certifications.

#### **Section 16-83. Duties and Responsibilities of the Flood Plains Manager.**

The Flood Plains Manager shall reasonably and responsibly apply the provisions of this article. The duties and responsibilities of the Flood Plains Manager shall include, but are not limited to, the following:

- (a) **Permit Application Review.** It is the duty and responsibility of the Flood Plains Manager to review all development permit applications to assure that the requirements of this article have been satisfied, and the Flood Plains Manager is authorized to determine whether sites will be reasonably safe from flooding.
- (a) **Requirement of federal and/or state permits.** It is the responsibility of the Flood Plains Manager to advise applicant(s) or permittee(s) that additional federal or State permits may be required, and if specific federal or State permits are known, require that copies of such permits be provided and maintained on file with the development permit. It is the responsibility of the Flood Plains Manager to review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- (b) **Watercourse alterations.**
  - (1) Prior to the issuance of the development permit to alter a watercourse, it is the responsibility of the Flood Plains Manager to notify adjacent communities, the South Carolina Department of Natural Resources, Land Resources and Conservation Division, State Coordinator for the NFIP, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to

- (2) In addition to the notifications required watercourse alterations per §16-83(c)(1), it is the responsibility of the Flood Plains Manager to maintain written reports of maintenance records 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 person responsible for maintenance performance. Records shall be kept on file for DHS-FEMA inspection.
- (c) **Floodway encroachments.** It is the responsibility of the Flood Plains Manager to minimize and manage encroachments within the floodway.
- (d) **Documentation Review.** It is the responsibility of the Flood Plains Manager to accept and review documentation for all structures located in the special flood hazard areas in accordance with this article.
- (e) **Floodproofing Certifications.** When floodproofing is utilized for a particular structure, the Flood Plains Manager is authorized to require the property owner or other responsible party provide certifications from a South Carolina registered professional engineer or architect in accordance with the non-residential construction requirements outlined in §16-122(b).
- (f) **Map Interpretation.** Where interpretation is needed as to the exact location of boundaries of the special flood hazard areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), it is the responsibility of the Flood Plains Manager to make the necessary interpretation. The person contesting the location of the special flood hazard area boundary may obtain an approved LOMA from DHS-FEMA, or he or she may appeal the interpretation as provided for in this article.
- (g) **Use Of Best Available Data.**
- (1) When base flood elevation data or floodway data has not been provided in accordance with §16-32 for a project of less than 5 acres in size or less than 50 lots, the Flood Plains Manager is authorized to allow the applicant to submit for 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 the standards for subdivision proposals outlined in §16-124, in order to administer the provisions of this article. Data from preliminary, draft, and final Flood Insurance Studies constitutes best available data from a federal, state, or other source. Data must be developed using hydraulic models meeting the minimum requirement of NFIP approved model. 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.
- (2) For a project greater than 5 acres or more than 50 lots, a detailed study is required, using detailed methods as are acceptable by the Department of Homeland Security-FEMA, utilizing 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 South Carolina-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 Flood Plains Manager, and in a digital format compatible with the requirements and standards of Oconee County GIS. The accuracy of the data submitted for such determination shall be the sole responsibility of the applicant.
- (3) After review of the detailed study by the Flood Plains Manager, the applicant shall submit to DHS-FEMA an application for a LOMR, based upon existing site conditions. Applications for encroachments and/or modifications to the special flood hazard area will be evaluated and processed as described in §16-82(g) and §16-122(j)(6). The applicant shall be responsible for all technical submissions and fees to DHS-FEMA in order to obtain the map change. The

development permit will not be issued until DHS-FEMA has issued the LOMR or CLOMR, as applicable.

- (h) **Special Flood Hazard Area Conflicts with Topographic Boundaries.** When the exact location of boundaries of the special flood hazard areas conflict with the current, natural topographical information at the site, the property owner may apply and be approved for a LOMA by DHS-FEMA, NFIP. The Flood Plains Manager will file a copy of the LOMA issued by DHS-FEMA, NFIP in the permit file.
- (i) **On-Site Inspections.** It is the responsibility of the Flood Plains Manager to make on-site inspections of projects in accordance with the administrative procedures outlined in § 6-85(d).
- (j) **Administrative Notices.** The Flood Plains Manager is authorized to serve notices of violations, issue stop work orders, revoke permits and direct corrective actions in accordance with administrative procedures outlined in § 6-85.
- (k) **Records Maintenance.** It is the responsibility of the Flood Plains Manager to maintain all records pertaining to the administration of this article and make these records available for public inspection.
- (l) **Annexation and Detachments.** It is the responsibility of the Flood Plains Manager to notify the South Carolina Department of Natural Resources Land, Water and Conservation Division, within six months, of any annexations or detachments that include special flood hazard areas.
- (m) **Substantial Damage Determination.** It is the responsibility of the Flood Plains Manager to determine damage to structures located in the special flood hazard areas, 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, 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 a repetitive loss, and the structure is covered by the NFIP, the structure may be eligible for the increased cost coverage provision under NFIP.
- (n) **Biennial Report.** It is the responsibility of the Flood Plains Manager to submit the Biennial Report to DHS-FEMA.
- (o) **Substantial Improvement Determinations.** It is the responsibility of the Flood Plains Manager to perform an assessment of permit applications for improvements or repairs to be made to a building or structure equals or exceeds fifty percent of the market value of the structure before the improvement or repair is started. Cost of work counted for determining if and when substantial improvement to a structure occurs shall be cumulative for a period of five years. If the improvement project is conducted in phases the total of all cost associated with each phase, beginning with the issuance of the first permit, shall be utilized to determine whether "substantial improvement" will occur.
  - (1) **Methods of Market Value Determination.** The market values shall be determined by one of the following methods:
    - i. The current assessed building value as determined by the county's assessor's office or the value of an appraisal performed by a licensed appraiser at the expense of the owner; or
    - ii. One or more certified appraisals from a South Carolina registered professional licensed appraiser. The appraisal shall indicate actual replacement value of the building or structure in its pre-improvement condition, less depreciation for functionality and obsolescence and site improvements. The Marshall & Swift Residential Cost Handbook shall be used to determine costs for buildings or structures.
    - iii. Real estate purchase contract within twelve months prior to the date of the application for a permit.



**Section 16-84. Map Maintenance Activities:** The National Flood Insurance Program requires flood data to be reviewed and approved by DHS-FEMA. This ensures that flood maps, studies and other data identified in §16-32 accurately represent flooding conditions so appropriate special flood hazard area management criteria are based on current data, the following map maintenance activities are identified:

(a) **Requirement to Submit New Technical Data**

- (1) For all development proposals that impact floodway delineations or BFEs, the Flood Plains Manager shall ensure that technical data reflecting such changes is submitted to DHS-FEMA within six months of the date such information becomes available. These development proposals include:
  - i. Floodway encroachments that increase or decrease BFEs or alter floodway boundaries;
  - ii. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
  - iii. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and
  - iv. Subdivision or large scale development proposals requiring the establishment of base flood elevations in accordance with §16-124.
- (2) It is the responsibility of the applicant to have technical data, required in accordance with §16-84, prepared in a format required for a CLOMR or LOMR, and submitted to DHS-FEMA. Submittal and processing fees for these map revisions shall also be the responsibility of the applicant.
- (3) The Flood Plains Manager shall require a CLOMR prior to the issuance of a floodplain development permit for:
  - i. Proposed floodway encroachments that increase the base flood elevation; and
  - ii. Proposed development which increases the base flood elevation by more than one foot in areas where DHS-FEMA has provided base flood elevations but no floodway.
- (4) Development permits issued by the Flood Plains Manager shall be conditioned upon the applicant obtaining a LOMR from DHS-FEMA for any development proposal subject to § 16-84.
- (5) CLOMRs and/or LOMRs must go through the variance process outlined in this article.

**Section 16-85. Administrative Procedures.**

- (a) **Inspections of Work in Progress:** As the work pursuant to a permit progresses, the Flood Plains Manager 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 this article and the terms of the permit. In exercising this responsibility, the Flood Plains Manager, and each member of the Flood Plains Manager's inspections department, has the authority, 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.
- (b) **Stop-Work Orders:** The Flood Plains Manager may utilize stop work orders to prevent violations of this article, and in doing so, the following procedure shall be followed:
  - (1) The Flood Plains Manager may order the work to be immediately stopped whenever a building, or part thereof, or development is being constructed, reconstructed, altered, or repaired in violation of this article or in violation of any regulation adopted or order issued pursuant to this article, and either:
    - i. The violation or work being performed will alter the special flood hazard area in such a

way that it would be difficult to abate the violation without substantial cost;

- ii. The violation or work being performed would cause irreparable harm to the special flood hazard area;
- iii. The violation or work being performed alters a watercourse; or
- iv. The work being performed requires a development permit or certification and the work is being performed without a required development permit or certification.

- (2) The stop work order shall be in writing and shall state what work is to be stopped and what measures are required to abate the violation. The order shall include a statement of the findings made by the Flood Plains Manager and shall list the conditions under which work that has been stopped by the order may be resumed. The delivery of equipment and materials, which does not contribute to the violation, may continue while the stop work order is in effect. A copy of this section may be attached to the stop work order.
- (3) The stop work order shall be served on the person responsible for the work by a person duly authorized by law to serve process. The person duly authorized by law to serve process shall also post a copy of the stop work order in a conspicuous place at the site of the work. The Flood Plains Manager may also deliver a copy of the stop work order to any person that the Flood Plains Manager has reason to believe may be responsible for the violation.
- (4) The directives of a stop work order become effective upon service of the order. Thereafter, any person notified of the stop work order who violates any of the directives set out in the stop work order may be assessed a penalty as provided in section 16-17. A stop work order issued pursuant to this section may remain in force until all non-compliant issues are rectified in the sole discretion of the Flood Plains Manager.
- (5) The Flood Plains Manager shall monitor compliance with the stop work order. The Flood Plains Manager shall rescind the stop work order, in writing, if all the violations for which the stop work order is issued are corrected, no other violations have occurred, and all measures necessary to abate the violations have been taken. The Flood Plains Manager shall rescind a stop work order that is issued in error.

- (c) **Revocation of Permits:** The Flood Plains Manager 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 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 issued in error in violation of an applicable State or local law may also be revoked.
- (d) **Periodic Inspections:** The Flood Plains Manager, and each member of the Flood Plains Manager's inspections department, has the authority, 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.
- (e) **Initial Notice of Violation:** When the Flood Plains Manager finds violations of applicable laws, the Flood Plains Manager has the authority to notify the owner of the property of the violation. The owner shall take necessary actions to immediately correct each of the violations in accordance with this article.
- (f) **Actions in Event of Failure to Take Corrective Action:** If prompt action is not taken to correct the violation, the Flood Plains Manager shall give the owner(s) of the property written notice, by certified or registered mail, to the last known address of the owner(s), or by personal service, that:
  - (1) the building or property is in violation of this article; and
  - (2) a hearing will be held before the Flood Plains Manager at a designated place and time, not later than ten days after the date of the notice, at which time the owner(s) shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter.



- (g) **Order to Take Corrective Action:** If, upon a hearing held pursuant to the notice prescribed above, the Flood Plains Manager finds that the property is in violation of this article, the Flood Plains Manager shall make an order in writing to the owner(s), requiring that the owner(s) remedy the violation within such period the Flood Plains Manager may prescribe, not less than sixty days. If the Flood Plains Manager finds that there is imminent danger to life or other property, the Flood Plains Manager may order that corrective action be taken in such lesser period as may be feasible.
- (h) **Appeal:** Any person who has received an order to take corrective action and/or stop work order may appeal the order to the Board of Zoning Appeals by giving notice of appeal in writing to the Flood Plains Manager within ten days following issuance of the final order. In the absence of an appeal, the order of the Flood Plains Manager shall be final, or in the case of stop work orders, the stop work order will stand as issued. The Board of Zoning Appeals shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
- (i) **Failure to Comply with Order:** If the owner(s) fail to comply with an order to take corrective action or stop work order from which no appeal has been taken, or if the owner(s) fail to comply with an order of the Board of Zoning Appeals following an appeal, the owner(s) shall be guilty of a misdemeanor and shall be punished in the discretion of the court. Each such person, firm, corporation or agent shall be deemed guilty of a separate offense for each and every day, or portion thereof, during which any violation of any of the provisions of this article is committed, or continued.
- (j) **Denial of Flood Insurance under the NFIP:** If a property is declared in violation of this article and the violation is not remedied, the Flood Plains Manager shall notify DHS-FEMA to initiate an action against property under Section 1316 of the National Flood Insurance Act of 1968. Once a violation has been remedied the Flood Plains Manager shall notify DHS-FEMA of the remedy and ask that the action under Section 1316 be rescinded.

Sections 16-86-16-120. Reserved.

### DIVISION 3. FLOOD HAZARD REDUCTION

#### Section 16-121. General Standards.

Where alternative locations exist, development may not occur in the special flood hazard areas 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 special flood hazard areas and that encroachments onto the special flood hazard areas are minimized. In all special flood hazard areas the following provisions are required:

- (a) **Anchoring.** All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- (b) **Flood Resistant Materials and Equipment.** All new construction and substantial improvements shall be constructed with flood-resistant materials and utility equipment resistant to flood damage.
- (c) **Minimize Flood Damage.** All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damages.
- (d) **Utilities.** 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, and at a minimum of 3 feet above BFE. This requirement does not preclude the installation of outdoor faucets for shower heads, sinks, hoses, and similar equipment, as long as cut-off and back-flow devices are installed to prevent contamination to the service components and thereby minimize any flood damages to the building.

- (e) **Water Supply Systems.** All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (f) **Sanitary Sewage Systems.** New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (g) **Gas or Liquid Storage Tanks.** All gas or liquid storage tanks, either located above ground or buried, shall be anchored to prevent flotation or lateral movement resulting from hydrodynamic and hydrostatic loads.
- (h) **Alteration, Repair, Reconstruction, or Improvements.** Any alteration, repair, reconstruction, or improvement to a structure must be in compliance with the provisions of this article, and shall meet the requirements of new construction as contained in this article. This includes post-FIRM development and structures. Alterations, repairs, reconstruction, or improvements shall not alter the flood carrying capacity within the altered or relocated portion of any watercourses.
- (i) **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 article. Provided, however, nothing in this article shall prevent the repair, reconstruction, or replacement of an existing building or structure located totally or partially within the special flood hazard area, provided that the bulk of the building or structure below BFE is not increased and provided that such repair, reconstruction, or replacement meets all of the other requirements of this article.
- (j) **Accessibility.** A building must meet the specific standards for construction outlined in §16-122, as well as any applicable accessibility requirements promulgated by the South Carolina Building Codes Council. The accessibility requirements are not justification for issuing a variance or otherwise waiving these requirements. The cost of improvements required to meet the accessibility provisions shall also be included in the costs of the improvements for calculating substantial improvement.

#### **Section 16-122. Specific Standards.**

In all special flood hazard areas that are designated as Zones A, AE, AH, AO, and A1-30, where base flood elevation data has been provided, as set forth in §16-32 or outlined in the Duties and Responsibilities of the Flood Plains Manager §16-83, the following provisions are required:

- (a) **Residential Construction.** New construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor elevated no lower than 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 floodwaters shall be provided in accordance with the elevated buildings requirements in §16-122(e).
- (b) **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 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 floodwaters shall be provided in accordance with the elevated buildings requirements in §16-122(e). No basements are permitted. Structures located in special flood hazard areas that are designated as Zone A 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 capable of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A South Carolina registered, professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certifications shall be provided to the Flood Plains Manager as set forth in the floodproofing certification requirements in §16-82. A variance may be

considered for wet-floodproofing agricultural structures in accordance with the criteria outlined in §16-165 of this article. Agricultural structures not meeting the criteria of §16-165 must meet the non-residential construction standards and all other applicable provisions of this article. Structures that are floodproofed are required to have an approved maintenance plan with an annual exercise. The maintenance plan must be approved by the Flood Plains Manager, and notification of the annual exercise shall be provided to the same.

(c) **Critical facilities.**

- (1) Existing critical facilities in the special flood hazard area that are substantially damaged or substantially improved shall be elevated or floodproofed in accordance with this article.
- (2) New critical facilities shall not be permitted in the special flood hazard area.

(d) **Manufactured Homes.**

- (1) **Conditions requiring placement of manufactured home on permanent foundation.** Manufactured homes that are placed or substantially improved on sites outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, 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 feet above the base flood elevation and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- (2) **Conditions permitting placement of manufactured home on permanent foundation.** 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 for residential construction in §16-122(a) of this article must be elevated so that the lowest floor of the manufactured home is elevated no lower than three feet above the base flood elevation, and securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement.
- (3) **Anchoring.** 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 19-425.42 of the *South Carolina Manufactured Housing Board Regulations*, as amended. Additionally, when the elevation requirement would be met by an elevation of the chassis at least thirty six inches or less above the grade at the site, 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 thirty six inches in height, an engineering certification is required.
- (4) **Evacuation Plan.** 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 Plains Manager and the Oconee County Emergency Services Department.

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

- (1) **Certification or Minimum Criteria.** Designs for complying with this requirement must either be certified by a South Carolina professional engineer or architect or meet the following minimum criteria:
  1. 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.



- ii. The bottom of all openings shall be no higher than one foot above grade,
- iii. 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,
- iv. 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) **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.

(3) **Enclosures below BFE.**

- i. **Access to the enclosed area.** Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door), limited storage of maintenance equipment used in connection with the premises (standard exterior door), or entry to the living area (stairway or elevator).
- ii. **Requirements for the interior portion of the enclosed area.** 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 the specific standards outlined in §16-122(a), (b) and (d).
- iii. **Flood-resistant construction materials.** All construction materials below the required lowest floor elevation specified in the specific standards outlined in §16-122(a), (b) and (d) should be of flood resistant materials.

(f) **Accessory Structures.**

- (1) A detached accessory structure or garage, greater than 400 square feet must comply with the elevated structure requirements of §16-122(e) or floodproofed in accordance with §16-122(b).
- (2) When an accessory structure less than 400 square feet is to be placed in the special flood hazard area, the following additional criteria shall be met:
  - i. Accessory structures shall not be used for human habitation (including work, sleeping, living, cooking or restroom areas).
  - ii. Accessory structures shall be designed to have low flood damage potential.
  - iii. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
  - iv. Accessory structures shall be firmly anchored to prevent flotation, collapse or lateral movement of the structure.
  - v. Service facilities such as electrical and heating equipment shall be installed in accordance with §16-121, and.
  - vi. Openings to relieve hydrostatic pressure during a flood shall be provided below BFE in conformance with §16-122(c)(1).

(g) **Floodways.** Floodways have erosion potential and are extremely hazardous areas due to the velocity of floodwaters carrying debris and potential projectiles. The following provisions shall apply to floodways:

- (1) No encroachments, including fill, new construction, substantial improvements, additions, and

other developments, shall be permitted in a floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment 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 Plains Manager.

- (2) If §16-122(g)(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Division 3.
- (3) Stream crossings for any temporary purpose (i.e. timber harvesting operations) shall be permitted in accordance with floodway requirements of §16-122(g) and the temporary structure provisions of §16-122(k). Otherwise, the development shall comply with all applicable flood hazard reduction provisions of Division 3.
- (4) 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 §16-122(d) are met.
- (5) Permissible uses within a floodway may include: general farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm, and other similar agricultural, wildlife, and related uses. 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-impact certification. A use listed in this division is permissible only if the use causes no adverse effect on the floodway, any increase in the BFE, or any change to the floodway configuration.

(h) **Recreational Vehicles**

- (1) A recreational vehicle is ready for highway use if it:
  - i. is on wheels or a jacking system;
  - ii. is attached to the site only by quick-disconnect type utilities and security devices; and,
  - iii. has no permanently attached additions;
- (2) Recreational vehicles placed on sites shall either:
  - i. be on site for fewer than 180 consecutive days and fully licensed and ready for highway use; or
  - ii. meet the development permit and certification requirements of §16-87, general standards outlined in §16-121, and manufactured homes standards in §16-122(d).

(i) **Swimming Pool Utility and/or Equipment Structures.** If a swimming pool utility and/or equipment structure cannot be built at or above the BFE because of functionality of the equipment, then such structure may be built below the BFE with the following provisions:

- (1) The structure must meet the requirements for accessory structures in §16-122(f), the utilities and/or equipment must be anchored to prevent flotation, and the structure shall be designed to prevent water from entering or accumulating within the components during a flood.
- (2) A variance may be granted to allow wet floodproofing of the structure.

(j) **Elevators.** A float switch system, or other similar system that provides the same level of safety, shall be installed for all elevators where there is a potential for the elevator cab to descend below the BFE during a flood per DHS-FEMA's Technical Bulletin 4-93 *Elevator Installation for Buildings Located in Special Flood Hazard Areas*. All equipment that may have to be installed below the BFE such as counter weight roller guides, compensation cable and pulleys, and oil buffers for traction elevators and the jack assembly for a hydraulic elevator must be constructed using flood-resistant materials where



possible per DHS-FEMA's Technical Bulletin 4-93 *Elevator Installation for Buildings Located in Special Flood Hazard Areas*.

- (k) **Temporary Structures.** Certain types of structures (e.g. fruit stands, construction site offices, portable toilets) may be situated temporarily on special flood hazard areas without having to comply with the elevation or floodproofing criteria of §§16-122(a) and (b), respectively, provided that:
- (1) An applicant must submit to the Flood Plains Manager, 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 Flood Plains Manager shall review the plan, the Flood Plains Manager must approve the plan in writing. The proposed plan must include the following information:
    - i. a specified time period for which the temporary use will be permitted;
    - ii. the name, address and phone number of the individual responsible for the removal of temporary structures or development;
    - iii. 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);
    - iv. a copy of the contract or other suitable instrument with a tracking company to insure the availability of removal equipment when needed;
    - v. designation, accompanied by documentation, of a location outside the special flood hazard area to which any temporary structure will be moved; and
    - vi. 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) 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; and
  - (3) The structure will not remain on the property for more than 180 days.
- (l) **Fill.** An applicant shall demonstrate that fill is the only alternative to raising the building to meet the residential and non-residential construction requirements of §§16-122(a) and (b), 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:
- (1) Fill may not be placed in the floodway unless it is in accordance with the requirements in §16-122(g)(1).
  - (2) Fill may not be placed in wetlands without the required State and federal permits.
  - (3) Fill must consist of soil and rock materials only. Dredged material may be used as fill only upon certification of suitability by a South Carolina registered professional geotechnical engineer. Landfills, rubble fills, dumps, and sanitary fills are not permitted in the special flood hazard area.
  - (4) Fill used to support structures must comply with ASTM Standard D-698, as amended, and its suitability to support structures certified by a South Carolina registered, professional engineer.
  - (5) Fill slopes shall be no greater than two horizontal to one vertical. Flatter slopes may be required where velocities may result in erosion; and,
  - (6) No encroachment, including fill, shall be permitted within an special flood hazard area, unless certification with supporting technical data, prepared by a South Carolina-registered engineer, is provided to demonstrate that the encroachment will not result in adverse impact to the special flood hazard area. Adverse impact includes, but is not limited to, an increase in BFE, floodway elevation and floodway width. The demonstration shall include hydrologic and hydraulic analyses performed in accordance with standard engineering practice that meets the requirements of the NFIP. Compensatory storage at hydraulically equivalent sites within the proposed project area

may be used as part of the required demonstration, with prior approval of the Flood Plains Manager. If the encroachment results in adverse impact to the special flood hazard area, the applicant shall submit to DHS-FEMA a CLOMR or other appropriate map change application. Within thirty calendar days of completion of construction activities, the applicant shall apply to DHS-FEMA for a LOMR. The development permit will not be issued until DHS-FEMA has issued the CLOMR. The applicant is responsible for all technical submissions and fees required to obtain the CLOMR/LOMR.

- (m) **Drainage Paths in Zones AH and AO.** In all special flood hazard areas that are designated as Zones AH and AO, drainage paths shall be constructed around structures on slopes to guide floodwaters around and away from proposed structures.

#### **Section 16-123. Standards for Streams without Established Base Flood Elevations and/or Floodways.**

Located within the special flood hazard areas that are designated as Zone A, 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:

- (a) 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 South Carolina 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.
- (b) If §16-123(a) 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 provisions of Division 3 and shall be elevated or floodproofed in accordance with elevations established in accordance with §16-83(b).

#### **Section 16-124. Standards for Subdivision Proposals.**

- (a) All subdivision proposals shall be consistent with the need to minimize flood damage and are subject to all applicable standards in this article.
- (b) All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical and water systems, located and constructed to minimize flood infiltration damage.
- (c) All subdivision proposals shall provide for adequate drainage provided to reduce exposure to flood damage.
- (d) Base flood elevation data shall be provided for subdivision proposals and other proposed development.
- (1) The base flood elevation data shall be obtained in accordance with §16-32, or
- (2) In all special flood hazard areas where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least 50 lots or 5 acres, whichever is less. If a lot in a special flood hazard area is identified as an area of open space and is deeded as such, then a hydrologic and hydraulic engineering analysis that generates base flood elevations for the subdivision proposal will not be required.
- (e) All building lots containing special flood hazard areas or immediately adjacent to these areas shall have the proposed lowest floor elevation for each structure, in accordance with §16-122(a), noted on the preliminary and final plat drawings.

**Section 16-125. Standards for Areas of Shallow Flooding (AO Zones).**

Located within the special flood hazard areas established in § 16-32 are areas designated as shallow flooding. The following provisions shall apply within such areas:

- (a) All new construction and substantial improvements of residential structures shall have the lowest floor elevated to the depth number specified in 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 feet above the highest adjacent grade.
- (b) All new construction and substantial improvements of non-residential structures shall:
  - (1) have the lowest floor elevated to the depth number specified on the FIRF, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor shall be elevated at least three feet above the highest adjacent grade; or,
  - (2) be completely floodproofed together with attendant utilities or sanitary sewage systems 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.

Sections 16-126-16-160. Reserved.

## **DIVISION 4. VARIANCE PROCEDURES**

**Section 16-161. Appeal Board.**

The Board of Zoning Appeals of Oconee County, as established by Oconee County in Article Six of Chapter 38 of the Oconee County Code of Ordinances, shall hear and decide requests for variances from the requirements of this article. The application for a variance shall be filed on a form obtained from the Flood Plains Manager.

**Section 16-162. Limitation on Authority.**

An application for variance shall be based on a claim that the true intent of this article, or the rules legally adopted thereunder, have been incorrectly interpreted; the provisions of this article do not fully apply; or an equally good or better form of construction is proposed.

**Section 16-163. Right to Appeal.**

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

**Section 16-164. 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 16-165. 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 FIA-1B-7, dated 12/93, and available from DUIS.



FEMA. 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 § 16-169, this section, and the following standards:

- (a) Use of the structure must be limited to agricultural purposes as listed below:
  - (1) pole frame buildings with open or closed sides used exclusively for the storage of farm machinery and equipment;
  - (2) steel grain bins and steel frame corncribs;
  - (3) irrigation sheds in connection with agricultural uses only, which are no greater than two hundred square feet in area;
  - (4) general-purpose barns for the temporary feeding of livestock that are open on at least one side;
  - (5) for livestock confinement buildings, poultry houses, dairy operations, and similar livestock operations, variances may not be issued for substantially damaged structures. New construction or substantial improvement of such structures must meet the elevation requirements of § 16-122(b) of this article; and
  - (6) 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.
- (b) In the case of a substantially damaged existing structure, the agricultural structure must be built or rebuilt with flood-resistant materials for the exterior and interior building components and elements below the base flood elevation.
- (c) 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 buoyancy, hydrostatic, hydrodynamic, and debris impact forces. Where flood velocities exceed five feet per second, fast-flowing floodwaters can exert considerable pressure on the building's enclosure walls or foundation walls.
- (d) The agricultural structure must meet the venting requirement of § 16-122(e) of this article.
- (e) 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 that is capable of resisting damage during flood conditions in accordance with § 16-121 of this article.
- (f) The agricultural structure must comply with the floodway encroachment provisions of § 16-122(g).
- (g) 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 special flood hazard area in accordance with the temporary structure provisions of § 16-122(k).
- (h) The agricultural structure must be located in wide, expansive special flood hazard 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, is in the special flood hazard area and no other alternative locations for the structure are available.

#### **Section 16-166. Considerations.**

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

- (a) the danger that materials may be swept onto other lands to the injury of others;
- (b) 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;

- (c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (d) the importance of the services provided by the proposed facility to the community;
- (e) the necessity to the facility of a waterfront location, where applicable;
- (f) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- (g) 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;
- (h) the expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
- (i) 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.

#### **Section 16-167. 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.

#### **Section 16-168. Variances in Floodways.**

Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result unless a CLOMR is obtained prior to issuance of the variance. In order to insure the project is built in compliance with the CLOMR for which the variance is granted the applicant must provide a bond for 100% of the cost to perform the development.

#### **Section 16-169. Conditions.**

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

- (a) Variances may not be issued when the variance will make the structure in violation of other federal, State, or local laws, regulations, or ordinances;
- (b) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;
- (c) Variances 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 or victimization of the public, or conflict with existing local laws or ordinances;
- (d) The appeal board may consider the possible impacts on flood insurance premiums and the size of the lot in question;
- (e) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the BFE 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.

- (f) Upon request, the Flood Plains Manager shall maintain the records of all appeal actions and report any variances to DHS-FEMA.
- (g) Variances shall not be issued for unpermitted development or other development that is not in compliance with the provisions of this article. Violations must be corrected in accordance with §16-85.

AGENDA ITEM SUMMARY  
OCONEE COUNTY, SC

COUNCIL MEETING DATE: September 1, 2009

COUNCIL MEETING TIME: 7:00 PM

**ITEM TITLE OR DESCRIPTION:**

Consideration of Third and Final Reading of Ordinance 2009-16, and Ordinance Amending Chapter 32 of the Oconee County Code of Ordinances to Establish Article IX, the "Building Height Regulation Ordinance"

**BACKGROUND OR HISTORY:**

On consideration of a recommendation submitted by the Planning Commission that stemmed from a review of development on ridgelines, County Council took First Reading in Caption Only on Ordinance 2009-16 on July 7, 2009, and Second Reading on August 18, 2009, on an Ordinance that requires that all structures 65' and taller be approved as a Special Exception by the Board of Zoning Appeals. The Ordinance will create a new chapter in the Unified Performance Standards Ordinance, Chapter 32 of the Oconee County Code of Ordinances.

**SPECIAL CONSIDERATIONS OR CONCERNS:**

None

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

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

**STAFF RECOMMENDATION:**

Take Third and Final Reading on Ordinance 2009-16.

**FINANCIAL IMPACT:**

None known.

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

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

**ATTACHMENTS**

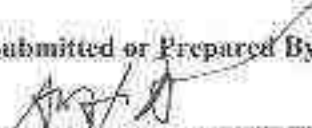
A copy of the draft Ordinance

**Reviewed By/ Initials:**

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

Submitted or Prepared By:

Approved for Submittal to Council:

  
Department Head/Elected Official

  
Kendra Brown, Interim County Administrator

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

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

STATE OF SOUTH CAROLINA  
COUNTY OF OCONEE  
ORDINANCE # 2009-16

**AN ORDINANCE TO AMEND CHAPTER 32 OF THE OCONEE COUNTY CODE OF ORDINANCES IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY, AS TO THE ESTABLISHMENT OF UNIFIED PERFORMANCE STANDARDS REGULATING CERTAIN BUILDINGS AND STRUCTURES GREATER THAN SIXTY-FIVE FEET (65') IN HEIGHT PROPOSED FOR ANY LOCATION IN THE UNINCORPORATED AREAS OF OCONEE COUNTY, AND OTHER MATTERS RELATING THERETO**

**WHEREAS**, Oconee County, South Carolina (the "County"), a body politic and corporate and a political subdivision of the State of South Carolina, acting by and through its County Council (the "County Council"), is authorized by the South Carolina Local Government Comprehensive Planning Enabling Act of 1994 (the "Act"), codified in Title 6, Chapter 29 of the South Carolina Code of Laws, 1976, as amended (the "Code") to adopt standards and regulations governing land use and structures located throughout its jurisdiction; and,

**WHEREAS**, Oconee County Council has heretofore, by and through its Unified Performance Standards Ordinance, 1999-14, codified at Chapter 32 ("Chapter 32") of the Oconee County Code of Ordinances (the "Oconee County Code"), adopted such standards and regulations in accordance with and consistent with the Oconee County comprehensive land use plan; and,

**WHEREAS**, Oconee County Council deems it necessary and proper to amend certain sections of the Unified Performance Standards from time to time to limit potential negative impacts of current and anticipated development of lands and growth of population; and,

**WHEREAS**, in accordance with the Act and Chapter 32, Oconee County Council has referred the matter of high-rise development on and around ridgelines and other parts of the County to the Oconee County Planning Commission for their review, comment, and recommendation. The Oconee County Planning Commission has, in fact, reviewed the matter and offered its comments and recommendations as to the matter to the Oconee County Council. The Oconee County Council has considered the comments and recommendations of the Oconee County Planning Commission as to height restrictions and regulations related to such potential high-rise development, held a public hearing, duly noticed and advertised, as required by law, to receive the comments of the public, hereby finds that such comments and recommendations are correct and necessary, and desires to amend the Unified Performance Standards Ordinance, as codified at Chapter 32 of the Oconee County Code of Ordinances, in certain limited particulars only, based on the review, comments, and recommendations of the Oconee County Planning Commission and the public, and to otherwise ratify and reaffirm the Unified Performance Standards Ordinance and other provisions of Chapter 32 of the Oconee County Code of Ordinances not specifically or by implication amended hereby.

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

1. The foregoing findings of fact, recommendations, and conclusions are hereby adopted, as findings of fact, supporting this ordinance, in their entirety.
2. Article IX of Chapter 32 of the Oconee County Code of Ordinances is hereby established, and shall read as follows, and in the following details, only:

**Section 1. Title**

This Article shall be known as the "Building Height Regulation Ordinance."

**Section 2. Authority**

The provisions of this Article are adopted under authority of the South Carolina Local Government Comprehensive Planning Act of 1994, S.C. Code Title 6, Chapter 29.

**Section 3. Jurisdiction**

The regulations set forth in this Article shall be applicable within the unincorporated areas of Oconee County, South Carolina.

**Section 4. Terms and Definitions**

Except where specifically defined herein, all words in this Article shall carry their customary meanings. Words used in the present tense include the future tense; the singular number includes the plural. The word shall is mandatory.

1) **Structure:** any structure enclosed and isolated by exterior walls constructed or used for residence, business, industry, or other public or private purposes, or accessory thereto, and including tents, lunch wagons, dining cars, trailers, mobile homes, and attached or unattached carports consisting of roof and supporting members, and similar structures whether stationary or movable.

2) **Structure Height:** the vertical distance measured from the average elevation of the finished grade at the front of the Structure to the highest point of the Structure; all methods relating to the establishment of elevations, grades, and distances shall conform to those set forth in codes adopted by Oconee County. Spires, cupolas, chimneys, antennae attached to a Structure, and/or projections from Structures, radios, TV, communications, telecommunication, and water towers are not to be included in the calculations of Structure height.

**Section 5. Requirements**

All proposed Structures not specifically exempted by this Article that are greater than sixty-five (65) feet in height shall be subject to review and approval by the Oconee County Board of Zoning Appeals only as a Special Exception. In addition to the requirements for Special Exceptions established in Chapter 32 Article 1 of this Code, as amended, the Board shall issue findings on each of the following criteria:



- a. projected traffic and ability of existing roadways to accommodate the increase caused by the proposed Structure
- b. anticipated cost of any specialized emergency response equipment and training required to serve the proposed Structure
- c. potential noise, light, fumes, shadows, obstruction of air flow, and other negative secondary effects caused by the proposed Structure that may impact existing uses and/or adjacent properties
- d. the aesthetic and cultural character of the environs, specifically regarding any potential degradation by the proposed Structure of scenic views, historic sites, significant landmarks, and other sensitive areas
- e. appropriateness of proposed Structure in relation to the character of the community

## **Section 6. Exemptions**

The following Structures shall be exempt from the standards governing height established by this Article:

- a. Belfries
- b. Chimneys
- c. Church spires
- d. Communication Towers (to include Amateur Radio Antennas)
- e. Conveyors
- f. Cooling towers
- g. Cupolas
- h. Domes
- i. Elevator bulkheads
- j. Fire Towers
- k. Flag Poles
- l. Ornamental towers and spires
- m. Public monuments
- n. Public utility poles
- o. Silos
- p. Skylights
- q. Smoke stacks
- r. Stage towers or scenery lifts

Such features shall be erected only to such height as is necessary to accomplish the purpose they are intended to serve and no height extension shall serve as a place for human habitation.

This section shall in no way exempt any Structure from the application of standards or regulations contained in other Chapters of this Code or other Articles of this Chapter.

### **Section 7. Penalties**

Any violation of this Article shall be considered a violation of the Oconee County Code of Ordinances and a misdemeanor, and shall be punishable as prescribed herein for each offense. Each day such violation continues shall constitute a separate offense of these regulations. Nothing herein contained shall prevent the county from taking such other lawful action as is necessary to prevent or remedy any violation.

3. All other parts and provisions of the Oconee County Code of Ordinances not amended hereby, either explicitly or by implication, remain in full force and effect. The Unified Performance Standards Ordinance, Ordinance 1999-14, and Chapter 32 of the Oconee County Code of Ordinances as amended hereby, are hereby ratified and affirmed, *ab initio*.

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

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

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

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

OCONEE COUNTY, SOUTH CAROLINA

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

ATTEST

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

First Reading: July 7, 2009 [title only]  
Second Reading: August 18, 2009  
Third Reading: September 1, 2009  
Public Hearing: September 1, 2009

**STATE OF SOUTH CAROLINA  
OCONEE COUNTY COUNCIL  
ORDINANCE 2009-17**

**AN ORDINANCE TO AMEND THE FISCAL YEAR 2009-2010 BUDGET APPROPRIATIONS ORDINANCE FOR OCONEE COUNTY IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY; AND OTHER MATTERS RELATED THERETO**

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

**SECTION I:**

"AN ORDINANCE TO ESTABLISH THE BUDGET FOR OCONEE COUNTY AND TO PROVIDE FOR THE LEVY OF TAXES FOR ORDINARY COUNTY PURPOSES IN OCONEE COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2009 AND ENDING JUNE 30, 2010", Ordinance 2009-06, is hereby amended and modified to provide for the expenditure of up to \$750,000 for two fire engines.

**SECTION II:**

The 2009-2010 Oconee County budget is hereby amended by adding the following, for the aforesated purposes:

General Fund Revenues and Funding Sources

Fund Balance \$750,000

General Fund Appropriations

Expenditure \$750,000

**SECTION III:**

In the aggregate, the adopted fiscal year 2009-2010 budget, prior to these amendments stands at

General Fund \$42,658,420

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

General Fund \$43,408,420

**SECTION IV:**

Except as specifically modified, amended or deleted herein, all appropriations of funds created by the "AN ORDINANCE TO ESTABLISH THE BUDGET FOR OCONEE COUNTY AND TO PROVIDE FOR THE LEVY OF TAXES FOR ORDINARY COUNTY PURPOSES IN OCONEE COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2009 AND ENDING JUNE 30, 2010", Ordinance 2009-06, are hereby ratified and shall remain in full force and effect as originally adopted. All other sections of Ordinance 2009-06 not modified, directly or by implication shall likewise remain in full force and effect. This ordinance shall take effect immediately on approval on third reading. All ordinances and resolutions inconsistent herewith are, to the extent of such inconsistency only, hereby revoked, repealed, and rescinded.

Adopted in meeting duly assembled this 1<sup>st</sup> day of September, 2009.

**FOR OCONEE COUNTY:**

Reginald T. Dexter, Chairman

**ATTEST:**

Elizabeth G. Hulse  
Oconee County Clerk to Council

First Reading: August 4, 2009  
Second Reading: August 18, 2009  
Public Hearing: September 1, 2009  
Third Reading: September 1, 2009

**AGENDA ITEM SUMMARY  
OCONEE COUNTY, SC**

**COUNCIL MEETING DATE:** September 1, 2009  
**COUNCIL MEETING TIME:** 7:00 PM

**ITEM TITLE OR DESCRIPTION:**

Second Reading of Ordinance 2009-15: An Ordinance to Amend the Zoning Enabling Ordinance Pursuant to a Citizen-Initiated Rezoning Request

**BACKGROUND OR HISTORY:**

On July 7, 2009, County Council took First Reading in Caption Only on Ordinance 2009-15, which will rezone a series of 61 parcels located in the Fairview Community area, near Lake Keowee, from the Control Free District into the Traditional Rural District and the Lake Residential District. The request, which was submitted under the Small Area Rezoning Method by Mr. Gary McMahan and Mr. Lewis McMahan on May 26, 2009, was accompanied by the signatures of 79% of the parcel owners involved. Council referred the matter to the Planning Commission for review. The Commission held a special called meeting on July 27, 2009 to deal with the request, and following discussion, voted to recommend approval to the Council. This is the first rezoning request processed under the Zoning Enabling Ordinance.

**SPECIAL CONSIDERATIONS OR CONCERNS:**

Public notice requirements contained in the Zoning Enabling Ordinance specify that all registered property owners of effected parcels in the proposed rezoning be notified by mail at least 15 days prior to any scheduled public hearing.

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

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

**STAFF RECOMMENDATION:**

Take Second Reading on the ordinance amending the ZBO by the proposed rezoning, and schedule the required Public Hearing.

**FINANCIAL IMPACT:**

Cost of required public notice: reusable signs, advertisement, and mailings- estimated to be less than \$200 (contained in Zoning Office 2009-2010 budget)

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

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

**ATTACHMENTS:**

Copy of recommended rezoning proposal

**Reviewed By/ Initials:**

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

**Submitted or Prepared By:**

*Carlyle*

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

**Approved for Submittal to Council:**

*Kenra Brown*

\_\_\_\_\_  
Kenra Brown, Interim County Administrator

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

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



STATE OF SOUTH CAROLINA  
COUNTY OF OCONEE  
**ORDINANCE NO. 2009-15**

**AN ORDINANCE TO AMEND THE OCONEE COUNTY ZONING ENABLING ORDINANCE, ORDINANCE 2007-18, IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY, AS TO REZONE A SERIES OF PARCELS SPECIFIED HEREIN, AND TO RATIFY AND AFFIRM ALL OTHER PROVISIONS OF ORDINANCE 2007-18 NOT AMENDED OR MODIFIED HEREBY; AND OTHER MATTERS RELATING THERETO**

**WHEREAS**, Oconee County, South Carolina (the "County"), a body politic and corporate and a political subdivision of the State of South Carolina, acting by and through its County Council (the "County Council"), is authorized by the South Carolina Local Government Comprehensive Planning Enabling Act of 1994 (the "Act"), codified in Title 6, Chapter 29 of the South Carolina Code of Laws, 1976, as amended (the "Code") to adopt zoning regulations and districts; and,

**WHEREAS**, Oconee County Council has heretofore, by and through its Zoning Enabling Ordinance, 2007-18, finally adopted on November 6, 2008 (the "Zoning Enabling Ordinance", or "ZEO"), codified at Chapter 38 of the Oconee Code of Ordinances (the "Oconee County Code"), adopted such zoning regulations and districts in accordance with and consistent with the Oconee County comprehensive land use plan; and,

**WHEREAS**, subsequent to the adoption of the Zoning Enabling Ordinance, a request for rezoning a series of parcels pursuant to provisions established in the Ordinance was duly presented to County Council; and,

**WHEREAS**, in accordance with the Act and the Zoning Enabling Ordinance, Oconee County Council has referred such matters to the Oconee County Planning Commission for their review, particularly regarding the proposed amendment's compliance with the Oconee County Comprehensive Plan. The Oconee County Planning Commission has, in fact, reviewed the rezoning request and by majority vote affirmed its opinion that the proposed changes are in compliance with the Comprehensive Plan, and recommends adoption of the changes by County Council. The Oconee County Council has considered the recommendation of the Oconee County Planning Commission, held a public hearing, duly noticed and advertised, as required by law, to receive the comments of the public. Finds that such comments and recommendations are correct and necessary, and desires to amend the Zoning Enabling Ordinance, as codified at Chapter 38 of the Oconee County Code of Ordinances, in certain limited particulars only, based on the review, comments, and recommendations of the Oconee County Planning Commission and the public, and to otherwise ratify and reaffirm the Zoning Enabling Ordinance and other provisions of Chapter 38 of the Oconee County Code of Ordinances not specifically or by implication amended hereby.

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

1. Chapter 38 of the Oconee County Code of Ordinances is hereby amended, as follows, and in the following details, only:

A. The following parcels previously zoned in the Control-Free District (CFD), and duly identified on the Official Zoning Map to be in the Control-Free District, are hereby rezoned, and shall be in the Traditional Rural District (TRD), and shown as such on the Official Zoning Map in the manner depicted in Appendix A of this Ordinance. Each parcel, and associated uses and activities conducted thereupon, shall be subject to all standards, limitations, and requirements established for the TRD in Chapter 38 of the Code.

Parcel (Tax Identification Number)

178-00-01-018  
178-00-01-019  
178-00-01-020  
178-00-01-021  
178-00-01-024  
178-00-01-025  
178-00-01-039  
178-00-01-040  
178-00-01-041  
178-00-01-044  
178-00-01-074  
178-00-01-083  
178-00-01-084  
178-00-01-090  
178-00-01-097  
178-00-01-109  
178-00-02-009  
178-00-02-010  
178-00-02-011  
178-00-02-013  
178-00-02-015  
178-00-02-016  
178-00-02-017  
178-00-02-018  
178-00-02-033  
178-00-02-035  
178-00-02-039  
178-00-02-041  
178-00-02-048  
178-00-02-047  
178-00-02-064  
178-00-02-073  
178-00-02-075  
178-00-02-097  
178-00-02-109

179-00-02-003  
179-00-02-004  
179-00-02-018  
179-00-02-019  
179-00-03-033  
179-00-03-034  
179-00-03-154  
193-00-03-001  
193-00-03-002  
193-00-03-003  
193-00-03-004  
193-00-03-005  
193-00-03-006  
193-00-03-023  
193-00-03-030  
193-00-03-031  
193-00-03-037  
193-00-03-038  
193-00-03-045  
193-00-03-048  
193-00-03-050  
193-00-03-052

**B.** The following parcels previously zoned in the Control-Free District (CFD), and duly identified on the Official Zoning Map to be in the Control-Free District, are hereby rezoned, and shall be in the Lake Residential District (LRD), and appropriately identified as such on the Official Zoning Map in the manner depicted in Appendix A of this Ordinance. Each parcel, and all associated uses and activities conducted thereupon, shall be subject to all standards, limitations, and requirements established for the LRD in Chapter 38 of the Code.

Parcel (Tax Identification Number)

178-00-01-088  
178-00-01-089  
178-00-01-106  
178-00-02-012  
178-00-02-001

2. All other parts and provisions of the Oconee County Code of Ordinances not amended hereby, either explicitly or by implication, remain in full force and effect. The Zoning Enabling Ordinance, Ordinance 2007-18, and Chapter 38 of the Oconee County Code of Ordinances as amended hereby, are hereby ratified and affirmed, *ab initio*.
3. Should any part or provision of this Ordinance be deemed unconstitutional or unenforceable by any court of competent jurisdiction, such determination shall not affect the rest and remainder of this Ordinance, all of which is hereby deemed separable.

4. All ordinances, orders, resolutions, and actions of Oconee County Council inconsistent herewith are, to the extent of such inconsistency only, hereby repealed, revoked, and rescinded.
5. This Ordinance shall take effect and be in full force and effect from and after third reading and enactment by Oconee County Council.

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

OCONEE COUNTY, SOUTH CAROLINA

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

ATTEST

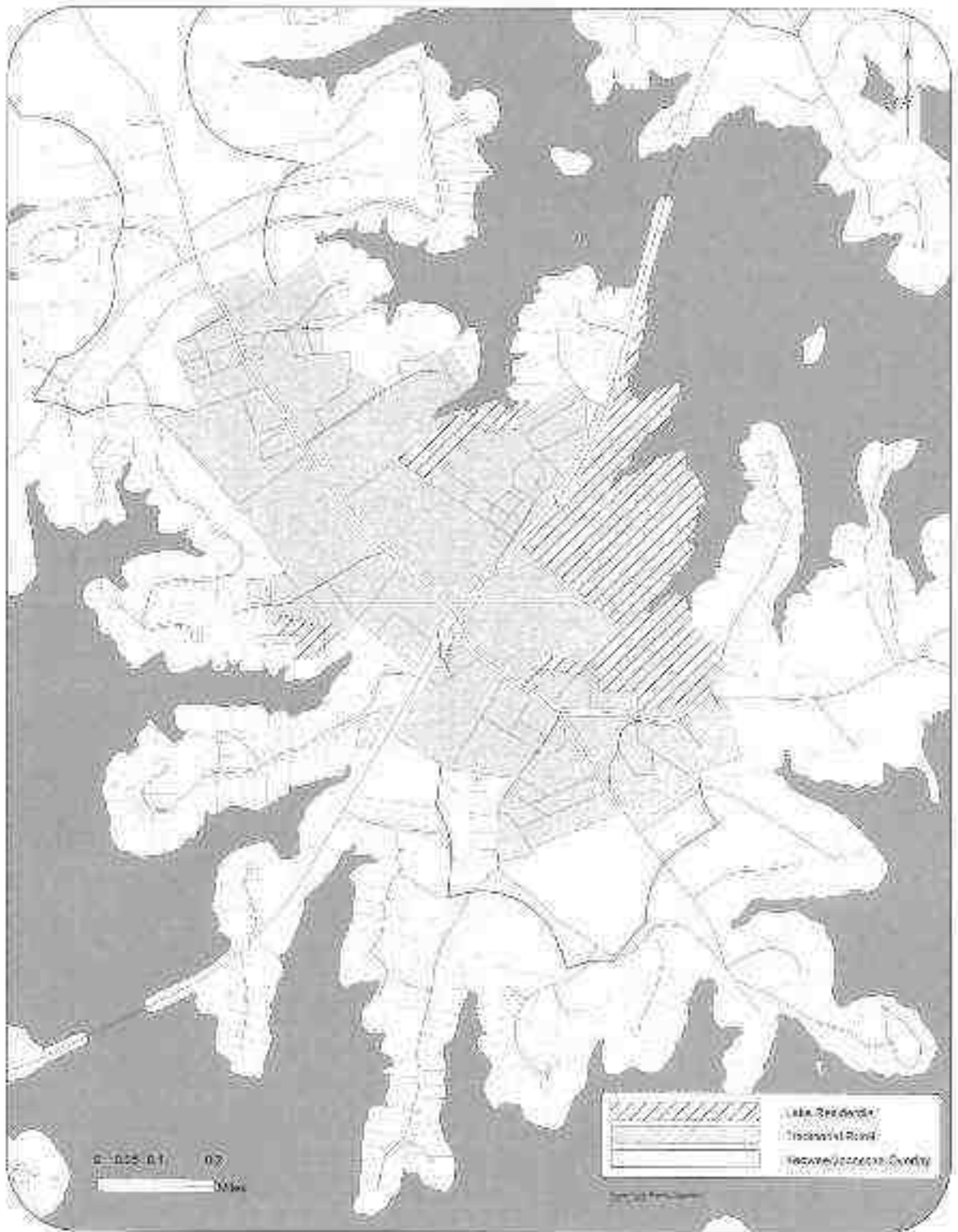
\_\_\_\_\_  
Elizabeth G. Hulse  
Clerk to County Council

First Reading: July 7, 2009  
Second Reading: September 1, 2009  
Public Hearing: October 6, 2009  
Third Reading: October 20, 2009



APPENDIX A

Parcels Rezoned by Ordinance 2009-15



## PROCEDURES: ADMINISTRATIVE SEARCH

|   |                                 | NOTES   | Completed |
|---|---------------------------------|---|-----------|
| Step 1  | Determine                       |   |           |
|   | A. Qualifications for Position  |   |           |
|   | 1. Experience                   | 2007 Class Description / County Administrator       | ✓         |
|   | 2. Educational Background       | Job Description                                     |           |
|   | 3. Residency Requirement        | <i>[will be addressed during interview process]</i> |           |
|   | B. Geographical Concerns        |   |           |
|   | 1. Local                        | Done previously                                     | ✓         |
|   | 2. State                        | Done previously                                     |           |
|   | 3. Regional                     | Done previously                                     |           |
|   | 4. National                     | NOT DONE PREVIOUSLY                                 |           |
| Step 2  | Advertisement / Resume Timeline |   | ✓         |
|   | A. What to include in ad?       |   |           |
|   | B. Where to advertise?          |   | ✓         |
|   | 1. Local papers                 | Yes   |           |
|   | 2. Regional papers              | Yes – see memo from Kay/ACOG                        |           |
|   | 3. Internet                     | Yes   |           |
|   | 4. Other                        | We advertised for FREE on SCAC & NACo websites      |           |
|   | C. Resume Acceptance Period     |   |           |
|   | 1. 4-6 weeks                    | Decided on 5 weeks – due 7/15/09                    | ✓         |
|   | 2. Submit resumes to county?    | Submit to HR w/ HR/ACOG review                      |           |
| <b>STEPS 1 – 3A: DECIDED UPON AT JUNE 2, 2009 COUNCIL MEETING</b> |                                 |   |           |

|        |  |   |   |
|--------|--|---|---|
| Step 3 | Screening of Resumes   |   |   |
|        | A. By Whom?  | HR & ACOG received & screened for Council   | ✓ |
|        | B. Recommendation of top 10, 15 or 20 based on criteria                                    |   |   |
| Step 4 | Review of screened candidates  |   |   |
|        | A. Council members independently review all applications and study those in Category 1 & 2 | <b>July 16, 2009 – July 24, 2009</b><br>Council members to coordinate review with Clerk to Council                                    | ✓ |
|        | B. Public Input  | Include on Agenda for <b>July 21, 2009</b> Council Meeting time for citizen input regarding priorities for selection of Administrator | ✓ |
|        | C. Council Special Meeting   | <b>July 25, 2009, 9AM, Chambers</b> [select top 8 candidates in Executive Session]  | ✓ |
|        | D. Top Candidates sent letter re: continued consideration                                  | <b>July 27, 2009</b> – HR to send letters to top candidates identified by Council re: continued consideration                         | ✓ |

|        |   |  |   |
|--------|---|--|---|
|        | E. Department Head / Elect Official Input   | Distribute simple questionnaire to Department Heads & Elected Officials<br><b>Due to Clerk August 5, 2009</b>  | ✓ |
|        | F. Council Special Meeting  | <b>August 22, 2009, 9AM, Chambers,</b><br>Consultation with Select Community Leaders – Participants would be required to sign confidentiality agreements to participate.<br>[select top 5-6 candidates in Executive Session] | ✓ |
|        | G. Courtesy letters to Candidates   | <b>August 24, 2009:</b> <ul style="list-style-type: none"> <li>• HR to send courtesy thank you letters to candidates not selected</li> <li>• HR to send letters to top 5-6 candidates with releases, etc.</li> </ul>         | ✓ |
| Step 5 | Select Top 5-6 Candidates   |  |   |
|        | A. In depth background check  |  |   |
|        | 1. Law Enforcement<br><small>(need Sheriff's Dept to do national NCIC background for any criminal records in any state)</small> |  |   |
|        | 2. Reference  |  |   |
|        | 3. Local Media  |  |   |
|        | 4. Credit Check   |  |   |
|        | 5. MVA 10 year check  |  |   |
|        | 6. Other?   |  |   |
| Step 6 | Interviews  |  |   |
|        | A. Top 5-6 Candidates interviewed in Executive Session  | Telephone Interviews to be conducted all Council members present – Dates to be determined  |   |
| Step 7 | Select Top 3 Candidates   | To be done on or after September 1, 2009   |   |
|        | A. Notify Candidates  |  |   |
|        | 1. Release of name/resume   |  |   |
| Step 8 | One Day Visit for Top Candidates  | Visits to be conducted on or after September 1, 2009   |   |
|        | A. Tour of County   |  |   |
|        | B. Meeting w/ Department Heads  |  |   |
|        | C. Meeting w/ Council & Citizen Group [meet & greet]  |  |   |
|        | D. Lunch  |  |   |
|        | E. Tour of County for Spouse [to include SDOC]  |  |   |

|        |  |  |  |
|--------|--|--|--|
| Step 9 | Ranking of Top Candidates                              |  |  |
|        | A. Job Offer   |  |  |
|        | B. Contract Negotiations                               | Need input from HR re benefits, County Atty. |  |
|        | C. Expected Start Date / Notice Period for Current Job |  |  |

Timeline:

- Step 1-2 4-6 weeks
  - Step 3 2 weeks
  - Step 4 1 week
  - Step 5 1 week
  - Step 6 2-3 days
  - Step 7 1 day
  - Step 8 3 days
  - Step 9 Make Selection
- Minimum 4-weeks before candidate begins work.



**AGENDA ITEM SUMMARY  
OCONEE COUNTY, SC**

**COUNCIL MEETING DATE: Sept. 1, 2009  
COUNCIL MEETING TIME: 7:00 PM**

**ITEM TITLE OR DESCRIPTION:**

Chau Ram Disc Golf Course partnership with the City of Westminster

**BACKGROUND OR HISTORY:**

Oconee PRT has wanted to construct a disc golf course at Chau Ram for several years, but the funding to this point has not been a priority at budget time. The City of Westminster would like to partner with Oconee County to make this disc golf course a reality. Specifically, as stated in the attached letter, Mayor Hodgkin says "the City of Westminster would like to raise the money to purchase the 18 disc golf baskets and construct the associated concrete tee pads. Our efforts will begin with raising the money for the baskets, purchasing the baskets and providing them to the County for installation. I am aware of numerous individuals (including myself) that are anxious to volunteer time to design, clear and construct the Chau Ram course. I also believe that these same individuals will be willing to commit the necessary time and/or resources for ongoing course maintenance. As you may know, an "official" tournament-grade disc golf course requires a minimum of 1 acre per basket, something that no other course in our area has. While the sport of disc golf has gained tremendous acceptance and support in our area, the Chau Ram course would elevate our local facilities to a new level, attracting even more players from outside of our area." I concur with Mayor Hodgkin and look forward to a partnership to with Mayor Hodgkin to construct a disc golf course. I have personally installed a disc golf course while working at Seneca and have experienced first hand how well disc golf players work to keep the course in good condition.

**SPECIAL CONSIDERATIONS OR CONCERNS:**

See attached full letter from Westminster Mayor Derek Hodgkin

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

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

**STAFF RECOMMENDATION:**

Approval of request with the addition that Oconee PRT must approve a map design of the course prior to beginning any construction.

**FINANCIAL IMPACT:**

This course will take up approximately 18-20 acres with very minimal disturbance to the landscape. Disc golf course use the existing terrain and simply clear out underbrush for course construction. I anticipate very little disturbance to the existing timber inventory as the course will use existing trees in the course design. We will be looking at additional parking in the near future to assist the park as it nears capacity nearly every weekend in the prime season, which will also provide additional parking for the disc golf players.

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

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

**ATTACHMENTS**

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

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

Letter from Westminster Mayor Derek Hodgkin and map of area to be considered for course.

**Reviewed By/ Initials:**

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

\_\_\_\_\_ Finance

\_\_\_\_\_ Grants

\_\_\_\_\_ Procurement

**Submitted or Prepared By:**

Phil Shirley, PRT Director

Department Head/Elected Official

**Approved for Submittal to Council:**

  
Kendra Brown, Assistant County Administrator

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

Mr. Phil Shirley  
Director of Parks, Recreation & Tourism  
Oconee County, South Carolina  
415 Pine Street  
Walhalla, SC 29691

Re: Chau Ram Disc Golf

Dear Phil:

I am writing this letter as a follow-up to several discussions that we have had regarding a disc golf course at Chau Ram Park. It is my understanding that, in addition to the City of Westminster property where the park is located, approximately 125 acres of adjacent property is available to expand the recreational opportunities for park users. It is also my understanding that this property has been considered for mountain biking trails and a disc golf course. Please be advised that the City of Westminster strongly supports both of these additions to Chau Ram Park. However, we are particularly interested in providing immediate assistance with the development of an 18 hole, tournament-grade disc golf course.

The City of Westminster would like to partner with Oconee County to make this disc golf course a reality. Specifically, the City of Westminster would like to raise the money to purchase the 18 disc golf baskets and construct the associated concrete tee pads. Our efforts will begin with raising the money for the baskets, purchasing the baskets and providing them to the County for installation. I am aware of numerous individuals (including myself) that are anxious to volunteer time to design, clear and construct the Chau Ram course. I also believe that these same individuals will be willing to commit the necessary time and/or resources for ongoing course maintenance. As you may know, an "official" tournament-grade disc golf course requires a minimum of 1 acre per basket, something that no other course in our area has. While the sport of disc golf has gained tremendous acceptance and support in our area, the Chau Ram course would elevate our local facilities to a new level, attracting even more players from outside of our area.

Once I receive written confirmation that Oconee County is willing to work with the City of Westminster on the Chau Ram disc golf course, I will immediately begin the necessary fundraising needed for the baskets. Based on the strong support that I have received, I expect to be able to purchase the baskets by the spring of 2010. The City of Westminster is excited to work with Oconee County on this project. Please feel free to contact me if you would like to discuss specific issues in more detail. Also, I would be happy to meet with you and/or the County Council to discuss this project if necessary. I look forward to hearing from you soon.

Sincerely,

CITY OF WESTMINSTER

Derek A. Hodgin

**AGENDA ITEM SUMMARY  
OCONEE COUNTY, SC**

**COUNCIL MEETING DATE:** September 1, 2009  
**COUNCIL MEETING TIME:** 7:00 PM

**ITEM TITLE OR DESCRIPTION:**

Local Accommodations Tax-Arts & Historical grant to Walthalla Garden Club \$1,500.00 to be used to help fund a video on the "Story of the Oconee Bell". Request approved by the Arts & Historical Commission on 08-06-09 by a unanimous vote. The video will tell the true history of the Oconee Bell flower, where it is found, it's natural habitat and the stories that surround it. This educational video will be used mainly for streaming on websites for advertising about this native plant and as a local benefit be distributed to Oconee County schools, libraries, and other interested groups for educational purposes. We have previously checked with the State Tourism Expenditure Review Committee regarding web material for advertising to ensure it fits the criteria for ATAX funding.

**BACKGROUND OR HISTORY:**

Local Accommodations Tax funds are received monthly from the accommodations industry and according to Ordinance 2007-12, 25% of those funds are tourism related funds that are to be disbursed as grants to the Arts and Historical community through the Arts & Historical Commission to increase the ability of the grant recipient to attract or provide for tourist, as described in Ordinance 2007-12. All grant recipients are required to turn in intermediate reports every 60 days to the progress of the grant and a final report upon completion of the grant. These reports are placed in the grant folder, which is kept active by the PRT office until the grant is considered complete, and then it is filed in the PRT office.

**SPECIAL CONSIDERATIONS OR CONCERNS:**

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

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

**STAFF RECOMMENDATION:**

Approval of Arts & Historical Commission recommendation for Local ATAX grant.

**FINANCIAL IMPACT:**

\$1,500.00 to be paid out of line item 013-705-90095. Current 25% Local Accommodations balance is \$4,119.40. We have two grants recommended from the Arts & Historical Commission for this grant cycle. If both are approved, the balance will be \$1,794.92.

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

Are Matching Funds Available: Yes

If yes, who is matching and how much: Walthalla Garden Club-\$300

**ATTACHMENTS**

**Reviewed By/ Initials:**


\_\_\_\_\_  
County Attorney  
Submitted or Prepared By:

Phil Shirley, PRT Director

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

✓  
\_\_\_\_\_  
Finance

\_\_\_\_\_  
Grants \_\_\_\_\_ Procurement  
Approved for Submittal to Council:

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

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



## WALHALLA GARDEN CLUB

Betsey Comiskey  
President  
688 Busch Creek  
Walhalla, SC 29691

Arts and Historical Commission  
Oconee County  
415 Pine Street  
Walhalla, SC 29691

Dear Commissioners,

The Walhalla Garden Club would like to help fund a video on the "Story of the Oconee Bell" in the amount of \$1,500. We are asking for your help.

This video will be distributed to local libraries, chambers, schools and museums for free. Therefore, our community will be able enjoy and also learn about another part of our Heritage, our garden heritage.

Thank you for your consideration.

Sincerely,



Betsey Comiskey  
President, Walhalla Garden Club

# **GBA Productions**

104 Mosselle Drive, Seneca, SC 29672  
(864) 886-1261; www.gbaproductions.com

**Date:** July 28, 2009  
**TO:** Walhalla Garden Club  
**FROM:** GBA Productions  
**RE:** Oconee Bells Video Project

GBA Productions proposes to capture and edit existing video—some from NC Public Television—and still photographs of the Oconee Bell, write a script, record narration and edit a ~~3-4~~<sup>3-4.5</sup> minute video on the true history of the Oconee Bell flower, where it is found, it's natural habitat and the stories that surround it.

The background music will be the Acóny Bell performed by Gillian Welch.

Our bid includes 100 printed DVDs in clear plastic clam shells for distribution to the Oconee County schools, libraries and other interested groups.

The budget breakdown is:

|   |                |
|---|----------------|
| Administration and Preproduction  | \$200          |
| Script writer & Recording   | \$200          |
| Editing/music/sound affects<br>Create DVD master and web<br>Streaming master. | \$900          |
| 100 DVD copies @ \$2  | \$200          |
| Sub total:  | <b>\$1,500</b> |

**OCONEE COUNTY  
LOCAL ACCOMMODATIONS TAX  
GRANT APPLICATION FORM  
FOR TOURISM RELATED PROJECTS**

**I. APPLICANT**

A. Name of Organization Walhalla Garden Club

B. Address % Betsey Comiskey  
688 Busch Creek Rd., Walhalla, SC 29691

**II. FUNDS REQUESTED**

A. Local Accommodations Tax funds requested \$ 1500.00

B. How will these funds be used? We would like to create an ed-  
ucational DVD promoting the Oconee Bell flower to  
help inform and encourage tourism.

C. Estimated percentage of costs directly attributed to attracting or serving  
tourists? 100%

D. Funds furnished by your organization \$ 300

Matching grant \$ \_\_\_\_\_ Source \_\_\_\_\_

Other Funding \$ \_\_\_\_\_ Source \_\_\_\_\_

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

### III. NARRATIVE PROJECT DESCRIPTION

- A. Project Title The Story of the Oconee Bell
- B. Description of project We would like to create an educational DVD about the Oconee Bell flower in order to encourage tourists to visit Oconee County and experience the beauty our county offers.
- C. Who will benefit from this project? Besides the educational value of the DVD, the project will increase public awareness and tourism. Tourism increases local revenue through tourism related spending.

### IV. DATES OF PROJECT

Beginning Sept 1, 2009 Ending Nov 1, 2009

### V. APPLICANT CATEGORY

- Government Entity
- Non-profit Organization. Incorporation date 1/1/2006
- Eleemosynary Organization under IRS Code: IRS # 03-0599416
- Date of Determination Letter 4/29/2006

### VI. DEMOGRAPHIC DATA

How will the project influence tourism in Oconee County? It will educate potential tourists about the natural beauty



Oconee County Offers

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

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

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

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

Mailing of copies of DVD

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

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

**VII. AUDIT**

Does your organization perform an independent audit? Yes No

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

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

A. Contact Name Betsey Comiskey Title President WGC  
Signature Betsey Comiskey Date 7/21/09  
Address 688 Busch Creek Rd  
E-mail bj.comiskey@netmds.com Fax No. \_\_\_\_\_  
Phone Number (s) 864-638-3348

B. Alternate Contact Sharon Welfare Title VP-WGC  
Address 604 White Oak Farms, Tamassee, SC 29686  
E-mail swelfare@mindspring.com  
Signature Sharon Welfare Date 7/21/09  
Phone Number (s) 864-944-9285

## Grant Processing Report

- 8 -

**AGENDA ITEM SUMMARY  
OCONEE COUNTY, SC**

COUNCIL MEETING DATE: September 1, 2009  
COUNCIL MEETING TIME: 7:00 PM

**ITEM TITLE OR DESCRIPTION:**

Local Accommodations Tax-Arts & Historical grant to Pendleton District Commission \$824.48 to be used to purchase an enamel-coated steel flat file case to house the Pendleton District Commission Archives Map and oversized document collection. This file case will allow the Pendleton District Commission to protect these valuable documents and make them available to visitors and residents, alike. Request approved by the Arts & Historical Commission on 08-06-09 by a unanimous vote.

**BACKGROUND OR HISTORY:**

Local Accommodations Tax funds are received monthly from the accommodations industry and according to Ordinance 2007-12, 25% of those funds are tourism related funds that are to be disbursed as grants to the Arts & Historical community through the Arts & Historical Commission to increase the ability of the grant recipient to attract or provide for tourists, as described in Ordinance 2007-12. All grant recipients are required to turn in intermediate reports every 60 days to the progress of the grant and a final report upon completion of the grant. These reports are placed in the grant folder, which is kept active by the PRT office until the grant is considered complete, and then it is filed in the PRT office.

**SPECIAL CONSIDERATIONS OR CONCERNS:**

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

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

**STAFF RECOMMENDATION:**

Approval of Arts & Historical Commission recommendation for Local ATAX grant.

**FINANCIAL IMPACT:**

\$824.48 to be paid out of line item 013-705-90095. Current 25% Local Accommodations balance is \$4,194.00. We have two grants recommended from the Arts & Historical Commission for this grant cycle. If both are approved, the balance will be \$1,794.92.

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

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

**ATTACHMENTS**

**Reviewed By/Initials:**

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

KBW Finance

\_\_\_\_\_ Grants

\_\_\_\_\_ Procurement

Submitted or Prepared By:

Phil Shirley, PRT Director

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

Approved for Submittal to Council:

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

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

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

**OCONEE COUNTY  
LOCAL ACCOMMODATIONS TAX  
GRANT APPLICATION FORM  
FOR TOURISM RELATED PROJECTS**

**I. APPLICANT**

A. Name of Organization Pendleton District Commission

B. Address P.O. Box 565, Pendleton SC 29670

---

**II. FUNDS REQUESTED**

A. Local Accommodations Tax funds requested \$824.48

How will these funds be used? These funds will be used to purchase a 53 3/8" x 41 3/8" enamel coated steel flat file case for storage of the Pendleton District Commission Archives Map and Oversize Document collections, which include county maps, topographic maps, blue prints, plats, lake and dam maps, maps of Cherokee villages, and road maps from Oconee County. This type of flat storage will preserve documents and allow researchers to access them. Please refer to the spec sheet provided in this packet.

B. Estimated percentage of costs directly attributed to attracting or serving tourists? 100%

D. Funds furnished by your organization \$ 824.48

Matching grant \$ \_\_\_\_\_ Source \_\_\_\_\_

Other Funding \$ \_\_\_\_\_ Source \_\_\_\_\_

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



### III. NARRATIVE PROJECT DESCRIPTION

#### A. Project Title Pendleton District Archival Flat Storage Case

#### B. Description of project:

The Pendleton District Commission's Local History Library and Archives collects and preserves the history of Oconee, Anderson and Pickens Counties and makes this history accessible to researchers from far and wide, enabling them to discover their own history and the history of Oconee County.

The foundation of preservation and access of historical materials is proper storage. The Map and Oversize Document collections are currently stored rolled in acidic cardboard boxes. Inherent vice and leaching of acid from these boxes has already embrittled some of the documents to the extent that they cannot be unrolled and used by visitors, and eventually all documents stored this way will be damaged. The boxes are so large that they must currently be stored on the floor, which renders them more vulnerable to potential water damage.

This large, enamel coated steel flat file cabinet will provide flat storage for materials preventing embrittlement and will not leach chemicals into the documents as acidic cardboard will. A 6" base will raise the items far enough off the floor to protect them from potential water damage. Flat storage also renders oversize objects more accessible, and will allow visitors to use maps to locate towns, roads and other historical information about Oconee County. Flat storage in an enamel coated steel case will preserve the documents so that they will provide benefits to current and future visitors to Oconee County

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

Visitors to and residents of Oconee County will be able to access and learn from these items for years to come. Learning about the history of the area helps create a sense of place and increases the individual's sense of investment in the county, ensuring that they will promote and protect the area themselves. Encouraging knowledge about a place and its past is in itself a form of marketing, and will encourage repeat visits to the county.

Such documents can also have legal and administrative value to local, state, and national governments in terms of development, protection of resources, and providing general information about what has taken place in the county in past years.

### IV. DATES OF PROJECT - *Not an event*

Beginning Upon receipt of funds Ending June 30, 2009

### V. APPLICANT CATEGORY

Government Entity: South Carolina Tourism Region - Pendleton District Commission representing Oconee, Anderson, and Pickens

Non-profit Organization: Incorporation date \_\_\_\_\_

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

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

## VI. DEMOGRAPHIC DATA

How will the project influence tourism in Oconee County?

Since August 2008, 39.7% of the research visits to the PDC Library and Archives were from out of state. Many of these visitors come to the area specifically to conduct genealogical research, and also contribute to Oconee County's economy by staying in inns and hotels, eating at local restaurants, and visiting local sites. Map collections most frequently provide an impetus for trips into different areas of the county—allowing a researcher to locate their old family cemetery, for example. Driving this tourism traffic across Oconee County will have a positive economic impact on restaurants, gas stations, shops, and other businesses.

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

During 2008, the PDC Local History Library and Archives was closed for almost four months due to renovations. Average visitation in the past was approximately 200 visitors per year, and we expect visitation to match or increase this number in the coming year.

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

Since August, 2008, 34 of 73 visitors were from beyond a 50 mile radius of Oconee County, ranging from Charleston, South Carolina, to Bakersfield, California.

How many overnight stays were created by this event last year and are anticipated this year? Since August 2008, this number can be estimated at 34, the number of researchers who were from beyond a 50 mile radius of Oconee County.

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

Current research in the field of archival science has shown that the majority of researchers begin with the internet. The PDC is currently increasing its web presence, including the creation of more specific "Historical Services" pages on the PDC web site, which will feature resources like the Maps and Oversize Document collections and draw more out of area visitors. The PDC is also listed in various research directories, such as the South Carolina Historical Repository Directory, maintained by the SC State Historical Records Advisory Board, which serves as a gateway to those wishing to conduct research in South Carolina.

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

Visitor statistics maintained by the Curator will illustrate use of these collections. While these statistics will illustrate use over the short term, this funding request is not for a one time event, rather, it is a long term investment. A year's worth of visitor data will provide a partial picture of use, the value of these documents will continue to increase in years to come. The true value of this grant will be seen in the continual care of these documents. Ultimately, this grant request is a small investment for the long term contribution it will make to the economy and culture of Oconee County.

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

Data is being kept in the form of visitor statistics that illustrate use of historic materials.

## VII. AUDIT

Does your organization perform an independent audit? Yes  No

Name of the Auditor: Cox & Mitchell, Anderson, SC

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

A. Contact Name Vicki B. Fletcher Title Executive Director

Signature  Date Feb. 11, 2009

Address 125 E. Queen Street, P. O. Box 565, Pendleton SC 29670

E-mail vicki@pendletondistrict.org Fax No. 864.646.7768

Phone Number (s) 864.646.3782 or 864.376.8580

B. Alternate Contact Betsy Johnson Title Curator of Collections

Address 125 E. Queen Street, P. O. Box 565, Pendleton SC 29670

E-mail Betsy@pendletondistrict.org Fax No. 864.646.7768

Signature  Date 

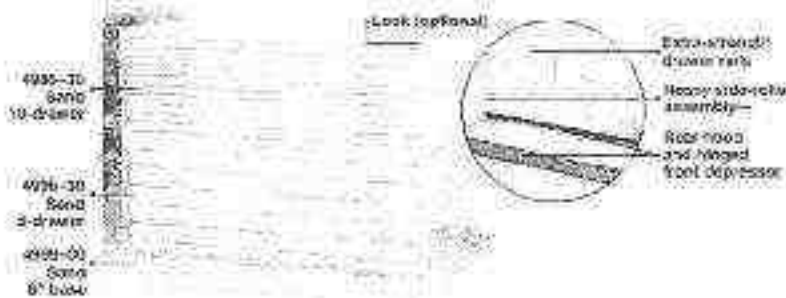
Phone Number (s) 864.646.3782 or 864.646.7271



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- Book Trucks & Returns
- Library Supplies & Signs
- Media Storage / AV & Security
- Children's Supplies & Furniture
- Furniture & Seating
- Community Spaces
- Archival
- Exhibits & Display

Cabinets, Flat File, Steel, Horizontal, Five-Drawer, 53-1/8" W, Safco®



49" W cabinet components shown are available and sold separately.

[Product Guide](#) | [View Swatches](#)

You will need the [Safco® Lock Kit](#) (part number: 4995) or lock available from [Adams Systems, Inc.](#) to use switches.

Flat files are finished with archival quality certified enamel to guard against outgassing, acidity and alkalinity.

Features:

- Label holders, chrome drawer pulls and anti-slip pads for stacking are included.
- Steps keep drawers from rolling when open.
- Stack up to five high when supported by optional base.

Construction & Materials:

Flat files feature welded construction, double-thick knap-ground corners and sturdy inner frame supports for superior stacking strength. A special positive closure keeps drawers tightly shut. Drawers extend 2 1/2" and may also be removed when needed. Simply lift drawer up and slide it out, no need to remove drawer stop.

Accessories:

An optional closed base with a recessed front (part number: 4994) raises files 6" off the floor for protection and easy access. Optional lock kits (part number: 4995) with two keys, provide extra security and are easily installed with a hammer and Phillips screwdriver.

To view lock installation instructions, click on the [Product Guide](#) button located above.

Colors & Finishes:

Files are available in 20 "Archival Safe" certified finishes: -01 Black, -04 Brown, -09 Grey, -10 Green, -14 Maroon, -18 Red, -24 White, -26 Gold, -30 Sand, -42 Pine, 77 Sand Stone, -85 Light Grey, -111 Blue Velvet, -121 Indigo, -135 Natural, -187 Blue Ice, -218 Stone, -243 Dark Grey, -258 Sweet Cream and -260 Chrome.

To view color choices, click on the [View Swatches](#) button located above.

Dimensions:

| Part Number | Description      | Dimensions (H x W x D)      | Inside (W x D) |
|-------------|------------------|-----------------------------|----------------|
| 4998*       | Five-drawer file | 16 1/2" x 53 3/8" x 41 3/8" | 30 x 38"       |
| 4999        | 6" Base          | 6 x 53 3/8 x 3 5/8"         |                |

\*Drawers extend 2 1/2"

\*Drawer depth (2 1/2" H hole): 102" above center, 20" rising stop.

| No.        | Description  | Lbs. | Price Each | 1+         | Qty |
|------------|--|------|------------|------------|-----|
| WW-4998-01 | Steel Flat File 5 Drawer<br>16 1/2H x 53 3/8W x 41 3/8D Black  | 250  |            | \$2,115.00 |     |
| WW-4998-04 | Steel Flat File 5 Drawer<br>16 1/2H x 53 3/8W x 41 3/8D Brown  | 250  |            | \$1,115.00 |     |
| WW-4998-09 | Steel Flat File 5 Drawer<br>16 1/2H x 53 3/8W x 41 3/8D Grey   | 250  |            | \$1,115.00 |     |
| WW-4998-10 | Steel Flat File 5 Drawer<br>16 1/2H x 53 3/8W x 41 3/8D Green  | 250  |            | \$1,115.00 |     |
| WW-4998-14 | Steel Flat File 5 Drawer<br>16 1/2H x 53 3/8W x 41 3/8D Maroon | 250  |            | \$1,115.00 |     |



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 Call: 1-800-962-9580 Mail: PO Box 4901  
 Syracuse, NY 13021-4901

QUOTATION

| Priority Code | Item No. and Description   | Qty | Price                | Total      |
|---------------|--|-----|----------------------|------------|
|               | <b>WW-4998-01</b><br>Steel Flat File 5 Drawer 16 1/2Hx53 3/8Wx41 3/8"D Black | 1   | \$1,115.00<br>(each) | \$1,115.00 |
|               | <b>Other Options</b>   |     |                      |            |
|               | Inside Delivery  |     | \$30.00              | \$30.00    |
|               | Extra Person Required  |     | \$60.00              | \$60.00    |
|               | <b>WW-4999-01</b><br>Base 6" For 4998 File 6Hx53 3/8Wx38 5/8"D Black         | 1   | \$175.00<br>(each)   | \$175.00   |

**Merchandise Total:** \$1,380.00  
**Estimated Shipping & Processing:** \$268.96  
 (based on shipping to 29670)  
**Taxes:** \$0.00  
**Total Cost:** \$1,648.96

Gaylord is committed to providing you with high quality products and fast, dependable service. If we can assist you in any way, please do not hesitate to contact us at 1-800-962-9580. We stand behind our products and service with our 100% Satisfaction Guarantee. Our goal is to ensure your satisfaction and earn your trust.

**AGENDA ITEM SUMMARY  
OCONEE COUNTY, SC**

**COUNCIL MEETING DATE: Sept. 1, 2009  
COUNCIL MEETING TIME: 7:00 PM**

**ITEM TITLE OR DESCRIPTION:**

Local ATAX request for full page advertising with the Greenville CVB guide.

**BACKGROUND OR HISTORY:**

This full page, full color ad will be in the Greenville CVB visitors guide, a publication with 75,000 in circulation, as well as online with over 200,000 annual users. The CVB guide is sent out to those specifically requesting information about Upstate South Carolina through several different media outlets. This ad will be on the last page of the guide adjacent to the map.

**SPECIAL CONSIDERATIONS OR CONCERNS:**

Advertising in other Upstate markets highlights Oconee County to other visitors already in the upstate as well as having a presence in the guide to potential visitors.

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

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

**STAFF RECOMMENDATION:**

PRT Director recommends approval of expenditure.

**FINANCIAL IMPACT:**

\$2,964.50 from the 75% local ATAX fund. The Mountain Lakes CVB is providing a 50% match for this advertising. The current balance in the 75% local ATAX fund is \$34,229.

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

Are Matching Funds Available: Yes / No  
If yes, who is matching and how much: \$2,964.50-Mountain Lakes CVB.

**ATTACHMENTS**

**Reviewed By/ Initials:**

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

**Submitted or Prepared By:**

Phil Shirley, PRT Director  
Department Head/Elected Official

**Approved for Submittal to Council:**

Kendra Brown  
Kendra Brown, Asst. Administrator

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

**AGENDA ITEM SUMMARY**  
**OCONEE COUNTY, SC**  
**COUNCIL MEETING DATE: September 1, 2009**  
**COUNCIL MEETING TIME: 7:00 PM**

**ITEM TITLE OR DESCRIPTION:**

- 1) Award the purchase of one 22' Samurai Boom Mower with 5' Rotary Head installed on a John Deere 6330 tractor for the Roads & Bridges Department in the amount of \$90,784.85 (including sales tax) to Alamo Industrial Inc., of Sequin, TX, per State Contract number 08-S7683-A13729. The authorized dealer that will receive credit for and deliver and service this equipment is GreenSouth Equipment, Inc., of Williamston, SC.
- 2) Approve budget justification explained in Financial Impact section below.

**BACKGROUND OR HISTORY:**

One slope mower, purchased in 1996 is currently still in service and will be used to mow along rural roads. The proposed John Deere tractor with Samurai Boom mower is operated by joystick, thus, it never requires the driver to take his hand off the wheel which increases safety and improves efficiency. The Samurai Boom for the new slope mower is able to interchange, with a quick hitch, with the rotary head and buzzbar currently in use by Roads & Bridges. This will allow for more efficient use of the slope mower and its attachments. Currently, the vast majority of work orders are to remove low lying limbs and thicker vegetation in the right-of-way that is time consuming and hazardous to remove manually.

**SPECIAL CONSIDERATIONS OR CONCERNS:**

In researching this State Contract purchase, Procurement discovered that the Samurai Boom Mower is only available from Alamo Industrial Inc. The tractor would need to be purchased on State Contract directly from John Deere in Kansas and shipped directly to Alamo for installation of the boom. However, Alamo has this tractor with the boom installed already in stock and will deliver it directly to GreenSouth Equipment in Williamston, SC, the closest authorized dealer and service center for John Deere and Alamo in South Carolina.

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

Does this request follow Procurement Ordinance #2001-15 guidelines? Yes. Budget Provisos for FY 2009-10, Section 10, specifically state that purchases made from the South Carolina State Contract are exempt from competitive bidding since the State has already bid these exact same items.

**STAFF RECOMMENDATION:**

Award the purchase of one 22' Samurai Boom Mower with 5' Rotary Head installed on a John Deere 6330 tractor for the Roads & Bridges Department in the amount of \$90,784.85 to Alamo Industrial Inc., of Sequin, TX, per State Contract number 08-S7683-A13729. The authorized dealer that will receive credit for and deliver and service this equipment is GreenSouth Equipment, Inc., of Williamston, SC.

**FINANCIAL IMPACT:**

For FY 2009-10, County Council approved \$38,900 specifically for a side mower "90 hp agricultural tractor" (budget code 10-601-50870). The amount needed for this tractor with the 22' Samurai Boom installed is \$90,784.85 for an overage of \$11,884.85. Due to the amount saved by purchasing a used mini-excavator, which was budgeted for \$95,700 from this same budget code and purchased used for \$48,000 there is over \$47,000 saved which will cover the additional \$11,884.85 needed for this purchase.

Staff is requesting that Council also approve the budget justification needed to spend an additional \$11,884.85 on the 90 hp agricultural tractor with a 22' Samurai Boom Mower attached. This amount is currently available in budget code 10-601-50870.

**ATTACHMENTS:**

1. State Contract page
2. Quote from Alamo
3. Pictures (2)

**Reviewed By/ Initials:**

County Attorney \_\_\_\_\_ Finance N/A Grants \_\_\_\_\_ Procurement RC

Submitted or Prepared By:

  
D. Mack Kelly, Jr., County Engineer

Approved for Submission to Council:

  
Kendra Brown, Interim County Administrator



## LOT 2 - ALAMO

% Discount - Equipment: 15%  
% Discount - Attachments: 15%  
% Discount - Accessories: 15%

### PLACE ALL ORDERS DIRECTLY WITH THE VENDOR BELOW:

**VENDOR:** Alamo Sales Corp  
1502 E. Walnut St  
Seguin, TX 78155

**CONTACT:** Mike Pereny or Jamie Wilson  
**TELEPHONE:** (830) 305-2673 or (830) 372-9517  
**FAX:** (830) 379-0864  
**E-MAIL:** [mpereny@alamo-industrial.com](mailto:mpereny@alamo-industrial.com) or [jwilson@alamo-industrial.com](mailto:jwilson@alamo-industrial.com)

**CONTRACT #:** 08-S7683-A13729

**FEIN #:** 74-2494182

**DELIVERY:** 180 Days ARO



# Wholegoods Sales, Order & Quote Form

ALAMO INDUSTRIAL  
P.O. Drawer 642  
1602 East Walnut St.  
Seguin, TX 78150  
(809) 356-6266  
FAX (800) 322-5041

Quote  Sale \_\_\_\_\_ Date 7/29/2006 By R. Dunfeavy Order # \_\_\_\_\_  
 Cust. Acct # \_\_\_\_\_ Assembly Code \_\_\_\_\_  
 PO # \_\_\_\_\_ Mower Model \_\_\_\_\_  
 PPD Add \$ \_\_\_\_\_ PPD Allow \$ \_\_\_\_\_ Collect \$ \_\_\_\_\_ Tractor Model JD 6030 G-2  
 Phone \_\_\_\_\_ Rear Tire Size: 18.4X34 Front Tire Size: 16.00X16  
 Ship Via ag option CAB X ROPS \_\_\_\_\_  
 Ship From TX x GC \_\_\_\_\_ KS \_\_\_\_\_ TX \_\_\_\_\_ 2WD X AWD \_\_\_\_\_

| Sold To                         | Ship To |
|---------------------------------|---------|
| SC CUSTOMER FROM Alamo contract |         |
|                                 | same    |
|                                 |         |
|                                 |         |

Quote Valid for \_\_\_\_\_ days ONLY. ( 90 days if leave blank) Discount: 0.15

| Qty. | Item #                | Description            | List Price   | Net Cost     | Total |
|------|-----------------------|------------------------|--------------|--------------|-------|
| 1    | .04852200             | 22" SAMURAI W Joystick | 36642.00     |              |       |
| 1    | .02956203             | 80" ROTARY             | 10724.00     |              |       |
|      | .02985029             | MOUNTING LABOR OIL     | 4623.00      |              |       |
| 1    | N/A                   | MOUNTING KIT           | N/C          |              |       |
| 1    | .02986369             | JD6330 CAB 2WD         | 45200.00     |              |       |
|      |                       | 12X4 SYNCHRO           |              |              |       |
| 1    | quick hitch           |                        | 3543.00      |              |       |
| 1    | hyd. kit for 2nd head |                        | 443.00       |              |       |
|      |                       | total list price       | 100975.00    |              |       |
|      |                       | less 15%               | 85828.75     |              |       |
|      |                       | less spec discount     | 182.67       |              |       |
|      |                       | Sub Total              | \$85,646.08  |              |       |
|      |                       |                        | \$ 5,138.77  | 8% Sales Tax |       |
|      |                       |                        | \$ 90,784.85 | Grand Total  |       |

1) This Sales & Order Form is not valid unless it is approved and purchase order is accepted by Alamo Industrial in Seguin, TX.  
 2) An approved order will be accepted for a machine with less than full functionality of optional items, say dealer.  
 3) Applicable shipping and/or delivery charges to be determined by Alamo Industrial in Seguin, TX and delivery is made on a "cash on delivery" basis.  
 Beyond the control of Alamo Industrial.

**NOTES:** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Dealer Signature: \_\_\_\_\_ Date: \_\_\_\_\_

# REACHING ABOVE & BEYOND

• Made for municipal mowing over guardrails and barriers with an economical price to fit any budget.

- Alamo exclusive front axle stabilization.
- High frame design with elevated turning arm.
- 18', 22', and 25' reach available.

**SAMURAI**

**SAMURAI™**

**ALAMO**  
INDUSTRIAL  
BUILT SHARPER

### Performance with Convenience

Standard equipment includes greasable, hardened steel bushings in reinforced housings for maximum performance and minimal maintenance.

### Greater Maneuverability

4-bar linkage allows the cutting head to be maneuvered up to 195° making it easier to cut in hard-to-reach areas such as steep ditch banks and over guardrails.

### Made for Municipal Mowing

Heavy-duty hydraulic lift cylinders are strategically placed to provide for maximum clearance when boom is extended to full reach.

### Sturdy Mounting

The rail-mounted Samurai frame reaches from the front bolster to the rear axle, specifically excluding attachment to the transmission bell housing.

### Easily and Safely Transportable

The Samurai can be transported down any standard roadside with ease. The axle-mounted boom rest cradles unit safely in place to relieve pressure during transport.

### Convenience with Ease

An optional joystick may be used in lieu of standard controls to allow the operator proportional control of boom functions with just the touch of a hand.



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of Alamo Group, Inc. and its subsidiaries.

### Additional Specifications

|             |                |
|-------------|----------------|
| Boom Height | 18 - 880 lbs   |
|             | 22 - 950 lbs   |
|             | 25 - 1,140 lbs |

Tractor Requirements Minimum 5,000 lbs. (empty) with 80 HP (50-g)

\*Weights are approximate figures only. Wheelbase on your order will determine specific weight for each configuration.

Warranty: One year per axle. Abuse. Nonenvironmental users are subject to a modified policy.

**ALAMO  
INDUSTRIAL**

**BUILT SHARPE**

1-800-882-5762



AGENDA ITEM SUMMARY  
OCONEE COUNTY, SC

COUNCIL MEETING DATE: September 1, 2009  
COUNCIL MEETING TIME: 7:00 PM

**ITEM TITLE OR DESCRIPTION:**

Change Order # 5 in the amount of \$10,000 to Purchase Order 44635 to Ard, Wood, Holcombe & Slate of Greenville, SC. This is the architectural firm that is representing Oconee County in the courthouse ADA issues.

**BACKGROUND OR HISTORY:**

Due to the litigation for the Oconee County Courthouse, Ard, Wood, Holcombe & Slate was selected by a previous Administrator, Tom Hendricks to assist in the ADA issues recognized by the US Department of Justice. (USDJO)

The original PO 44635 was for \$25,000 to prepare a response to the USDJO. This firm has been preparing "as built drawings" and renovation options to submit to the USDJO, and assisting the County in preparing other design modifications and dimension solutions for ADA compliance as this process continues.

Change Order # 1 in the amount of \$75,000.00 was approved by Council on April 1, 2008.

Change Order # 2 in the amount of \$22,500.00 was approved by Council on June 3, 2008.

Change Order # 3 in the amount of \$48,776.24 was approved by Council on February 17, 2009.

Change Order # 4 in the amount of \$15,000.00 was approved by Council on June 2, 2009, bringing the total of the PO to \$186,276.24.

**SPECIAL CONSIDERATIONS OR CONCERNS:**

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

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

**STAFF RECOMMENDATION:**

The staff of Facilities Maintenance recommends that Council approve Change Order # 5 in the amount of \$10,000 which will bring PO 44635 to Ard, Wood, Holcombe & Slate to a total of \$196,276.24.

**FINANCIAL IMPACT:**

The original budget for the Courthouse corrections was \$335,000 in account # 012-501-82004-00000. This Change Order # 5 will bring the remaining balance to \$30,832.37.

**ATTACHMENTS**

Reviewed By/ Initials:

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

\_\_\_\_\_ Finance

\_\_\_\_\_ Grants

PC Procurement

Submitted or Prepared By:

Approved for Submittal to Council:

  
Department Head/Elected Official

  
Kendra Brown, Asst. County Administrator

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

## OCONEE COUNTY COUNCIL

Committee Assignments – Effective September 1, 2009

### Budget, Finance and Administration

Reg Dexter, District V, Chair  
Paul Corbell, District I  
Wayne McCall, District II  
Mario Suarez, District III  
Joel Thrift, District IV

### Road and Transportation

Joel Thrift, District IV, Chair  
Paul Corbell, District I  
Wayne McCall, District II

### Real Estate, Facilities and Land Management

Mario Suarez, District III, Chair  
Paul Corbell, District I  
Joel Thrift, District IV

### Law Enforcement, Public Safety, Health and Welfare

Wayne McCall, District II, Chair  
Joel Thrift, District IV  
Mario Suarez, District III

### Planning and Economic Development

Paul Corbell, District I Chair  
Reg Dexter, District V  
Wayne McCall, District II

### Other Appointments:

South Carolina Appalachian Council of Government Board – Reg Dexter, District V  
Upstate Alliance Board of Directors – Paul Corbell, District I  
Oconee Alliance Board of Directors – Reg Dexter, District V  
Infrastructure Advisory Commission – Joel Thrift, District IV, James Alexander  
(Economic Development), (County Administrator), Art Holbrooks  
(Planning Commission)  
SCAC Budget, Finance & Economic Development Steering Committee – Reg Dexter,  
District V

# Courthouse Remediation Worksheet

## 012-501-82004-00000

|                                   | Original PO     | YTD Expenditures on PO's | Remaining Balance |  |
|-----------------------------------|-----------------|--------------------------|-------------------|--|
| Heery International               | \$ 11,000.00    | \$ 8,339.04              | \$ 2,660.96       |  |
| And. Wood, Holcombe & State       | \$ 186,276.24   | \$ 180,832.24            | \$ 5,644.00       |  |
| MDI                               | \$ 540.83       | \$ 539.88                | \$ -              | *PO was closed   |
| Love, Thornton, Arnold & Thomason | \$ 77,945.31    | \$ 37,265.08             | \$ 40,680.23      |  |
| Tom Martin                        | \$ 5,000.00     | \$ -                     | \$ 5,000.00       |  |
| TFS Engineering                   | \$ 6,500.00     | \$ 5,000.00              | \$ 1,500.00       |  |
| Total Encumbrances                | \$ 287,262.38   | \$ 231,776.24            | \$ 55,485.19      | *difference of \$0.95 was moved back in the general fund of the account* |
| Total Miscellaneous Expenditures  | \$ -            | \$ 10,006.20             |                   |  |
| Total Original Budget             | \$ 335,000.00   |                          |                   |  |
| Total YTD Expenditures            | \$ (241,782.44) |                          |                   | *includes encumbrance  |
| Remaining Balance                 | \$ 93,217.56    |                          |                   | balance and account  |

**OCONEE COUNTY**



**SCENIC HIGHWAY COMMITTEE**

**415 SOUTH PINE STREET**

**WALHALLA, SC 29691**

**864-638-4218**

September 1, 2009

From: J. Harold Thomas  
To: County Council

This is to inform you that, effective August 13, 2009, I have resigned as Chairman of the Scenic Highway Committee. I will remain as a member of the Committee representing Concerned Citizens for Conservation (CCC), and hope to take a more active role again in the future. For now, Mr. Luther Lyle, Vice-Chairman, has taken over, with an election of officers planned for the next Committee meeting.



## Oconee County Scenic Highway Committee

Report to County Council, September 1, 2009

1. On August 1, 2009, Oconee County Scenic Highway signs were installed at both ends of that section of SC 28 which has been designated as a county scenic highway by County Council. The locations of the signs are: (1) Halfway Branch, and (2) Gen. John A. Wagener Interchange.
2. The Scenic Highway signs were paid for by the Cherokee Bear Clan of South Carolina because the Roads and Bridges Dept. did not have funding for custom signs.
3. J. Harold Thomas, Chairman of the Oconee County Scenic Highway Committee, resigned as chairman at our meeting on August 13. He will remain as a voting member of the committee. Luther Lyle will serve as Chairman for the remainder of this year.