



PUBLIC COMMENT

SIGN IN SHEET

Tuesday, October 16, 2012

6:00 PM

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

Please be advised that citizens not utilizing their full four [4] minutes may not "donate" their remaining time to another speaker. As stated above, each speaker is restricted to a maximum of four [4] minutes.

Citizens with comments related to a specific action agenda item will be called first.

If time permits additional citizens may be permitted to speak on a non-agenda items *[at the discretion of the Chair]*.

PRINT Information Below

	FULL NAME	AGENDA ITEM FOR DISCUSSION	NON-AGENDA ITEMS
1	B. Bayler	City of Boca	→
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12	Eusebio		208 Water Park
13			
14	Kevin Mintzer		General
15			
16			
17			
18			
19			
20			

Everyone speaking before Council will be required to do so in a civil manner.

Council will not tolerate personal attacks on individual council members, county staff or any person or group.

Racial slurs will not be permitted. Council's number one priority is to conduct business for the citizens of this county.

All citizens who wish to address Council and all Boards and Commission appointed by Council should do so in an appropriate manner.

NOTE: Non Agenda Item matters can be addressed except for those which, due to law or proper protocol, would be inappropriate for public meetings of Council, such as, but not limited to, partisan political activity and/or comments.

Council may make closing comments directly following the public & extended public comment sessions if time permits.

Clean Water Act 208 Water Plan

Majority Vote

Public Comments
Susie Cornelius
October 16, 2012

Seneca to seek another vote on OJRSA Board

Announced last week, Seneca plans to seek another vote on the Oconee Joint Regional Sewer Authority Board, as permitted under a Memorandum of Agreement between the cities of Seneca, Walhalla and Westminster

**Request County Council
Intervention in OJRSA Board
representation for
208 Planning purposes**

**County Council designated
OJRSA as the Planning
Authority for the County's
208 Water Plan**

Currently the unincorporated area of the County has one vote, out of nine, on the OJRSA Board. In other words, a large majority of the local population has only a minor voice in 208 Planning.

OJRSA has Ultimate Planning Authority

"The county council two years ago designated the OJRSA to have authority over water quality issues, which includes wastewater, under section 208 of the federal Clean Water Act.

Decisions about sewer, Ross said, "will be made here."

Anderson Independent April 5, 2011

Lowell Ross

Conclusions of Law

- Section 208 of the Clean Water Act is "the key provision in the Act governing areawide waste treatment management planning." Natural Res. Def. Council v. Train, 396 F. Supp. 1386, 1387 (D.D.C. 1975).

• Central Water Service, Inc. vs. SCHEIDT - DOCKET NUMBER: 01-11-07 10/19/02

Conclusions of Law (Consequences)

- It has been noted that "[t]he significance of section 208 lies not only in its land use and growth management provisions but also in its innovative allocation of responsibilities among levels of government." Michael Jungman, Comment

• *Centura Water Services, Inc. v. SCDEC - DOCKET NUMBER: 09-ALJ-00106-CC*

What about us?

We are 80% of the county population outside Seneca city limits who do not have a vote on that City Council which is anticipated to move toward control of 208 Planning if City of Seneca is allowed another vote on the OJRSA Board.

New York Times Report on Water Quality Issues

<u>Keowee Key Utility Systems Inc Seneca</u> March 12, 2008	37
<u>Chickasaw Pointe Sd Oconee County</u> Feb. 19, 2008	36
<u>Sedco/Walhalla Fish Hatchery Walhalla</u> Sept. 3, 2008	19
<u>Sc Dept/Oconee State Park Oconee County</u> Sept. 4, 2008	14
<u>Total Environ/Foxwood Hills Sd Westminster</u> Feb. 21, 2008	8
<u>Jacobb Utils Llc/Pointe West W. Clemson</u> Sept. 29, 2006	6
<u>Sc Dept Trans/Welch F. Play Fair Play</u> Feb. 21, 2008	4
<u>Duke Energy/Oconee Nuclear Oconee County</u> May 13, 2008	1
<u>West Oak Hs/Oconee Co Sch Dist Westminster</u> Feb. 21, 2008	1

May 22, 2012

Conclusions of Law

- It has been pointed out that water quality management planning has extensive implications for the amount and location of growth within a particular planning area.

Request

Reasonable county-wide representation on the OJRSA Board for 208 Planning purposes, and that County Council intervene immediately regarding City of Seneca's reported intent to increase its voting power on the Oconee Joint Regional Sewer Authority

Thank you, Susie Cornelius



PUBLIC HEARING
SIGN IN SHEET
Oconee County Council Meeting
DATE: October 16, 2012
6:30 p.m.

Ordinance 2012-20 "AN ORDINANCE AUTHORIZING THE TRANSFER OF CERTAIN OCONEE COUNTY, SOUTH CAROLINA (THE "COUNTY") REAL PROPERTY; AUTHORIZING THE EXECUTION AND DELIVERY OF A LIMITED WARRANTY DEED AND OTHER DOCUMENTS RELATED TO THE TRANSFER OF THE PROPERTY; AUTHORIZING THE COUNTY ADMINISTRATOR TO APPROVE AND ENTER INTO ALL NECESSARY AND APPROPRIATE AGREEMENTS TO ACCOMPLISH THE FOREGOING; AND OTHER MATTERS RELATED THERETO"
[Echo Hills, Underwood]

Ordinance 2012-22 "AN ORDINANCE AUTHORIZING THE TRANSFER OF CERTAIN OCONEE COUNTY, SOUTH CAROLINA (THE "COUNTY") REAL PROPERTY; AUTHORIZING THE EXECUTION AND DELIVERY OF A LIMITED WARRANTY DEED AND OTHER DOCUMENTS RELATED TO THE TRANSFER OF THE PROPERTY; AUTHORIZING THE COUNTY ADMINISTRATOR TO APPROVE AND ENTER INTO ALL NECESSARY AND APPROPRIATE AGREEMENTS TO ACCOMPLISH THE FOREGOING; AND OTHER MATTERS RELATED THERETO"
[Echo Hills, Hopkins]

Ordinance 2012-25 "AN ORDINANCE TO AMEND CHAPTER 38 "ZONING" OF THE OCONEE COUNTY CODE OF ORDINANCES, INCLUDING ALL ZONING MAPS INCORPORATED THEREIN AND THEREBY, IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY; AND OTHER MATTERS RELATED THERETO"
[Mt. Springs Rezoning]

Ordinance 2012-31 "AN ORDINANCE TO AMEND SECTION 1-7, ENTITLED *GENERAL PENALTY; CONTINUING VIOLATIONS* OF CHAPTER 1, ENTITLED *GENERAL PROVISIONS*, OF THE OCONEE COUNTY CODE OF ORDINANCES, IN CERTAIN LIMITED REGARDS AND PARTICULARS ONLY; AND OTHER MATTERS RELATED THERETO"

Ordinance 2012-32 "AN ORDINANCE TO AMEND SECTION 6-84, ENTITLED *VIOLATION AND PENALTIES* OF ARTICLE III, ENTITLED *ADMINISTRATION*, OF CHAPTER 6, ENTITLED *BUILDINGS AND BUILDING REGULATIONS*, OF THE OCONEE COUNTY CODE OF ORDINANCES, IN CERTAIN LIMITED REGARDS AND PARTICULARS ONLY, TO PROVIDE FOR ONLY CIVIL PENALTIES IN THE EVENT OF A VIOLATION OF THE BUILDING CODES AND REGULATIONS ADOPTED PURSUANT TO CHAPTER 6 OF THE OCONEE COUNTY CODE OF ORDINANCES; AND OTHER MATTERS RELATED THERETO"

Everyone speaking before Council will be required to do so in a civil manner.

Council will not tolerate personal attacks on individual council members, county staff or any person or group.

Racial slurs will not be permitted.

Council's number one priority is to conduct business for the citizens of this county.

All citizens who wish to address Council and all Boards and Commission appointed by Council should do so in an appropriate manner.

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

SIGN IN SHEET - NEXT PAGE

PRINT Your Name & Check Ordinance[s] You Wish to Address

	Ordinance #	2012-20	2012-22	2012-25	2012-31	2012-32
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						
11.						
12.						
13.						
14.						
15.						
16.						
17.						
18.						
19.						
20.						
21.						
22.						
23.						
24.						
25.						

STATE OF SOUTH CAROLINA
OCONEE COUNTY
ORDINANCE 2012-20

AN ORDINANCE AUTHORIZING THE TRANSFER OF CERTAIN OCONEE COUNTY, SOUTH CAROLINA (THE "COUNTY") REAL PROPERTY; AUTHORIZING THE EXECUTION AND DELIVERY OF A LIMITED WARRANTY DEED AND OTHER DOCUMENTS RELATED TO THE TRANSFER OF THE PROPERTY; AUTHORIZING THE COUNTY ADMINISTRATOR TO APPROVE AND ENTER INTO ALL NECESSARY AND APPROPRIATE AGREEMENTS TO ACCOMPLISH THE FOREGOING; AND OTHER MATTERS RELATED THERETO.

BE IT ORDAINED, BY THE COUNTY COUNCIL OF OCONEE COUNTY, SOUTH CAROLINA AS FOLLOWS:

Section 1. **Findings and Determinations.** The Council hereby finds and determines:

(a) The County is a body politic and corporate and a political subdivision of the State of South Carolina, and as such possesses all powers granted to counties by the Constitution and laws of this State.

(b) Section 4-9-30 of the South Carolina Code provides, in part, that counties may acquire real property by purchase or gift, and lease, sell or otherwise dispose of real and personal property.

(c) The County desires to sell certain real property located in Westminster, South Carolina, identified as "Lot 1" with County TMS No. 221-00-01-105, containing approximately 0.981 acres (the "Property"), for a sales price of Six Thousand One Hundred Thirty One and 25/100 Dollars (\$6,131.25) to Melissa V. Underwood (the "Purchaser").

(d) The Council finds that the County's sale of the Property, and delivery of the title to real estate, and all related documents and instruments, will serve a proper public and corporate purpose of the County, and are necessary and in the best interest of the County.

Section 2. **Approval of Conveyance of Property.** The County Administrator is hereby authorized, empowered and directed to execute, acknowledge and deliver a limited warranty deed ("Deed") granting, bargaining, and conveying title to the Property to the Purchaser, or the Purchaser's assignee or designee, in the name and on behalf of the County.

Section 3. **Execution of Documents.** The County Administrator is fully empowered and authorized to take such further actions and to execute and deliver such additional agreements (including, but not limited to, an agreement for the purchase and sale of the Property), certifications or documents as may be deemed necessary or desirable in order to effectuate the transfer of the Property, including but not limited to the execution and delivery of the Deed, and

the transactions contemplated hereby and thereby, and the action of such officer in executing and delivering any of such documents, in such form as the County Administrator shall approve, is hereby fully authorized. All actions heretofore undertaken by the County Administrator, the County Attorney and other County personnel in order to facilitate the sale of the Property are hereby ratified and approved. The County Administrator is further authorized and empowered to execute any subsequent amendments or revisions to any of the agreements, certifications or documents authorized under this Ordinance, except for amendments altering the sales price set forth herein.

Section 4. Severability. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 5. Repeal of Inconsistent Ordinances and Resolutions. All ordinances and resolutions of the County, and any part of any ordinance or resolution, inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 6. Effective Date. This Ordinance shall be effective upon its enactment by the County Council of Oconee County, South Carolina.

Done and enacted by the County Council of Oconee County, South Carolina, this 16th day of October, 2012.

OCONEE COUNTY, SOUTH CAROLINA

(SEAL)

Chairman, County Council
Oconee County, South Carolina

ATTEST:

Clerk to County Council,
Oconee County, South Carolina

Date of First Reading: May 1, 2012
Date of Second Reading: October 2, 2012
Date of Third Reading: October 16, 2012
Date of Public Hearing: October 16, 2012

STATE OF SOUTH CAROLINA
OCONEE COUNTY
ORDINANCE 2012-22

AN ORDINANCE AUTHORIZING THE TRANSFER OF CERTAIN OCONEE COUNTY, SOUTH CAROLINA (THE "COUNTY") REAL PROPERTY; AUTHORIZING THE EXECUTION AND DELIVERY OF A LIMITED WARRANTY DEED AND OTHER DOCUMENTS RELATED TO THE TRANSFER OF THE PROPERTY; AUTHORIZING THE COUNTY ADMINISTRATOR TO APPROVE AND ENTER INTO ALL NECESSARY AND APPROPRIATE AGREEMENTS TO ACCOMPLISH THE FOREGOING; AND OTHER MATTERS RELATED THERETO.

BE IT ORDAINED, BY THE COUNTY COUNCIL OF OCONEE COUNTY, SOUTH CAROLINA AS FOLLOWS:

Section 1. Findings and Determinations. The Council hereby finds and determines:

(a) The County is a body politic and corporate and a political subdivision of the State of South Carolina, and as such possesses all powers granted to counties by the Constitution and laws of this State.

(b) Section 4-9-30 of the South Carolina Code provides, in part, that counties may acquire real property by purchase or gift, and lease, sell or otherwise dispose of real and personal property.

(c) The County desires to sell certain real property located in Westminster, South Carolina, identified as "Lot 2" with County TMS No. 221-00-01-106, containing approximately 0.947 acres (the "Property"), for a sales price of Five Thousand and 00/100 Dollars (\$5,000.00) to Randy Hopkins (the "Purchaser").

(d) The Council finds that the County's sale of the Property, and delivery of the title to real estate, and all related documents and instruments, will serve a proper public and corporate purpose of the County, and are necessary and in the best interest of the County.

Section 2. Approval of Conveyance of Property. The County Administrator is hereby authorized, empowered and directed to execute, acknowledge and deliver a limited warranty deed ("Deed") granting, bargaining, and conveying title to the Property to the Purchaser, or the Purchaser's assignee or designee, in the name and on behalf of the County.

Section 3. Execution of Documents. The County Administrator is fully empowered and authorized to take such further actions and to execute and deliver such additional agreements (including, but not limited to, an agreement for the purchase and sale of the Property), certifications or documents as may be deemed necessary or desirable in order to effectuate the transfer of the Property, including but not limited to the execution and delivery of the Deed, and

the transactions contemplated hereby and thereby, and the action of such officer in executing and delivering any of such documents, in such form as the County Administrator shall approve, is hereby fully authorized. All actions heretofore undertaken by the County Administrator, the County Attorney and other County personnel in order to facilitate the sale of the Property are hereby ratified and approved. The County Administrator is further authorized and empowered to execute any subsequent amendments or revisions to any of the agreements, certifications or documents authorized under this Ordinance, except for amendments altering the sales price set forth herein.

Section 4. Severability. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 5. Repeal of Inconsistent Ordinances and Resolutions. All ordinances and resolutions of the County, and any part of any ordinance or resolution, inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 6. Effective Date. This Ordinance shall be effective upon its enactment by the County Council of Oconee County, South Carolina.

Done and enacted by the County Council of Oconee County, South Carolina, this 16th day of October, 2012.

OCONEE COUNTY, SOUTH CAROLINA

Chairman, County Council
Oconee County, South Carolina

(SEAL)

ATTEST:

Clerk to County Council,
Oconee County, South Carolina

Date of First Reading: May 1, 2012
Date of Second Reading: October 2, 2012
Date of Third Reading: October 16, 2012
Date of Public Hearing: October 16, 2012

**STATE OF SOUTH CAROLINA
COUNTY OF OCONEE
ORDINANCE 2012-25**

AN ORDINANCE TO AMEND CHAPTER 38 “ZONING” OF THE OCONEE COUNTY CODE OF ORDINANCES, INCLUDING ALL ZONING MAPS INCORPORATED THEREIN AND THEREBY, IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY; AND OTHER MATTERS RELATED 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, finally 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 Chapter 38 of the Oconee Code of Ordinances, 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 Chapter 38, 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 recommendations of the Oconee County Planning staff, and by at least a majority vote affirmed its opinion that the proposed changes are in compliance with the Comprehensive Plan, and has made certain recommendations concerning adoption of the changes by County Council. The Oconee County Council has considered the recommendation of the Oconee County Planning Commission, and the Oconee County Planning Department, 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 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, the Oconee County Planning staff, and the public, and to otherwise ratify and reaffirm 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, listed below, 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 District in Chapter 38 of the Code.

108-00-03-006	108-00-04-051	108-00-04-081	121-00-01-019	121-00-02-050
108-00-03-010	108-00-04-052	108-00-04-084	121-00-01-020	121-00-02-055
108-00-03-017	108-00-04-053	108-00-04-086	121-00-01-021	121-00-02-065
108-00-03-020	108-00-04-054	108-00-04-087	121-00-01-022	121-00-02-066
108-00-03-021	108-00-04-055	108-00-04-088	121-00-01-024	121-00-02-067
108-00-03-022	108-00-04-056	108-00-04-090	121-00-01-025	121-00-02-068
108-00-03-023	108-00-04-057	108-00-04-091	121-00-01-027	121-00-02-076
108-00-03-064	108-00-04-058	108-00-04-093	121-00-01-069	121-00-02-078
108-00-03-065	108-00-04-059	108-00-04-094	121-00-01-070	121-00-02-079
108-00-03-066	108-00-04-060	108-00-04-095	121-00-01-071	121-00-02-080
108-00-04-003	108-00-04-061	108-00-04-096	121-00-01-072	121-00-02-081
108-00-04-004	108-00-04-062	108-00-04-097	121-00-02-001	121-00-02-082
108-00-04-005	108-00-04-063	108-00-04-098	121-00-02-002	121-00-02-083
108-00-04-006	108-00-04-064	108-00-04-100	121-00-02-003	121-00-02-085
108-00-04-009	108-00-04-065	108-00-04-101	121-00-02-004	121-00-02-093
108-00-04-010	108-00-04-066	108-00-04-102	121-00-02-022	121-00-02-096
108-00-04-011	108-00-04-067	108-00-04-103	121-00-02-023	121-00-02-101
108-00-04-012	108-00-04-070	108-00-04-104	121-00-02-026	121-00-03-003
108-00-04-013	108-00-04-071	121-00-01-002	121-00-02-027	121-00-03-004
108-00-04-014	108-00-04-072	121-00-01-003	121-00-02-030	121-00-03-005
108-00-04-017	108-00-04-073	121-00-01-004	121-00-02-031	121-00-03-007
108-00-04-019	108-00-04-074	121-00-01-005	121-00-02-032	121-00-03-008
108-00-04-023	108-00-04-075	121-00-01-008	121-00-02-033	121-00-03-009
108-00-04-024	108-00-04-076	121-00-01-009	121-00-02-034	121-00-04-003
108-00-04-034	108-00-04-077	121-00-01-012	121-00-02-035	134-00-02-001
108-00-04-037	108-00-04-078	121-00-01-013	121-00-02-037	134-00-02-006
108-00-04-038	108-00-04-079	121-00-01-015	121-00-02-041	134-00-02-017
108-00-04-039	108-00-04-080	121-00-01-018	121-00-02-047	

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. 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 16th day of October, 2012.

OCONEE COUNTY, SOUTH CAROLINA

By: _____
Joel Thrift, Chairman, County Council
Oconee County, South Carolina

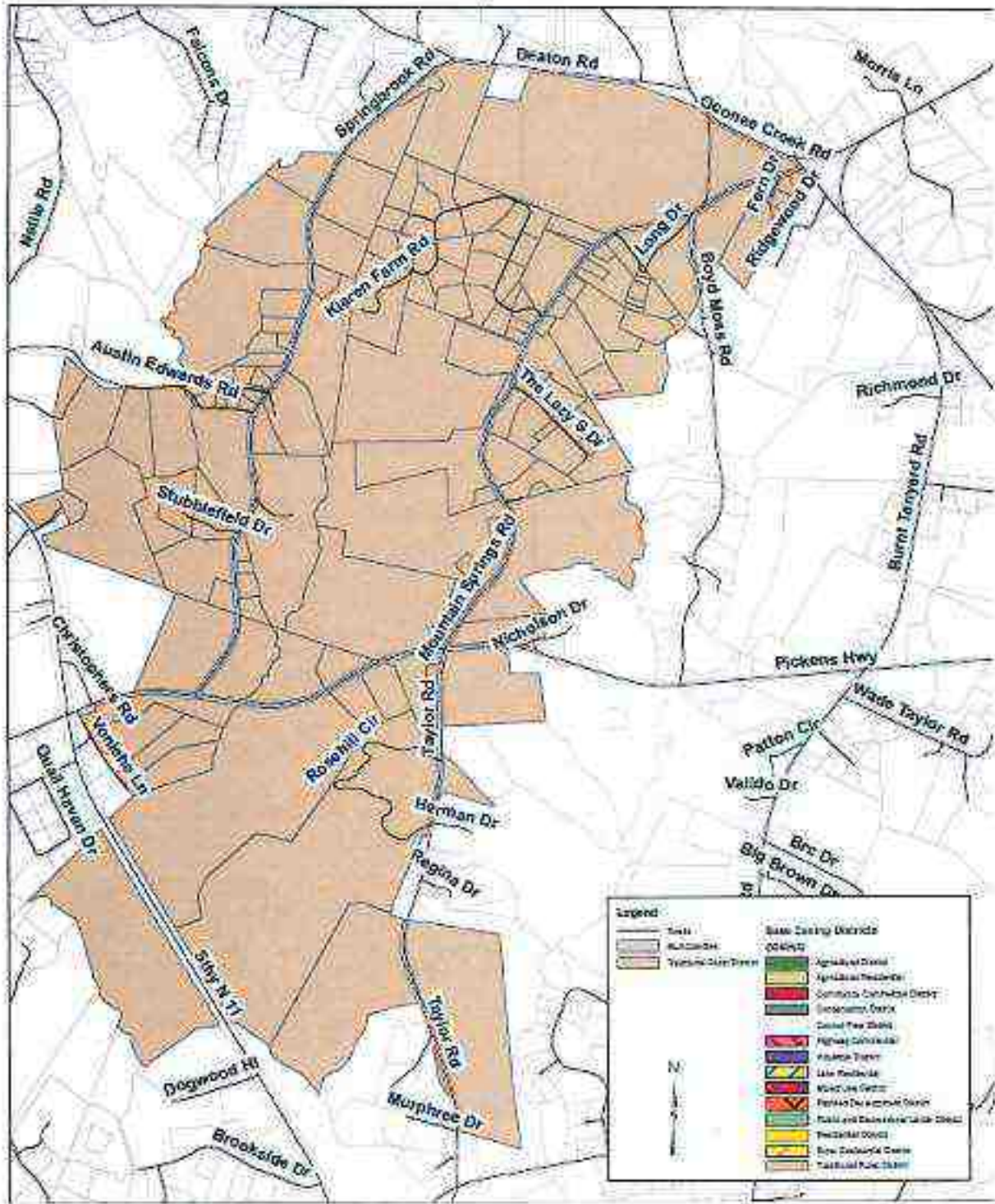
ATTEST:

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

First Reading: June 5, 2012
Second Reading: September 4, 2012
Public Hearing: October 16, 2012
Third Reading: October 16, 2012

APPENDIX A

Parcels Rezoned by Ordinance 2012-25



STATE OF SOUTH CAROLINA
OCONEE COUNTY
ORDINANCE 2012-31

AN ORDINANCE TO AMEND SECTION 1-7, ENTITLED *GENERAL PENALTY; CONTINUING VIOLATIONS* OF CHAPTER 1, ENTITLED *GENERAL PROVISIONS*, OF THE OCONEE COUNTY CODE OF ORDINANCES, IN CERTAIN LIMITED REGARDS AND PARTICULARS ONLY; AND OTHER MATTERS RELATED THERETO.

WHEREAS, Oconee County, South Carolina (the “County”), a body politic and corporate and a political subdivision of the State of South Carolina (the “State”), acting by and through the Oconee County Council (the “County Council”), has previously adopted multiple Ordinances for the effective, efficient governance of the County, which, subsequent to adoption, are codified in the Oconee County Code of Ordinances (the “Code of Ordinances”), as amended from time to time; and,

WHEREAS, Section 1-7, entitled *General penalty; continuing violations*, of the Code of Ordinances, declares the violation of the Code of Ordinances as criminal conduct, and prescribes certain criminal penalties for the violation of the Code of Ordinances; and,

WHEREAS, various Section(s) of the Code of Ordinances provide for specific penalties for a violation of the code Section(s), and whereas, particularly, Section 1-7, entitled *General penalty; continuing violations*, of the Code of Ordinances does not provide for the application of these specific penalties; and,

WHEREAS, the County Council has determined that a question exists as to whether the enactment of criminal penalties and the declaration of criminal conduct may be authorized for counties in the State; and,

WHEREAS, Titles 4 and 6 of the South Carolina Code of Laws, 1976, as amended (the “Code”), are not clear as to whether local governments are authorized to declare conduct as criminal and to establish criminal penalties in light of Article VIII Section 14 of the State Constitution; and,

WHEREAS, the County Council finds that it would be both advantageous and appropriate to enact an Ordinance that amends Section 1-7, entitled *General penalty; continuing violations*, of the Code of Ordinances, in the event and at such time, and only in that event and time, as a court of competent jurisdiction finally determines that the declaration of criminal conduct and the establishment of criminal penalties are not authorized or enforceable by counties in the State; and,

WHEREAS, the County Council further finds that the courts of the State are the appropriate entities to interpret the Constitution and statutes of the State by which the County

must abide in proscribing conduct, and in applying penalties and enforcements, and in interpreting the rules and regulations of the County as to such conduct and penalties, provided such rules and regulations comply with the Constitution and Code of the State, and all other applicable laws pertaining to enforcing penalties; and,

WHEREAS, the County Council finds that it would be both advantageous and appropriate to further amend Section 1-7, entitled *General penalty; continuing violations*, of the Code of Ordinances, to provide for the application of the general penalties as set forth in Section 1-7, of the Code of Ordinances, in the absence of, and only in the absence of specific penalties provided for elsewhere in the Code of Ordinances, in the event of a violation of the Code of Ordinances; and,

WHEREAS, based on the above findings, the County Council hereby desires to amend Section 1-7, entitled *General penalty; continuing violations*, of the Code of Ordinances, in regards to the violation of the Code of Ordinances and the penalties prescribed for doing so:

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

1. The statements of fact and policy from the preamble of this ordinance are hereby adopted, as findings of fact, by the County Council, in their entirety, and are hereby adopted by reference, as part of the ordaining language of this Ordinance, as fully as if set forth verbatim herein, and therein.
2. The provisions of §1-7, entitled *General penalty; continuing violations*, of the Code of Ordinances, are hereby revised and amended to read:

“(a) Whenever in the Oconee County Code of Ordinances or in any Ordinance of the County any act is prohibited or is declared to be unlawful or an offense or misdemeanor, or the doing of any act is required, or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, and no specific penalty is provided for the violation, the violation of any such provision of this Code of Ordinances, or any such Ordinance, shall be subject to a fine not exceeding \$500.00 or imprisonment not exceeding 30 days, or both such fine and imprisonment. In addition, a magistrate may order restitution in an amount not to exceed \$5,000.00. In determining the amount of restitution, the judge shall determine and itemize the actual amount of damage or loss in the order. In addition, the judge may set an appropriate payment schedule. A magistrate may hold a party in contempt for failure to pay the restitution ordered if the judge finds the party has the ability to pay.

Each day any violation of this Code of Ordinances or any such Ordinance, resolution, rule, regulation or order shall continue to exist constitutes, except where otherwise provided, a separate offense.

(b) All Ordinances of Oconee County adopted prior hereto, which,

subsequent to adoption, are codified in the Oconee County Code of Ordinances, and which purport to create any criminal offense or prescribe any criminal penalty, and which are finally held by a court of competent jurisdiction to be in violation of Article VIII Section 14 of the Constitution of South Carolina, are hereby automatically amended upon and only upon such holding, and without any further act or action required of any body or entity, to create an infraction, instead, and the conduct described therein is hereby automatically deemed, upon such holding only, and without any further act or action required of any body or entity, to be a public nuisance in accordance with the opinion of the South Carolina Supreme Court in *Foothills Brewing Concern Inc. v. City of Greenville* 377 S.C. 154, 480 S.E.2d 718 (2008), and the civil penalty for violation of any such infraction shall be imposed against the violator, up to the maximum amount which is authorized by State law, for the commission of an infraction created by a county ordinance, on the date the violation was committed; provided, however, the amount of the civil fine shall not be so great as to violate the holding of the opinion of the South Carolina Supreme Court in *Beachfront Entertainment Inc. vs. Town of Sullivans Island*, S.C., S.E.2d (2008). To the extent allowed by law, the civil fine may be enrolled with the Clerk of Court as a judgment and collected in the manner provided by law for judgment liens.

(c) Any Ordinance adopted subsequent to the effective date of this Ordinance, which, subsequent to adoption, is codified in the Oconee County Code of Ordinances, shall create a criminal violation, punishable as set forth in subsection (a), above, to the extent allowed by Article VIII Section 14 of the Constitution of South Carolina, and otherwise, shall create an infraction, punishable as set forth in subsection (b), above.

(d) In the event specific penalties are provided by and within Sections of the Oconee County Code of Ordinances, such specific penalties shall apply, otherwise the general penalties as set forth in Section 1-7 subsection (a) and (b) and (c), above, shall apply.”

3. Should any part or provision of this Ordinance be deemed unconstitutional or unenforceable by any court of competent jurisdiction, such determination should not affect the rest and remainder of this Ordinance, all of which is hereby deemed separable.
4. All Ordinances, Orders, Resolutions, and actions of the County inconsistent herewith are hereby, to the extent of such inconsistency only, revoked, repealed, and superseded.
5. All other terms, provisions, sections, and contents of the Code of Ordinances not specifically affected hereby remain in full force and effect.
6. This Ordinance shall take effect from and after the public hearing and the third

reading in accordance with the Code of Ordinances.

Ordained in meeting, duly assembled, this 16th day of October, 2012.

ATTEST:

Elizabeth G. Hulse,
Clerk to Oconee County Council

Joel Thrift,
Chairman, Oconee County Council

First Reading: August 14, 2012 [in title only]
Second Reading: September 18, 2012
Public Hearing: October 16, 2012
Third Reading: October 16, 2012

STATE OF SOUTH CAROLINA
OCONEE COUNTY
ORDINANCE 2012-32

AN ORDINANCE TO AMEND SECTION 6-84, ENTITLED *VIOLATION AND PENALTIES* OF ARTICLE III, ENTITLED *ADMINISTRATION*, OF CHAPTER 6, ENTITLED *BUILDINGS AND BUILDING REGULATIONS*, OF THE OCONEE COUNTY CODE OF ORDINANCES, IN CERTAIN LIMITED REGARDS AND PARTICULARS ONLY, TO PROVIDE FOR ONLY CIVIL PENALTIES IN THE EVENT OF A VIOLATION OF THE BUILDING CODES AND REGULATIONS ADOPTED PURSUANT TO CHAPTER 6 OF THE OCONEE COUNTY CODE OF ORDINANCES; AND OTHER MATTERS RELATED THERETO.

WHEREAS, Oconee County, South Carolina (the "County"), a body politic and corporate and a political subdivision of the State of South Carolina (the "State"), acting by and through the Oconee County Council (the "County Council"), has previously adopted the Oconee County Code of Ordinances (the "Code of Ordinances"); and,

WHEREAS, Section 6-84, entitled *Violation and Penalties*, of the Code of Ordinances, declares that any violation of Chapter 6, entitled *Buildings and Building Regulations*, of the Code of Ordinances, is criminal conduct, and prescribes certain criminal penalties for the violation of that section; and,

WHEREAS, Section 6-9-80(B) of the South Carolina Code of Laws, 1976, as amended (the "Code"), entitled *Mandamus and injunctive relief for violation of code or regulation; penalties*, only provides for civil penalties in the event of a violation of a building code or regulation adopted pursuant to the provisions of that Section, as were the County's building codes and regulations; and,

WHEREAS, from time to time, provisions in the Code of Ordinances need to be amended, to update such provisions, to clarify guidelines and procedures and rules applicable to County government, to keep the Code of Ordinances in concert and accord with State and County law and regulations and to meet the changing needs of the County; and,

WHEREAS, there is a need to amend Section 6-84, entitled *Violation and Penalties*, of the Code of Ordinances, to provide for only civil penalties in the event of a violation of Chapter 6, entitled *Buildings and Building Regulations*, of the Code of Ordinances, to keep the Code of Ordinances in concert and accord with State law and regulations:

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

1. The statements of fact and policy from the preamble of this Ordinance are hereby adopted, as findings of fact, by the County Council, in their entirety, and are hereby adopted by reference, as part of the ordaining language of this ordinance, as fully as if set forth verbatim herein, and therein.
2. The provisions of §6-84, entitled *Violation and Penalties*, of Article III, entitled *Administration*, of Chapter 6, entitled *Buildings and Building Regulations*, of the Code of Ordinances, are hereby revised and amended to read:

“(a) For a violation of the building codes or regulations adopted pursuant to this Chapter, the building official, any other appropriate authority of the county, or any other person or entity who would be damaged by such violation, in addition to other remedies, may apply for injunctive relief, mandamus, or other appropriate proceeding. A court may grant temporary injunctive relief upon receipt of a verified complaint of an imminent danger or emergency situation.

(b) A person found to be in violation of a building code or regulation adopted pursuant to the provisions of this Chapter must be cited and fined, by civil fine, in an amount not more than two hundred dollars. Before being charged with a second violation, the person must be given seven calendar days to remedy the violation or submit a plan for correcting the violation.

(c) A person who fails to correct a violation or submit a plan for correcting a violation (as noted in (b), above) within seven calendar days after citation or written notice must be cited and fined, by civil fine, in an amount not to exceed two thousand dollars. Each day a violation continues is a separate offense.

(d) Violation of any other part or portion of this Chapter, other than the building codes or regulations, is hereby declared a misdemeanor and shall be punishable, upon conviction, in accordance with Section 1-7 of this Code. Each day any such violation continues shall be deemed a separate offense.

(e) Nothing in this article shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired or liabilities incurred, or any cause of action accrued or existing under any act or ordinance repealed hereby, nor shall any right or remedy of any character be lost, impaired or affected by this article.”

3. Should any part or provision of this Ordinance be deemed unconstitutional or unenforceable by any court of competent jurisdiction, such determination should not affect the rest and remainder of this Ordinance, all of which is hereby deemed separable.
4. All Ordinances, Orders, Resolutions, and actions of the County inconsistent herewith are hereby, to the extent of such inconsistency only, revoked, repealed, and superseded.
5. All other terms, provisions, sections, and contents of the Code of Ordinances not specifically affected hereby remain in full force and effect.
6. This Ordinance shall take effect from and after the public hearing and the third reading in accordance with the Code of Ordinances.

Ordained in meeting, duly assembled, this 16th day of October, 2012.

ATTEST:

Elizabeth G. Hulse,
Clerk to Oconee County Council

Joel Thrift,
Chairman, Oconee County Council

First Reading: September 18, 2012
Second Reading: October 2, 2012
Public Hearing October 16, 2012
Third Reading: October 16, 2012

PROCUREMENT - AGENDA ITEM SUMMARY

OCONEE COUNTY, SC

COUNCIL MEETING DATE: October 16, 2012

ITEM TITLE:

Procurement #: ITB 12-07 Title: Echo Hills Phase I Site Improvements Dept: Economic Development Amount: \$2,409,558.92

FINANCIAL IMPACT:

CONTINGENCY FUNDING: Amount/Percent: 10% or \$219,050.81

BACKGROUND DESCRIPTION:

This bid includes all site work associated with the construction of Phase I of the Echo Hills Industrial Park. The Phase I improvements will include a 300,000 sf. building pad, a 50,000 sf. building pad, two 28 ft. wide roadways internal to the park, the main entrance for the park off Hwy 11, widening of SC Hwy 11 for left and right turn lanes, storm sewer facilities, water mains, and a gravity sanitary sewer system. Work within the 54 acre Phase I project limits consists of mass grading for the two building pads, grading for the two internal roadways and SC Hwy 11 widening, two detention ponds with outlet control structures; approximately 2,930 linear feet of 28 ft. wide asphalt roadway; 3,140 linear feet of 8-inch water main; and approximately 2,850 linear feet of 10-inch gravity sanitary sewer line including associated manholes and a jack and bore installation under SC Hwy 11.

On October 2, 2012, formal sealed bids were opened for this project. This bid was originally sent to 36 bidders and there were 20 plan holders. Six firms submitted bids, with Phillips & Jordan, Inc., of Robbinsville, NC, submitting the lowest bid of \$2,073,838.11, with an additional bid alternate for a 3 inch stone base building pad of \$116,670.00 for a combined bid total of \$2,190,508.11.

ATTACHMENT(S):

1. Bid Tab
2. Recommendation letter from URS Corporation, Project Engineers.

STAFF RECOMMENDATION:

It is the staff's recommendation that Council approve the award of ITB 12-07 to Phillips & Jordan, Inc., of Robbinsville, NC, for the Echo Hills Phase I Site Improvements in the amount of \$2,409,558.92 which includes a Bid Alternate for 3 inch stone building pad in the amount of \$116,670.00, and a contingency amount of 10% for any change orders that may arise.

Authorize the County Administrator to approve any change orders that are within the contingency amount.

Submitted or Prepared By: _____
Robyn Courtright, Procurement Director

Approved for Submittal to Council: _____
T. Scott Moulder, 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.



October 3, 2012

Mrs. Robyn Courtright
Procurement Director
Oconee County
415 South Pine Street
Walhalla, SC 29691

RE: Echo Hills
Phase I Site Improvements
Oconee County ITB 12-07
URS Project No.: 46422054

Dear Mrs. Courtright,

This letter represents the recommendations of this office concerning the award of a construction contract by Oconee County, South Carolina for the referenced project. Six (6) bids were received on October 2, 2012 at 2:00 PM in Procurement Room 104 of the Oconee County Administrative Offices located at 415 South Pine Street, Walhalla, SC 29691. Each of the bids was publicly opened and read aloud. The bids were checked and corrected and are as follows:

Contractor		Amount of Base Bid	Amount of Bid Alternate No. 1	Grand Total
Phillips & Jordan, Inc.	Robbinsville, NC	\$2,073,838.11	\$116,670.00	\$2,190,508.11
L-J, Inc.	Columbia, SC	\$2,179,166.41	\$149,726.50	\$2,328,892.91
Richardson Construction Company	Columbia, SC	\$2,177,332.50	\$155,560.00	\$2,332,892.50
Clary Hood, Inc.	Spartanburg, SC	\$2,194,423.00	\$175,005.00	\$2,369,428.00
Morgan Corp	Duncan, SC	\$2,489,938.60	\$124,448.00	\$2,614,386.60
Plateau Excavation, Inc.	Avondale, GA	\$2,540,482.20	\$116,670.00	\$2,657,152.20

Mrs. Robyn Courtright
October 3, 2012
Page 2 of 2

It is the opinion of this office that the low bidder meets the requirements set forth in the Information for Bidders in the bid documents. Thus, in accordance with Section 00100, Paragraph 15 - Method of Award - Lowest Qualified Bidder, we recommend the contract for the Echo Hills - Phase I Site Improvements be awarded to Phillips & Jordan, Inc. in the Grand Total contract amount of \$2,190,508.11. The total contract amount is based on the Base Bid amount of \$2,073,838.11 plus the Bid Alternate No. 1 amount of \$116,670.00.

I have enclosed for you a copy of the certified tabulation of bids. Should you have any questions, please do not hesitate to contact me.

Very truly yours,

URS Corporation



Ryan W. Page, P.E.
Project Engineer

Enclosures

**AGENDA ITEM SUMMARY
OCONEE COUNTY, SC**

**COUNCIL MEETING DATE: October 16, 2012
COUNCIL MEETING TIME: 6:00 PM**

ITEM TITLE [Brief Statement]:

The Oconee County Sheriff's Office requests approval to accept the FY 2012-2013 SC Department of Public Safety Law Enforcement Network Grant.

BACKGROUND DESCRIPTION:

The Law Enforcement Network Grant serves to provide support and promotion for the statewide, *Buckle Up South Carolina* campaign, DUI Challenge, and *Sober or Slammer!* crackdowns. Funds may be utilized to purchase supplies, such as crash data recovery kits, in-car video cameras, checkpoint supplies, etc.

No matching funds are required from Oconee County.

SPECIAL CONSIDERATIONS OR CONCERNS [only if applicable]:

This grant will be used to acquire law enforcement supplies and equipment.

- Oconee County Sheriff's Department
Law Enforcement Network Grant = \$28,000
(\$7,000 for the Host Agency (Oconee County Sheriff's Office) and \$21,000 for LEN Support)

There is NO local match required.

FINANCIAL IMPACT [Brief Statement]:

Check Here if Item Previously approved in the Budget. No additional information required.

Approved by : _____ Finance

COMPLETE THIS PORTION FOR ALL GRANT REQUESTS:

Are Matching Funds Available: Yes / No *There is NO local match required.*

If yes, who is matching and how much:

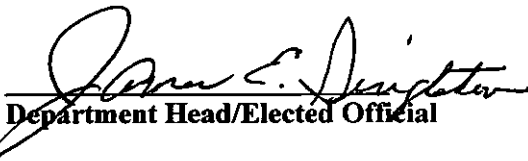
Approved by :  Grants

ATTACHMENTS

STAFF RECOMMENDATION [Brief Statement]:

The Oconee County Sheriff's Office recommends approval to accept the FY 2012-2013 Law Enforcement Network Grant.

Submitted or Prepared By:


Department Head/Elected Official

Approved for Submittal to Council:

T. Scott Moulder, 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.

PROCUREMENT - AGENDA ITEM SUMMARY
OCONEE COUNTY, SC

COUNCIL MEETING DATE: October 16, 2012

ITEM TITLE:

Procurement #: RFP 12-01 Title: Wheel Loader for Quarry Department: Rock Quarry Amount: \$577,974.00

FINANCIAL IMPACT:

Procurement was approved by Council in Fiscal Year 12-13 budget process.

Finance Approval: 

BACKGROUND DESCRIPTION:

RFP 12-01 was issued for one new, current year model, Wheel Loader that is diesel driven, meeting Level III EPA emissions requirements, articulated, with four-wheel drive and rubber tires with an Asbury 8.5CY spade nose rock bucket. This wheel loader will be used in the pit and also in the yard to load trucks. This wheel loader replaces a 1995 Kawasaki loader that will be transferred to the Roads department.

This RFP was issued on August 20, 2012 and sent to all four manufacturers that have a wheel loader that could meet all specifications. On September 20, 2012 proposals were received from CAT, Kawasaki, Komatsu and Volvo. Evaluation criteria consisted of: Specification Compliance (30%), Cost (30%), Service and Warranty Requirements (20%) and Capabilities of the Firm (20%). An Evaluation Committee composed of Rick Martin (Manager), Brian Burrell (mechanic) and Shawn Vereb (operator) from the Quarry, Ronnie Smith from Fleet Maintenance and Danny Harris from the Roads & Bridges Department unanimously voted to recommend Linder Industrial Equipment, representing Komatsu, of Greer, SC for this award.

SPECIAL CONSIDERATIONS OR CONCERNS:

After researching wheel loaders with a minimum operating weigh of 100,000 lbs it was determined that there are only four manufacturers, CAT, Kawasaki, Komatsu and Volvo that have a loader this size. Before writing the specifications for this RFP, the Quarry personnel and procurement visited all four manufacturers and the operator and mechanic drove each of the different wheel loaders. Specifications were written to be sure that no manufacturer was excluded. Careful consideration was given during the evaluation process to ensure that the best value wheel loader was selected.

ATTACHMENT(S):

1. Summary Score Sheet
2. Sample Evaluation Form

STAFF RECOMMENDATION :

It is the staff's recommendation that Council approve the award of RFP 12-01 for a Wheel Loader for the Quarry to Linder Industrial Machinery, of Greer, SC, in the amount of \$577,974.00.

Submitted or Prepared By: 
Robyn Courtright, Procurement Director

Approved for Submittal to Council: 
T. Scott Moulder, 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.

Vendor Name	ASC Construction Equipment	Blanchard Machinery	Linder Industrial Equipment	May Heavy Equipment
Location	Piedmont, SC	Simpsonville, SC	Greer, SC	Columbia, SC
Manufacturer	VOLVO	CAT	KOMATSU	KAWASAKI
TOTAL	1884.90	1810.80	2230.90	1823.50
RANKING	2	4	1	3
AVERAGE SCORE possible total 500 pts.	376.98	362.18	446.18	365.30
AVERAGE RANKING	2	4	1	3

Oconee County Respondent Evaluation Form

RFP # 12-01 Wheel Loader for Quarry

FIRM: _____

Evaluation Criteria		Score 1-5	Total Score/Number of Items x Percentage
4.1	Specifications Compliance (30%)	-----	-----
	Meets all Specs		
	Exceptions fully explained / acceptable		
	Bucket Specifications acceptable		
	TOTAL		
4.2	Cost Requirements (30%)	-----	-----
	Ranking for Total Cost		
	TOTAL		
4.3	Service and Warranty Requirements (20%)	-----	-----
4.301	Location of Mfg and Service Facilities		
4.302	Service and Outside Warranties Work		
4.303	Local Service Facility		
4.4	Warranties		
	TOTAL		
	Capabilities of Firm (20%)	-----	-----
4.501	Manufacturer & Dealer Background		
4.502	References		
4.6	Delivery and Training		
	TOTAL		
	GRAND TOTAL		

NOTE: 5 IS THE HIGHEST SCORE, 0 IS THE LOWEST. SCORES MAY BE IN .5 INCREMENTS.

CERTIFICATION:

I hereby certify that I attended all of the committee meetings held for this evaluation. All of the persons or firms were evaluated and ranked by me solely based on the criteria listed above, and no other criteria were used.

BY: _____
(Signature of Selection Committee Member)

DATE: _____

(Print Name of Selection Committee Member)

(Firm)

Oconee County, South Carolina
 Departmental Capital Requests
 2012-2013 Budget

Description	New or Replacement	Quantity Requested	Cost Per Unit	FY 2013 Total Request	State and Federal Grants	FY 2013 Total Recom for General Fund	FY 2013 Council Approved for General Fund
Roads and Bridges (601)							
Fuel Truck	Replacement	1	101,300	101,300	-	-	-
Samurai Boom	Replacement	1	47,700	47,700	-	-	-
Paving Machine	Replacement	1	212,000	212,000	-	-	-
Used Track Hce	New	1	265,500	265,500	-	-	-
Tri-Axle Dump Truck	Replacement	1	141,300	141,300	-	-	-
Used Mini Excavator	Replacement	1	108,000	108,000	-	-	-
Sign Truck F450	Replacement	1	41,300	41,300	-	-	-
Sickle Bar Mower	New	2	7,500	15,000	-	-	-
GPS Map Grade	New	1	10,000	10,000	-	-	-
Human Resources (710)							
Used 4-Wheel Drive Vehicle	Replacement	1	10,000	10,000	-	-	-
Information Technology (711)							
Various IT Capital Equipment	Both	Various		104,000	-	104,000	104,000
GIS Phase II	N/A	N/A		20,000	-	-	-
Facilities Maintenance (714)							
Cargo Van - 1 Ton, E350	New	1	21,810	21,810	-	-	-
Truck - 1/2 Ton, F-150 Regular Cab 4x2	New	1	16,230	16,230	-	-	-
Solid Waste (718)							
Replacement Compactors for Centers 10, 9, 8, and 1	Replacement	6	18,400	110,400	-	-	-
Addition and Removal of Solid Waste Office to Enlarge Conference Room	New	1	125,000	125,000	-	-	-
Replace Asphalt Around Transfer Station	Replacement	1	55,000	55,000	-	-	-
Used D-6 Dozer for Landfill	New	1	75,000	75,000	-	-	-
Rock Quarry (719)							
Rubber-Tire Loader	Replacement	1	685,000	685,000	-	-	-
Truck Scale Software/Maintenance Support	Replacement	1	15,000	15,000	-	-	-
Airport (720)							
Brush Mower	New	1	9,050	9,050	-	9,050	9,050
Aviation Easements	New	1	100,000	5,000	95,000	-	-
Obstruction Clearing for Protecting FAR	New	1	120,000	6,000	114,000	-	-
Land and House Purchases	New	1	358,000	17,900	265,495	-	-
Complete Hangar E Restroom Build Out	New	1	44,000	44,000	-	-	-
Build Addition Revenue Producing Aircraft Storage Building	New	1	700,000	500,000	-	-	-
Vehicle Maintenance (721)							
F-250 Mechanic-Type Truck to include Mechanic's Bed with Air Compressor	Replacement	1	25,748	25,748	-	-	-
Five Ton Off Road Forklift	New	1	38,000	38,000	-	-	-
Total Capital Requests				5,824,807	474,495	409,920	409,920

NON-BINDING MEMORANDUM OF UNDERSTANDING

THIS NON-BINDING MEMORANDUM OF UNDERSTANDING (the "Memorandum") is executed as of the ___ day of _____, 2012, by and between OCONEE COUNTY, SOUTH CAROLINA (the "County") Administrator, SCOTT MOULDER (the "Administrator"), with the approval of the County Council (the "County Council"), and JOHN POWELL, DONALD R. HINSON AND JAMES G. CARSWELL III (collectively, the "Developer").

WHEREAS, there is located at the intersection of Main Street and South Church Street in Walhalla, South Carolina certain property with improvements thereon, fee simple title to which is currently held by the County (the "Property"), said Property having formerly served as the County Courthouse and having County TMS#: 500-15-13-001; and

WHEREAS, the County and the Developer (collectively the "Parties") wish to negotiate and enter into one or more agreements (the "Agreements") relating to the transfer and conveyance of the Property by the County to the Developer, and the private rehabilitation and redevelopment of the Property by the Developer substantially in accordance with the conceptual design plan attached as Exhibit A hereto (the "Project"); and

WHEREAS, the County has previously sought proposals for the Project or similar rehabilitation and redevelopment work on the Property from any other interested developers or parties through a request for proposals submitted in accordance with County ordinances, code and regulations, and received no responsive, responsible proposals to such request; and

WHEREAS, the Property is one of historic value and significance to the County, and of such prominence as to have a significant impact on the surrounding community; and

WHEREAS, the structure located on the Property is falling into a state of disrepair and is in need of rehabilitation to protect against future damage from the elements, and the Developer is willing to proceed with such rehabilitation of the Property pending the negotiation and execution of the Agreements, subject to certain conditions; and

WHEREAS, County Council has determined through approval of the Administrator executing this Memorandum that, based on currently available information: (i) the ultimate goal of the Project is to encourage capital investment, diversification of the tax base through creation of new taxable property, and the creation of jobs in the County; (ii) that the citizens of the County will be the primary beneficiaries of the expected capital investment and job creation generated by the Project; (iii) that the Project is not exceedingly speculative in nature; and (iv) and that the public interest is likely to be served to a substantial degree through the expected capital investment, creation of jobs, the expansion and diversification of the tax base by third party commercial investors; and

WHEREAS, in order to memorialize the initial understanding of the Parties as to certain terms which are anticipated to be incorporated into the Agreements, and as to the general scope of the Project, the Administrator (with consent of County Council) and the Developer have entered into this Memorandum as a non-binding statement of their intent;

NOW, THEREFORE, the Parties hereto wish to memorialize their understanding and mutual intent with respect to the Project and Agreements as set forth below:

1. **Conveyance of Property.** The County intends to negotiate and enter into an agreement for the purchase and sale of the Property with the Developer (the "Purchase Agreement"), and pursuant to such Purchase Agreement, to grant, bargain, sell and convey, by limited warranty deed (subject to such reversionary or other clauses or restrictions as may be agreed upon by the Parties), title to the Property to the Developer (the "Conveyance") for \$10.00 and other good and valuable consideration. In addition to all other negotiated provisions, it is anticipated that the Purchase Agreement shall permit the Developer to undertake, prior to closing, certain repairs to the at its own cost which are necessary to preserve the condition of the Property (including repairs to the roof of the structure thereon). The Parties understand that such costs incurred by the Developer (if specifically authorized by the terms of the Purchase Agreement) would be reimbursed by the County (up to an agreed upon maximum reimbursement) in the event that the County fails to convey the Property to the Developer in accordance with the terms of the Purchase Agreement for a reason other than breach or default thereunder by the Developer. The Purchase Agreement and Conveyance are to be approved by ordinance of the County.
2. **Grant of Incentives.** The Developer has requested, through prior correspondence with County staff, certain incentives and assistance of the County in order to make the Project financially viable. Such requested incentives include, but are not limited to, grants, non-interest bearing loans, *ad valorem* property tax abatement and/or property tax credits, and reimbursement of certain costs incurred by the Developer prior to acquisition of the Property in the event the County fails to convey the Property to the Developer pursuant to the Purchase Agreement. The County intends, to the extent permitted by South Carolina law and with the advice of legal counsel, to negotiate and enter into one or more agreements (collectively, the "Incentive Agreements") with the Developer which the Council may find are necessary and appropriate in order to incentivize the Developer to undertake the Project. Such incentives may differ from those proposed by the Developer in such particulars as may be required by South Carolina law or deemed necessary or appropriate by Council. All Incentive Agreements shall contain such conditions and requirements related to the Project as may be determined necessary and appropriate by Council, and shall be approved by resolution or ordinance of Council in conformity with South Carolina law.
3. **Project Design.** The Project will be completed substantially in accordance with the terms and provisions of this Memorandum and the conceptual design plans attached as Exhibit A hereto. All covenants and obligations of the County under the Purchase Agreement and the Incentive Agreements may be conditional upon completion of the Project in accordance with the design plans attached as Exhibit A, or such other plans and specifications as may be mutually approved by agreement of the Parties, within an agreed upon period of time.
4. **Project Financing.** The Developer has no reason to believe that it will be unable to attain adequate financing or funding for the Project, and will, prior to the disbursement of any County funds to the Developer under any Incentive Agreement or the closing of the Conveyance, provide the County with a letter of commitment from a bank or other financial

institution for financing sufficient to, in combination with all County incentives under the Incentive Agreements, complete the Project.

5. Non-Binding Effect. This Memorandum is an expression of understanding only for purposes of furthering additional discussions and negotiations related to the Project, and shall not confer on the Parties any contractual or equitable rights, claims or causes of action. Neither of the Parties shall have any right to rely on the provisions of this Memorandum, and no equitable claim shall arise from any such reliance.

[execution page follows]

IN WITNESS WHEREOF, the Parties hereto have executed this Memorandum as of the day and year first written above.

IN THE PRESENCE OF:

OCONEE COUNTY, SOUTH CAROLINA

By: _____
Name: Scott Moulder
Title: Oconee County Administrator

DEVELOPER

John Powell

Donald R. Hinson

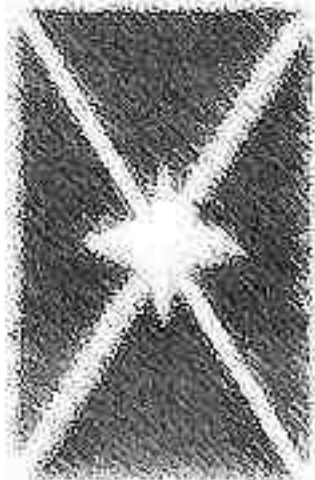
James G. Carswell III

EXHIBIT A

Conceptual Design Plan

[see attached]

Walhalla County Courthouse
Conceptual Design
For
Courthouse Inn and Restaurant
With
Office and Retail



August, 2012

Walhalla Courthouse Ventures, LLC

Following approval by the Oconee County Commissioners of a proposal submitted on the rehab of the 1956 Oconee County Courthouse, a significant amount of due diligence inspection was done. Out of that inspection effort, together with discussions of various potential uses for the space, the following conceptual design emerged. While consistent with the initial concept submitted to the County, the work below reflects a far greater degree of research, and therefore represents a much more confident vision of the building.

While there continue to be a number of issues to be investigated, discussed and refined, we wanted to provide a clearer and more detailed description of what we are pursuing so as to keep the many interested parties informed as to our concept and its progress.

General Building Orientation

For a number of reasons, we have provided different orientations for the various uses being proposed for the building. The Main Street side (the north side) will be primarily street level retail. The primary office space in the basement will be accessible both from S. Church Street and from the new Courthouse side (via steps). The Inn and Restaurant will have its primary entrance at the southeast door, across from the Museum building, with a handicapped entry possible off S. Church Street. The Restaurant will also be accessible at ground level off the new Courthouse parking lot.

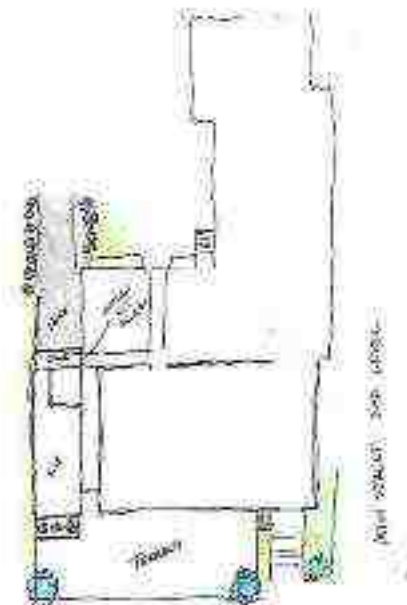
Main Street

The Main Street side of the building will involve excavation in front of the Courthouse, with new construction of retail space intended to match the building in design, materials and style.



The Main Street level (left) will have a number of new retail spaces, some of that space wrapping the east side of the building. This retail will be held back from the street and pavement, creating a wider pavement area similar to the rest of Main Street.

The roof of the retail space will be a terrace, built roughly even with the Courtroom floor level. The Terrace will be surrounded by planters and by a new brushed aluminum rail custom made to match the details currently found in the



entry door details. This detail consists of a grid of squares and diagonals, centered on a star.

The new retail space will have interior ceiling heights of approximately 10 feet, and will have separately metered utilities.

The existing Courthouse front steps will be cleaned and repaired, but will remain.

The east side of the upper level, behind the Terrace and east of the existing building, will be newly constructed space to provide new kitchen space for the Restaurant, as well as a service area for the building. The service area will be shielded by a low wall and by landscaping.

The basement office space underneath the Courtroom area will continue to use the existing Church Street entrance.

Courthouse Inn and Restaurant

The Inn space, located in the footprint of the original Administrative wing, is intended to provide meeting and event space, as well as an array of room styles. The development goal for the building is to preserve and/or reuse material wherever possible, to the extent the building, when complete, will qualify as a LEED certified building. As such, we are preserving the existing hallways, with their terrazzo floors and white marble wainscoting. We want the Courthouse Inn to be a place where businesses, residents and visitors feel some of the historical elements of the building, while enjoying a modern lodging and event experience.

The main floor of the building, shown below, will be entered at the existing southeast entrance. The parking area will be modified to allow a drop-off zone, while preserving several parking spaces.



The reception desk will be cut into the original vault area, with the original vault door remaining as part of the west wall of that room.

Immediately to the east (top) of the drawing) of the vault room will be an administrative office area for the Inn, as well as the service room for the breakfast room.

The breakfast room will wrap the south end of the building, where the windows will be cut to full height windows to bring in more light, and to mimic the

tall windows on the Courthouse Main Street facade.

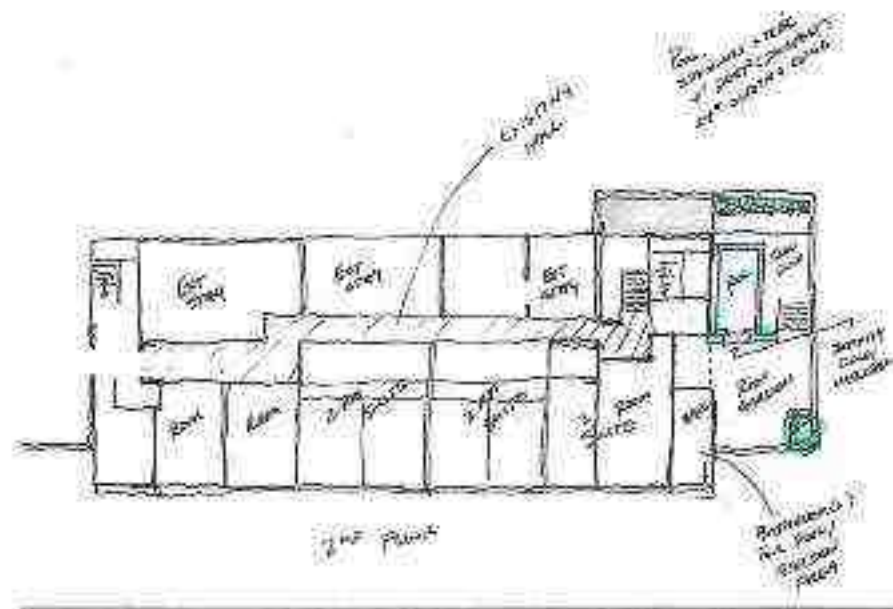
A section of wall will be removed to create a lobby area and anteroom to the event room, which will be along the east side of the hall, where the main file room was located. On the north end of the event room will be a breakout room, which can serve for small meetings, a gathering room for speakers, or as the prep room for a caterer serving an event.

At the far north end of the east side, there will be a business center to serve guests.

A new fire stair and elevator will be built in the northwest corner of the wing, positioned to open up to the basement, first and second floor stair lobbies. That particular stair will extend up to all floors of the building. The two primary reasons for placing the elevator in that location is so that it can serve the basements and so that it draws hotel guests closer to the entrance to the restaurant.

Along the west side of the hallway will be five large rooms, using existing openings (where possible). We may choose to continue the historical theme by providing these rooms with names (Clerk's Office) rather than numbers.

The second floor also preserves the existing hallway. Due to the offset design of that hallway, however, the mix of rooms is varied, as most of the new space is on the west side of the existing hallway.



On the east side of the second floor, the spaces are longer and more narrow, so those rooms will be specifically designed for "extended stay" guests, and will include small kitchenettes.

The rooms on the west side of the hall will include two "traditional" rooms, sized similar to those on upper floors, as well as three suites. The suites will feature two bedrooms each, a living area, and will have full height small ("Juliet") balconies facing west.

The same brushed aluminum theme will be repeated in the balcony rails as seen elsewhere in the building, such as on the Main Street terrace level and on the second floor rooftop garden. We believe repeating this theme simply continues to tie together both the old and new in the building, drawing out some of the important architectural details this building does provide.



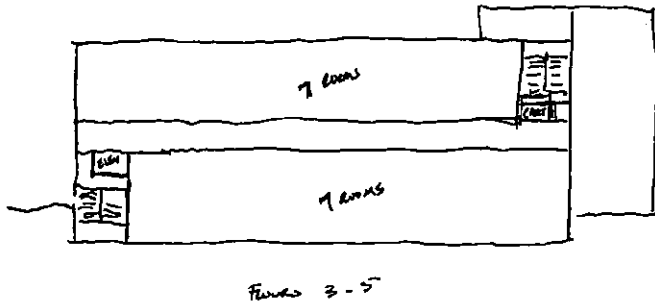
That also brings us to one of the unique elements of the new design, the rooftop garden and pool area. Because of the robust nature of the building and the location of the vault (with its own foundations extending beneath the building), we can use the strength of the building to provide a roof top area easily accessed from the second floor and the lobby, via the existing lobby stairs. This area will be located on the south end of the second floor, and will contain two distinct areas.

On the west side, at floor level, will be the garden area. This area will have seating and planters and, in addition to serving as a relaxing area near the pool, would be the ideal site for a small outdoor reception, facing the setting sun.

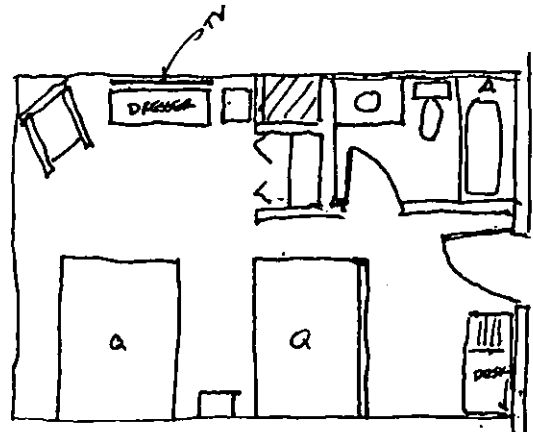
On the east side, elevated by about 4 feet, will be the pool deck and pool. The pool will be a small "dipping" pool, 4 foot deep at the deepest. The pool will be constructed of stainless steel, to keep the weight down, and will have an "infinity" edge at the west end, where the overflow will trickle down a stone "waterfall" before being captured in a pool at the garden level and then cycled through the filter. The perimeter of the pool will be a tiled 24" seating edge, elevated 6" or more above the surrounding pool deck. To cushion the deck around the pool, the deck will be covered with interlocking, non-slip rubber decking, recycled from old tires and manufactured specifically for this use. The east edge of the pool will be buffered from the outside entrance by planting materials.

Also supported by the vault will be a new fire stair, serving the top three floors of the building, this fire stair will exit at the top of the lobby stair, which will then take the guest safely down and out of the building. Again, it is the robust steel reinforced concrete construction of the existing building that makes this possible, both because of the strength it provides as well as its non-combustible nature.

Three additional floors will be constructed above the existing second floor roof level, raising the roof by an additional 27 to 28 feet. Those floors will each consist of fourteen "standard" rooms, with fire stairs at each end and an elevator at the north end of the hall.



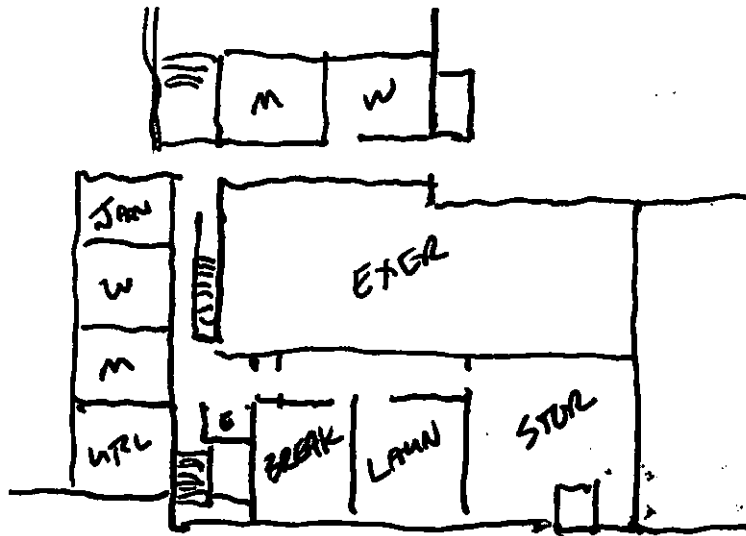
Floor Plate for Floors 3 - 5



A "Standard" Room 21' x 15'

The "Standard" room will contain approximately 315 SF, with room for two queen beds, a desk with chair, a closet, small refrigerator, a full bathroom, a dresser, chair with footstool, and a large wall TV.

With the addition of these three floors, that brings the total room count to 55 room consisting of 58 bedrooms. The specific breakdown is: Standard rooms - 44; Extended stay rooms - 3; Double suites - 3; Large rooms (1st floor) - 5. As room designs are refined, this count may change slightly, but still represents a diverse set of room choices.



In addition to providing access to the hotel room floors and to the basement offices, the new elevator will also provide access to support areas for the hotel and its guests. As the elevator reaches the basement stair lobby, it provides access to the public areas straight ahead, which includes the office area, restrooms, and an area which can house exercise equipment, both for hotel patrons and for other tenants.

To the right of the elevator is a hotel service area, consisting of a break room, laundry room and storage. This area may also provide submeters and other equipment to support the hotel, as well as allowing it to have utility charges

segregated from other areas of the total building.

Summary

We feel these uses maximize the various assets and facets of this structure, while also meeting the needs of the community it serves.

By incorporating a variety of energy efficiency elements, reusing significant elements of the building, and carefully choosing what new materials are incorporated into the building, we feel we can achieve a LEED (Leadership in Energy and Environmental Design). Not only is this designation important in terms of demonstrating the thought that went into reusing the building, it is a designation that is increasingly more important to travelers, especially those that enjoy experiencing so many of the natural features and activities that draw visitors to Oconee County.

With the creation of event space, the businesses and people that call Walhalla home no longer will need to look outside the community for meetings, to house guests, or to hold events, such as family reunions. By incorporating office, retail, restaurant and hotel space in one location, immediately on Main Street, this building is positioned to take on new life, once again becoming a busy central element in the events of Walhalla and Oconee County.

Interested?

Its never to early to express an interest in a building of this character. If you want to learn more about possibly locating your retail business or offices in this building, or perhaps discussing the restaurant or other services involved, please contact us. We'd be happy to visit with you and explore the opportunity together. To do so, please contact:

John Powell
Powell Real Estate
Walhalla, SC
(864) 638-5879
John@PowellRealEstate.com

James G. Carswell III
Chimney Corner Properties
Chapin, SC
(803) 727-8981
jcarswell@chimneycornerproperties.com

**AGENDA ITEM SUMMARY
OCONEE COUNTY, SC**

**COUNCIL MEETING DATE: October 16, 2012
COUNCIL MEETING TIME: 6:00 PM**

ITEM TITLE OR DESCRIPTION:

Local Accommodations Tax Funding in the amount of \$7,000 to the United States Army Corp of Engineers (USACE) to assist with the review process of tourism product development opportunities on Lake Hartwell and Sanctuary Pointe!

BACKGROUND OR HISTORY:

Funds will be used to provide the necessary background and review work by the USACE for tourism product development opportunities.

SPECIAL CONSIDERATIONS OR CONCERNS:

COMPLETE THIS PORTION FOR ALL PROCUREMENT REQUESTS:

Does this request follow Procurement Ordinance #2001-15 guidelines? Yes / No (per sec #2001-15 on Procurement's website)
If no, explain briefly: No, single source payment!

STAFF RECOMMENDATION:

Approve up to \$7,000 for background and review work by the USACE for tourism product development opportunities.

FINANCIAL IMPACT:

\$7,000 from Local Accommodations Tax Fund

COMPLETE THIS PORTION FOR ALL GRANT REQUESTS:

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

ATTACHMENTS

Reviewed By/ Initials:

_____ County Attorney _____ Finance _____ Grants _____ Procurement

Submitted or Prepared By:

Approved for Submittal to Council:

Phil Shirley, PRT Director
Department Head/Elected Official



Scott Moulder, 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.



Boards & Commissions

Boards & Commissions	State / OC Code Reference	Reps (DX-At Large)	Co-Terminus	Term Limits	4 Year Term	Meeting Date to Appoint	Paul Corbell	Wayne McCall	Archie Barron	Joel Thrift	Reg Dexter		
							2010-2014	2008-2012	2010-2014	2008-2012	2008-2012	2010-2014	2008-2012
							District I	District II	District III	District IV	District V	At Large	At Large
Aeronautics Commission	2-282	5 - 2	YES	2X	YES	Jan - June 2013	Randy Renz [1]	Dan Suddeth [2]	Edward Perry [1]	Dan Schmidt [2]	Ronald Chiles [1]	Thomas Luke [2]	Michael Gray [1]
Arts & Historical Commission	2-321	5 - 2	YES	2X	YES	Jan - June 2013	Rick Bethea [1]	Luther Lyle [2]	Robinson [1]	Barbara Waters [1]	Henry Richardson [1]	Bess Czapak [1]	Jean D. Berwell [1]
Board of Zoning Appeals	38-5-1	5 - 2	YES	2X	YES	Jan - June 2013	Allen Medford [1]	Sammy Lee [1]	Gary Littlefield [1]	Marty McKee [1]	Dick Hughes [1]	Berry Nichols [1]	Paul Reckert [1]
Building Codes Appeal Board		5 - 0	YES	2X	YES	Jan - June 2013	Roger Mize [2]	Neal Workman [2]	Bob DuBose [2]	Mike Willimon [1]	Harry Tollison [1]		
Conservation Bank Board	2-381	Appointed by Category		2X	YES	Jan - June 2013	Shea Airey [1]	Andy Lee [1]	Rocky Nation [1]	Marvin Prater [1]	Lynn Harwell [1]	VAGANT	Ed Land [1]
Economic Development Commission	24-31	5 - 0	YES	3X	YES	Jan - June 2013	Kim Alexander [2]	Harold Gibson [3]	Hank Field [3]	Sam Dickson [2]	Gene Blair [1]		
Scenic Highway Committee	26-151	0 - 2	YES	2X	YES	Jan - June 2013						Allen D. Boggs [1]	VAGANT
Library Board	4-9-36 / 18-1	0 - 8	YES	2X	YES	Jan - June 2013	2013: Daniel Day [1], Ellis Hughes [1], John Adams [2], Joey Gaulin [2], Vicky Miller [2], Carol Baumgardner [2]				2015: Martin Adelberg [1], William Caster [1], Sally Long [1]		
PRT Commission (Members up for reappointment due to final stagger)	6-4-25 / 2-381	Appointed by Industry		2X	YES	June 2013	2013: JoAnne Black [1], Brian Greer [1], Rosemary Bailes [1]			2015: Erin McKergow [1], Rick Lacey [1], David Lavere [1], Mike Wallace [1]			
Planning Commission	6-29-310 / 32-4	5 - 2	YES	N/A	YES	February 2013	Andrea Heller	Howard Moore	William Gilster	Tommy Abbott	Ryan Honea	Gwen McPhail	John Lyle
Behavioral Health Services Commission	2-291	0 - 7	YES	2X	3 yr.	June 2014	Steve Jenkins [1], Harold Alley [1], Louie Holleman [1], Wanda Long [1], Fred Hamilton [1], Joan Black [1], Jere DuBois [1]						
Capital Project Advisory Committee	2-391	CC, PC, Infra. + 2 @ Lg	NO	3X	1 yr.	May 2012	Council Representative Pcorbell [2], Planning Commission GMcPhail [1], Infrastructure Advisory Representative BWinchester [1]					John Rau [2]	David Mead [2]
Infrastructure Advisory Commission	34-1	N/A	NO	N/A	NO	January	Council Representative Appointed Annually						
ACOG BOD				N/A	NO	JAN 2013	Council Rep: CC CHAIR or designee (yearly); 2 yr terms Citizen Rep: Bob Winchester, Minority Rep: Bennie Cunningham						
Worklink Board						N/A	Worklink contacts Council w/ recommendations when seats open						

[#] - denotes term. [2] denotes a member who has served one term and less than one half of an additional term making them eligible for one additional appointment.
 [SHADING] = reappointment requested - questionnaire on file
 RED TEXT denotes member ineligible for reappointment - having served or will complete serving two terms at the end of their current term.

OCONEE COUNTY CONSERVATION BANK BOARD

NAME	DISTRICT	CO-TERMINUS	TERM ENDS	AREA
Mr. Shea B. Airy 311 Cherokee Ridge Road Tamassee, SC 29686 723-1145 [H] sheasairy@gmail.com	I	I & III	January 2015 [<i>1</i>]	Attorney
Mr. Andy Lee 410 Daniel Drive Walhalla, SC 29691 886-0098 [w] andyunkeowec@gmail.com	II	II, IV & V	January 2013 [<i><1</i>]	Realtor
Mr. Rocky Nation 331 Ravens View Drive Seneca, SC 29678 886-9170 [h] 644-5255 [w] tnation@clemson.edu	III	I & III 710-9029 [c]	January 2015 [<i>1</i>]	Conserve Interest
Mr. Marvin Prater 956 Charles Drive Westminster, SC 29693 723-1406 [c] clemsonforester@gmail.com	IV	II, IV & V	January 2013 [<i><1</i>]	Forester
Mr. Richard Harwell 681 Campbell Bridge Road Seneca, SC 29678 882-2181 [h] 324-0963 [c] cowsngoats@aol.com	V	II, IV & V	January 2013 [<i><1</i>]	Farmer
OPEN	At Large	I & III	January 2015 [<i>1</i>]	
Mr. Ed Land 455 Mill Shoals Road Westminster, SC 29693 647-2113 [h] 647-9768 [w] 973-3058 [c] chattoogabelle@aol.com	At Large	II, IV & V	January 2013 [<i><1</i>]	Farmer / Conserve Interest

[*<1*] = less than one year term

Ordinance 2011-16

Scenic Highway Committee:

	<u>ORGANIZATION</u>	<u>TERM ENDS</u>
Mr. Alan D. Boggs 103 Letson Circle, Walhalla, SC alsnboggs@bellsouth.net	At large	January 2015 (1)

OPEN	At Large	January 2013
-------------	----------	--------------

Melody Shelly 210 Twin Oak Dr Walhalla, SC 29691	Concerned Citizens for Conservation	
--	-------------------------------------	--

Luther Lyle 65 Plantation Road, Walhalla, SC 29691 638-6070 OR 710-9210	Oconee County Art & Historical Committee	
---	--	--

Bob Kennedy 738 Navigator's Point, Seneca SC, 29672 (864) 985-1353	Upstate Forever(Oconee)	
---	-------------------------	--

David Lavere 120 Quail Haven Dr. Walhalla SC, 29691 638-8692 coachL@mindspring.com	Bear Clan	
---	-----------	--

Jeri Klaren 706 W. North Broad Street, Walhalla, SC 29691 638-6445 klarenh@bellsouth.net	KOBA	
---	------	--

Sec. 26-155. Oconee County Scenic Highway Committee.

The committee shall consist of seven members, each having primary residency in the county. The committee members shall serve at the pleasure of the organization that appoints the member. The following organizations shall appoint one member each to the committee:

- (1) Keep Oconee Beautiful Association (KOBA),
- (2) Concerned Citizens for Conservation (CCC),
- (3) The Oconee County Arts and Historical Commission,
- (4) Upstate Forever (Oconee Chapter),
- (5) Oconee Alliance.

In addition, county council shall appoint two members at large from resident property owners in the county.

In the event that any organization named above fails to provide a representative willing or able to take part in the committee as needed, county council may replace the organization with a similar entity; also, any organization may terminate its position on the committee by sending a letter of resignation to county council, who will appoint a similar replacement.

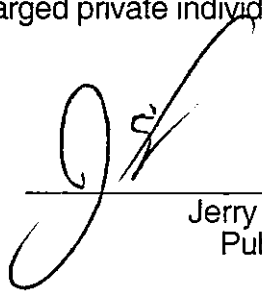
Updated: October 19, 2012

PUBLISHER'S AFFIDAVIT

**STATE OF SOUTH CAROLINA
COUNTY OF OCONEE**

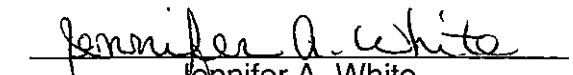
**IN RE: Oconee County Council
 Public Hearing
 Ordinance 2012-20
 (Echo Hills: Underwood)**

BEFORE ME the undersigned, a Notary Public for the State and County above named, this day personally came before me, Jerry Edwards, who being first duly sworn according to law, says that he is the Publisher of **THE JOURNAL**, a newspaper published Tuesday through Saturday in Seneca, SC and distributed in **Oconee County, Pickens County** and the Pendleton area of **Anderson County** and the notice (of which the annexed is a true copy) was inserted in said paper on September 25, 2012 and the rate charged therefore is not in excess of the regular rates charged private individuals for similar insertions.



Jerry Edwards
Publisher

Subscribed and sworn to before me this
25th day of September A.D. 2012



Jennifer A. White
Notary Public for South Carolina
My Commission Expires: 05/18/2014

AND BEST INTERESTS OF RECORD, AND OTHER SENIOR ENCUMBRANCES, IF ANY.

TERMS OF SALE: The successful bidder, other than the Plaintiff, will deposit with the Clerk of Court, at the conclusion of the bidding, Five percent (5%) of the bid in cash or equivalent, as evidence of good faith; same to be applied to the purchase price in case of compliance, but to be forfeited and applied first to costs and then to Plaintiff's debt in the case of non-compliance. Should the last and highest bidder fail or refuse to make the required deposit at time of bid or comply with the other terms of the bid within thirty (30) days, then the Clerk of Court may resell the property on the same terms and conditions on some subsequent 5-day day (at the risk of the said highest bidder.)

No personal or official judgment being demanded, the bidding will not remain open after the date of sale, but compliance with the bid may be made retroactively.

Purchaser to pay for preparation of the Clerk of Court's deed, documentary stamps on the deed, recording of the deed, and interest on the amount of the bid from date of sale to date of compliance with the bid at the rate of 9-1/2% per annum.

Severly H. Whitted
As Clerk of Court for
Oconee County
Plaintiff's Attorney
J. Kershaw Strong
Post Office Box 944
Columbia,
South Carolina 29202
803/779-5900

STATE OF
SOUTH CAROLINA
COUNTY OF
OCONEE
IN THE COURT OF
COMMON PLEAS
CASE NO.:
2012-CP-37-718

FIRST FEDERAL BANK
Plaintiff,

vs.
SCOTTIE A. HARPER
and SARAH Y. HARPER

Supplement to Order
The Oconee County Council will hold Public Hearings for Ordinance 2012-20 (Echo Hills Underwood) and Ordinance 2012-22 (Echo Hills Looking), both captioned as follows: "AN ORDINANCE AUTHORIZING THE TRANSFER OF CERTAIN OCONEE COUNTY, SOUTH CAROLINA (THE "COUNTY"), REAL PROPERTY, AUTHORIZING THE EXECUTION AND DELIVERY OF A LIMITED WARRANTY DEED AND OTHER DOCUMENTS RELATED TO THE TRANSFER OF THE PROPERTY; AUTHORIZING THE COUNTY ADMINISTRATOR TO APPROVE AND ENTER INTO ALL NECESSARY AND APPROPRIATE AGREEMENTS TO ACCOMPLISH THE FOREGOING; AND OTHER MATTERS RELATED THERETO," Ordinance 2012-31 "AN ORDINANCE TO AMEND SECTION 1-7, ENTITLED GENERAL PENALTY, CONTINUING VIOLATIONS OF CHAPTER 1, ENTITLED GENERAL PROVISIONS OF THE OCONEE COUNTY CODE OF ORDINANCES, IN CERTAIN LIMITED REGARDS AND PARTICULARS ONLY, AND OTHER MATTERS RELATED THERETO," and Ordinance 2012-32 "AN ORDINANCE TO AMEND SECTION 6-24 ENTITLED VIOLATION AND PENALTIES OF ARTICLE II, ENTITLED ADMINISTRATION OF CHAPTER 6, ENTITLED BUILDINGS AND BUILDING REGULATIONS, OF THE OCONEE COUNTY CODE OF ORDINANCES, IN CERTAIN LIMITED REGARDS AND PARTICULARS ONLY, TO PROVIDE FOR ONLY CIVIL PENALTIES IN THE EVENT OF A VIOLATION OF THE BUILDING CODES AND REGULATIONS ADOPTED PURSUANT TO CHAPTER 6 OF THE OCONEE COUNTY CODE OF ORD-

HOME IMPROVEMENT
GARRETT REPAIR & REMODELING
Service You Can Trust
20% Senior Discount

- Electrical
- Plumbing
- Carpentry
- Painting
- Handyman Services

Free Estimates
Joel Thompson
864-647-4577
www.garrettrepair.com

HOME IMPROVEMENT
J. Dalen
Professional Building Services
CARPENTRY
PLUMBING
ELECTRICAL
PAINTING
30 years experience
HOME REPAIRS



FREE ESTIMATES
864-647-1705
John Dalen

PAINTING
Priority Painting
Where Your Satisfaction Is Our TOP Priority

- Four Color Service
- Upscale for 25 Years
- Interior/Exterior
- Carpentry
- Faux Painting
- Deck Restorations
- Additions
- Remodels
- Repairs

PRICE MATCH GUARANTEE
FREE ESTIMATES
LICENSED & INSURED
Call Christine
(864) 324-4947

PEST CONTROL
TERMINIX
The Complete Solution
Free In-Home Inspection
Professional

- Bedbugs, Cockroaches, Ants, Termites
- Control of Fleas, Ticks, Mosquitoes
- Mice, Rats, Cats
- Fleas on Pets
- Structural Treatments
- Free Home Inspection
Written Guarantee
Against Future Infestation

Member Since
Senticon
Global Termite Control System



864-882-8799

TREE SERVICE
HIS WAY TREE SERVICE



Tree Trimming, Topping, Dropping, Removal
864-372-7217
103 Michele Lane, Seneca, SC 29678
FREE ESTIMATES
LICENSED & INSURED

TREE SERVICE
McEwen Tree Service
No Job Too Hard To Handle

- Topping
- Removal
- Excellent Clean-up
- Trimming & Brush Chipping
- Licensed & Insured
- Free Estimate

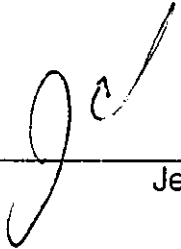
Burgess Jim Brown
Gregory Mark A. McEwen
838-5254 710-5853

PUBLISHER'S AFFIDAVIT

**STATE OF SOUTH CAROLINA
COUNTY OF OCONEE**

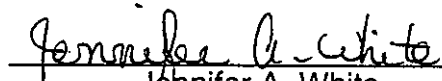
**IN RE: Oconee County Council
 Public Hearing
 Ordinance 2012-25**

BEFORE ME the undersigned, a Notary Public for the State and County above named, this day personally came before me, Jerry Edwards, who being first duly sworn according to law, says that he is the Publisher of **THE JOURNAL**, a newspaper published Tuesday through Saturday in Seneca, SC and distributed in **Oconee County, Pickens County** and the Pendleton area of **Anderson County** and the notice (of which the annexed is a true copy) was inserted in said paper on September 13, 2012 and the rate charged therefore is not in excess of the regular rates charged private individuals for similar insertions.



Jerry Edwards
Publisher

Subscribed and sworn to before me this
13th day of September A.D. 2012



Jennifer A. White
Notary Public for South Carolina
My Commission Expires: 05/18/2014

2008 SUZUKI BUR-
GMAN 400 scooter,
60mpg, low miles,
extras \$3,450. Call 864-
886-8842



MOTOR SCOOTERS
2008 KYMCO-XCITING
MC, color black, mileage-
32000, \$2000; 2007
KYMCO PEOPLE, color
white, mileage-3300,
\$1500; 617-5065,
Anderson, SC.

SAVE ON GAS
Check out this great
looking motorcycle.
Excellent condition.
1994 Sportster 1200.
Many add on's and mod-
ifications. Call 864-760-
5255.

**152 PARTS &
ACCESSORIES**

2008 CHEVY S-10
FACTORY BUMPER
Black, very good
condition, \$125.
Call 864-725-7866.
Please leave message.

155 SUVs

2008 FORD RANGER
XLT, V-6, auto, 55K mi.,
red, \$10,880. 864-233-
2256.

157 VANS



1994 GMC VAN
w/wheelchair lift,
120K miles, Ex cond,
\$7000.00 OBO
Elec. bed & Hoys lift
available. 647-0144

2005 FREESTYLE SEL,
LEATHER interior, trees
less than 1 yr. old, 20-25
MPG, third row seat
\$6300.00 obo. 864-
247-3867

**Call
The Journal
today to
place your ad
862-2375**

**Various House hold
goods & furniture**

The Oconee County
Council will hold a Public
Hearing for Ordinance
2012-25 "AN ORDI-
NANCE TO AMEND
CHAPTER 88 ZONING
OF THE OCONEE
COUNTY CODE OF
ORDINANCES,
INCLUDING ALL ZON-
ING MAPS INCORPO-
RATED THEREIN AND
THEREBY IN CERTAIN
LIMITED REGARDS
AND PARTICULARS
ONLY AND OTHER
MATTERS RELATED
THERE TO" (W. Springs
Rezoning Request) on
Tuesday, October 16,
2012 at 6:30 p.m. in
Council Chambers,
Oconee County
Administrative Offices,
415 S. Pine Street,
Wahalla, SC.

Citizens wishing to
speak regarding these
ordinances may do so
by signing up at the
meeting. Written com-
ments may be submitted
at any time prior to the
hearing for inclusion in
the official record.
Submit written com-
ments to the Clerk to
Council, 415 South Pine
Street, Wahalla, South
Carolina, 29891.

**NOTICE OF
FORECLOSURE SALE
CASE NUMBER 2012-
CP-97-409**

By virtue of a decree
herein granted in the
case of AgSouth Farm
Credit, AGA against
Charles L. Wentworth, et
al., the Clerk of Court
for Oconee County, will
sell on Monday October
1, 2012 at 11:30 AM at
the Oconee County
Courthouse, Wahalla,
South Carolina, to the
highest bidder.
All that certain piece,
parcel or lot of land lying
and begin situate in the
State of South Carolina,
County of Oconee, con-
taining 7.98 acres, more
or less, being more par-
ticularly described on a
plat of survey by
Stephen B. Edwards,
PLS #19831 dated May
10, 2001 and recorded
in Plat Book A821, page
4, records of Oconee
County, South Carolina,
TMS: 03-45-00-04-027
22 Gunns Way,
Township of
Whitewaters,

**HOME
IMPROVEMENT**
**BROWN'S HOME
IMPROVEMENTS**
Painting
Interior & Exterior
Sheet Rock Repair,
Pressure Washing
& Roof Repairs
Plumbing Repair
Gutter Cleaning
Free Estimates
No job too small!



Contact Robert Brown
885-1111
or 903-0833
Serving Oconee
County Residents For
Over 25 Years

**HOME
IMPROVEMENT**
**GARRETT REPAIR
& RENOVATING**
Service You Can Trust
20% Senior Discount

- Electrical
- Plumbing
- Carpentry
- Painting
- Handyman Services

Free Estimates
Joel Thompson
864-647-4577
www.garrettrepair.com

PAINTING
**Priority
Painting**
Where Your
Satisfaction Is
Our TOP Priority

- Free Quotes
- Serving the
Tri-County Area for 28 Years
- Interior/Exterior
- Carpentry
- Fence Painting
- Deck Restorations
- Additions
- Remodels
- Repairs

PROFESSIONAL GUARANTEE
**FREE ESTIMATES
LICENSED & INSURED**
Call Christine
(864) 324-4047

PEST CONTROL
TERMINIX
The Complete Solution
From Your Neighbors
Professional

- Residential, Commercial
and Industrial
- Termite, Fleas, Mosquitoes,
Trinidad, Fleas, Mice,
Ants
- Wildlife, Furry Coats
• Drainage
- Structural Repairs
- Air Conditioning
• Window Cleanings
• Aquatic Pests, Dredging

Call us today
Sentricon
Call for more information
864-882-8799

TREE SERVICE
**HIS WAY
TREE SERVICE**



Tree Trimming,
Topping,
Dropping,
Removal

65 ft. Reach Bucket
Track & Chipper
**FIREWOOD
& MULCHING
AVAILABLE**

Please Call
864-972-7217
Gerald Furney, Owner
113 Michelle Lane,
Seneca, SC 29678

**FREE ESTIMATES
LICENSED & INSURED**

TREE SERVICE
**McEwen
Tree Service**

When You Need To Have:

- Topping
- Removal
- Edge/Jerk Clean-Up
- Trimming & Brush
Chipping
- Licensed & Insured
Tree Estimators
- Dangerous Tree Removal
Emergency Work Available

838-5754 710-5663