

## LIMITED IN-PERSON ATTENDANCE PERMITTED

*Due to the Novel Coronavirus pandemic and the ongoing state of emergency, in-person attendance at this Council meeting by members of the general public will be limited. Attendance will be limited to twenty percent of the stated maximum occupancy, which equates to thirty-four (34) persons (including Council members, other elected officials, and staff). Attendees will be required to sit in designated seats, appropriately spaced. In-person attendance will be allowed on a “first-come” basis.*

*Additionally, to ensure the meeting otherwise remains open to the public, we will continue to broadcast it live on the County’s YouTube channel, which can be found via the County’s website at [Oconeesc.com](http://Oconeesc.com). Further, the public may call in and listen by dialing **888-475-4499 OR 877-853-5257** and entering meeting ID # **890 6825 6828**. And, individuals parked in close proximity to Council Chambers may listen to the meeting on FM 92.3.*



## Oconee County REAL ESTATE, FACILITIES & LAND MANAGEMENT MEETING

**A G E N D A**  
**August 18, 2020**  
**4:30 p.m.**

Oconee County Administrative Offices  
County Council Chambers  
415 S. Pine Street, Walhalla, SC

1. Call to Order
2. Approval of Minutes:
  - September 3, 2019
3. Oconee County Energy Efficiencies Presentation – Mr. Mike Wilson, Johnson Controls, Inc.
4. Discussion Items [to include Vote and/or Action on matter brought up for discussion, if required]
  - Discuss proposed revisions to the Oconee County Conservation Bank Ordinance
  - Discussion regarding Westminster Magistrate Court
5. Adjourn

There will not be a scheduled opportunity for public to comment at this meeting.

**Assisted Listening Devices [ALD] are available to accommodate the special needs of citizens attending meetings held in Council Chambers.**  
**ALD requests should be made to the Clerk to Council at least 30 minutes prior to the meeting start time.**

Oconee County Council & Committee meeting schedules and agendas are posted at the Oconee County Administration Building and are available on the County Council Website [www.oconeesc.com/council.html](http://www.oconeesc.com/council.html)  
[All upcoming meetings will be held in Council Chambers unless otherwise noted]

### COMMITTEE MEMBERS

Mr. Julian Davis, III, Chairman, District IV  
Mr. Elliott, District I  
Mr. Paul Cain, District III

## OCONEE CODE OF ORDINANCES

### Sec. 2-61. - Access to and conduct at county meetings, facilities and property.

(a) *Purpose.* The county council has determined that it is necessary to regulate access to county facilities, grounds and property in order to ensure the safety and security of the public who visit these areas or the county employees who serve them. The conduct of persons who visit county facilities and/or who have contact with county employees must also be regulated to preserve public order, peace and safety. The regulation of access and conduct must be balanced with the right of the public to have reasonable access to public facilities and to receive friendly, professional service from county employees. These regulations apply to all county facilities and meetings, as defined below, for and over which county council exercises control and regulation, and to the extent, only, not preempted by state or federal law.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Facility* means any building, structure, or real property owned, leased, rented, operated or occupied by the county or one of its departments, offices or agencies.

*Meeting* means any assemblage of persons for the purpose of conducting county governmental business, operations or functions or any assemblage of persons within a county governmental facility. The term "meeting" includes, but is not limited to, county council meetings, county board and committee and staff meetings, trials, hearings and other proceedings conducted in the courts of general sessions and common pleas, family court, master-in-equity, probate court and magistrate's court; and other meetings by entities duly authorized by the county council.

(c) *Prohibited acts.* It shall be unlawful for any person to:

- (1) Utter loud, obscene, profane, threatening, disruptive or abusive language or to engage in any disorderly or disruptive conduct that impedes, disrupts or disturbs the orderly proceedings of any meeting, or operations of any department or function of the county government, including, without limitation, speaking when not explicitly recognized and authorized to do so by the presiding official in such meeting.
- (2) Bring, carry, or otherwise introduce any firearm, knife with blade longer than two inches or other dangerous weapon, concealed or not concealed, into any facility or meeting. This prohibition does not apply to law enforcement personnel or any other person whose official, governmental duties require them to carry such firearm, knife, or other weapon.
- (3) Engage in partisan political activity, including speech, in any meeting not authorized and called for the purpose of partisan political activity and explicitly authorized for such purpose in the facility in which such activity is to be conducted, or refusing to cease such activity when the presiding official of the meeting in question has ruled that the activity in question is partisan political activity and has directed that such activity stop.
- (4) Interfere with, impede, hinder or obstruct any county governmental official or employee in the performance of his duties, whether or not on county government property.
- (5) Enter any area of a county government facility, grounds or property when such entry is prohibited by signs, or obstructed or enclosed by gates, fencing or other physical barriers. Such areas include rooms if clearly marked with signs to prohibit unauthorized entry.
- (6) Enter by vehicle any area of a county governmental facility, grounds or property when such area is prohibited by signs or markings or are obstructed by physical barriers; or park a vehicle in such restricted areas; or park in a manner to block, partially block or impede the passage of traffic in driveways; or park within 15 feet of a fire hydrant or in a fire zone; or park in any area not designated as a parking space; or park in a handicapped parking space without proper placarding or license plate; or park in a reserved parking space without authorization.

- (7) Use any county governmental facility, grounds or other property for any purpose not authorized by law or expressly permitted by officials responsible for the premises.
  - (8) Enter without authorization or permission or refuse to leave any county governmental facility, grounds or other property after hours of operation.
  - (9) Obstruct or impede passage within a building, grounds or other property of any county governmental facility.
  - (10) Enter, without legal cause or good excuse, a county governmental facility, grounds or property after having been warned not to do so; or, having entered such property, fail and refuse without legal cause or good excuse to leave immediately upon being ordered or requested to do so by an official, employee, agent or representative responsible for premises.
  - (11) Damage, deface, injure or attempt to damage, deface or injure a county governmental property, whether real property or otherwise.
  - (12) Enter or attempt to enter any restricted or nonpublic ingress point or any restricted access area, or bypass or attempt to bypass the designated public entrance or security checkpoint of a facility without authorization or permission.
  - (13) Perform any act which circumvents, disables or interferes with or attempts to circumvent, disable or interfere with a facility's security system, alarm system, camera system, door lock or other intrusion prevention or detection device. This includes, without limitation, opening, blocking open, or otherwise disabling an alarmed or locked door or other opening that would allow the entry of an unauthorized person into a facility or restricted access area of the facility.
  - (14) Exit or attempt to exit a facility through an unauthorized egress point or alarmed door.
- (d) *Penalty for violation of section.* Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished in accordance with section 1-7. In addition, vehicles that are improperly parked on any county property, facility, or other premises may be towed at the owner's expense.

(Ord. No. 2003-04, §§ 1—4, 4-15-2003; Ord. No. 2012-06, § 1, 4-3-2012)



OCONEE COUNTY  
CONSERVATION BANK BOARD

415 South Pine Street  
Walhalla, SC 29691  
c/o Clerk to Council

## Treasurer's Report

Community First Bank Account: \*\*\*\*\*183

Period Ending: May 31, 2020

Month Opening Balance \$16,810.00

**DEPOSITS**

Deposit  
**TOTAL DEPOSITS** \$0.00

**EXPENDITURES**

**TOTAL EXPENDITURES** \$0.00

BALANCE IN ACCOUNT  
AS OF PERIOD ENDING DATE **\$16,810.00**

Report Submitted by:

A handwritten signature in blue ink that reads "Laura Havran".

Laura Havran  
Oconee County Conservation Bank Board Treasurer



# OCONEE COUNTY CONSERVATION BANK BOARD

415 South Pine Street  
Walhalla, SC 29691  
c/o Clerk to Council

## Treasurer's Report

Community First Bank Account: \*\*\*\*\*183

Period Ending: June 30, 2020

Month Opening Balance \$16,810.00

### DEPOSITS

Deposit 06/12/2020 \$45,000.00

**TOTAL DEPOSITS** \$45,000.00

Total Deposits \$45,000.00

### EXPENDITURES

Incoming Wire Fee \$15.00

Gary Lyle Conservation Easement \$45,000.00

Fee for Official Check \$5.00

**TOTAL EXPENDITURES** \$45,020.00

BALANCE IN ACCOUNT

AS OF PERIOD ENDING DATE **\$16,790.00**

Report Submitted by:

Handwritten signature of Laura Havran in blue ink.

Laura Havran

Oconee County Conservation Bank Board Treasurer



OCONEE COUNTY  
CONSERVATION BANK BOARD

415 South Pine Street  
Walhalla, SC 29691  
c/o Clerk to Council

## Treasurer's Report

Community First Bank Account: \*\*\*\*\*183

Period Ending: July 31, 2020

Month Opening Balance \$16,790.00

### DEPOSITS

Deposit 07/14/2020 \$88,000.00

**TOTAL DEPOSITS** \$88,000.00

Total Deposits \$88,000.00

### EXPENDITURES

Incoming Wire Fee \$15.00

Chapman Bridge Oconee Bell Preserve Fee Simple \$88,000.00

Outgoing Wire Fee \$20.00

**TOTAL EXPENDITURES** \$88,035.00

BALANCE IN ACCOUNT

AS OF PERIOD ENDING DATE **\$16,755.00**

Report Submitted by:

Handwritten signature of Laura Havran in blue ink.

Laura Havran

Oconee County Conservation Bank Board Treasurer



OCONEE COUNTY  
CONSERVATION BANK BOARD

415 South Pine Street  
Walhalla, SC 29691  
c/o Clerk to Council

**Treasurer's Report**  
Local Government Investment Pool

Period Ending: May 31, 2020

DEPOSITS

Month Opening Balance \$541,974.59

EXPENDITURES

Expenditures \$0.00  
Reinvestments [Interest] \$460.95

BALANCE IN ACCOUNT

AS OF PERIOD ENDING DATE **\$542,435.54**

Report Submitted by:

A handwritten signature in blue ink, which appears to read "Laura Havran".

Laura Havran

Oconee County Conservation Bank Board Treasurer



OCONEE COUNTY  
CONSERVATION BANK BOARD

415 South Pine Street  
Walhalla, SC 29691  
c/o Clerk to Council

**Treasurer's Report**  
Local Government Investment Pool

Period Ending: June 30, 2020

DEPOSITS

Month Opening Balance \$542,435.54

EXPENDITURES

Expenditures \$45,000.00 [Gary Lyle Project]

Reinvestments [Interest] \$321.88

BALANCE IN ACCOUNT

AS OF PERIOD ENDING DATE

**\$497,757.42**

Report Submitted by:

A handwritten signature in blue ink that reads "Laura Havran".

Laura Havran

Oconee County Conservation Bank Board Treasurer





OCONEE COUNTY  
CONSERVATION BANK BOARD

415 South Pine Street  
Walhalla, SC 29691  
c/o Clerk to Council

**Treasurer's Report**  
Local Government Investment Pool

Period Ending: July 31, 2020

DEPOSITS

Month Opening Balance \$497,757.42

EXPENDITURES

Expenditures \$88,000.00

[Cliff's Timber Project – Chapman Bridge Bell Preserve]

Reinvestments [Interest] \$192.23

BALANCE IN ACCOUNT

AS OF PERIOD ENDING DATE

**\$409,949.65**

Report Submitted by:

  
Laura Havran

Oconee County Conservation Bank Board Treasurer

## DIVISION 9. - COUNTY CONSERVATION BANK

### Sec. 2-398. - Establishment of bank.

There is hereby established the Oconee County Conservation Bank in order to protect lands with significant natural, cultural and/or historic resources in Oconee County that meet the criteria set forth in section 2-403, by providing a financial incentive to willing landowners to convey either a conservation easement or fee simple title to eligible recipients (as defined herein).  
(Ord. No. 2011-16, § I, 9-6-2011)

### Sec. 2-399. - Definitions.

“Application” means application to participate in the program addressed by this ordinance, including its grants.

“Bank or OCCB” for purposes of this division means the Oconee County Conservation Bank.

“Board” means the governing board of the bank.

“Conservation easement” means an interest in real property as defined by Chapter 8 of Title 27 South Carolina Code of Laws, the South Carolina Conservation Easement Act of 1991.

“Council or county council” means Oconee County Council.

“County” means Oconee County, South Carolina.

“Eligible OCCB recipient or recipient” means any of the following:

- (1) Oconee County;
- (2) A municipality in Oconee County;
- (3) An independent agency or commission in Oconee County whose mission directly relates to the conservation of lands and natural, cultural and historic resources;
- (4) A not-for-profit charitable corporation or trust authorized to do business in this state and organized and operated for natural resource conservation, land conservation, or historical preservation purposes, and having tax-exempt status as a public charity under the Internal Revenue Code of 1986, as amended, and having the power to acquire, hold, and maintain interests in land for these purposes;
- (5) Federal, state, and local agencies organized and operated for natural resource protection, land conservation, or historical preservation purposes.

“Interests in lands” means fee simple titles to lands or conservation easements on land.

“Land” means real property, including highlands and wetlands of any description.

(Ord. No. 2011-16, § II, 9-6-2011)

### Sec. 2-400. - Board.

(a) The bank will be governed by a seven-member board (“board”) appointed by Oconee County Council in accordance with the following requirements and recommendations:

- (1) Each board member’s primary residence shall be located in Oconee County; and
- (2) At least one of the appointed board members shall be from each of the county council districts; and
- (3) The council shall endeavor to appoint but not require candidates to be appointed as follows:
  - A board member or executive officer of a charitable corporation or trust authorized to do business in this state that is one of the following: (i) actively engaged in the acquisition of interests in land from voluntary sellers for the purposes of natural resource or land conservation in Oconee County; or (ii) is organized for historic or cultural preservation

purposes; or (iii) is an organization that represents hunting, fishing or outdoor recreation interests; and

- A board member who is an owner of rural real property who is actively engaged in the management and operation of forestlands, farmlands, or wildlife habitat; and
- A board member who is actively engaged in one of the following: (i) the real estate business; or (ii) the business of appraising forestland, farmland, or conservation easements; or (iii) the business of banking, finance or accounting; or (iv) a licensed attorney admitted to practice before the South Carolina Supreme Court with an emphasis in real estate or land use law.
- To the extent possible, all appointed board members should have a demonstrated background, experience, and interest in the conservation of lands with significant natural, cultural and/or historical resources.

(b) The initial terms of the at-large board members shall be for two years, the terms of the board members from county council district numbers 1, 3 and 5 shall be for three years, and the terms for the board members from county council district numbers 2 and 4 shall be for four years. Thereafter, all terms shall be for four years. All members may be reappointed. Vacancies shall be filled for the unexpired portion of the term.

(c) Members shall serve without compensation, but may receive such mileage and per diem as may be authorized and appropriated by Oconee County Council. The Board shall elect a chair and other officers as the Board deems necessary. The Board shall adopt rules and procedures to conduct its meetings, consistent with those used by county council.

(d) The board is a public body and its members are hereby expressly subject to, among other applicable laws and regulations, the South Carolina Ethics Act, and the South Carolina Freedom of Information Act, as amended, and shall perform their duties in accordance with their provisions.

(e) The board shall meet at least three times per year in regularly scheduled meetings and in special meetings as the chair may call, all open to the public (except for executive sessions when duly held in accordance with law). All meetings shall be conducted in accordance with the South Carolina Freedom of Information Act.

(f) The board shall report to council any member who, without adequate excuse such as documented illness, misses three consecutive meetings or a majority of meetings for any year.

(Ord. No. 2011-16, § III, 9-6-2011; Ord. No. 2015-017, § 1, 6-16-2015)

Sec. 2-401. - Board duties and responsibilities.

(a) The board is authorized to:

- (1) Award grants from the OCCB fund (defined herein) to "Eligible OCCB Recipients" for the purchase of land or interests in land that meet the criteria contained in section 2-403; and
- (2) Apply for and receive funding for the OCCB fund, for the bank, from federal, state, private and other sources, to be used as provided in this division; and
- (3) Receive charitable contributions and donations to the OCCB fund, for the bank, to be used as provided in this division; and
- (4) Receive contributions to the OCCB fund, for the bank, in satisfaction of any public or private obligation for environmental mitigation or habitat conservation, whether such obligation arises out of law, equity, contract, regulation, administrative proceeding, or judicial proceeding. Such contributions shall be used as provided for in this division.

(b) To carry out its functions, the bank shall:

- (1) Operate a program which includes:

- a. Developing a ranking system for applications for program participation, including grants, pursuant to the criteria contained in section 2-403;
- b. Receiving grant and participation applications from eligible OCCB recipients pursuant to section 2-404;
- c. Evaluating applications from eligible OCCB recipients for eligibility for grants and to participate in the program pursuant to section 2-404;
- d. Reviewing and ranking applications from eligible OCCB recipients for grants and to participate in the program pursuant to the ranking system;
- e. Recommending the approval of certain applications to county council pursuant to section 2-404;

(2) Establish additional guidelines and procedures, consistent with this division, as necessary to implement this division; and

(3) Submit an annual report to Oconee County Council concerning all matters addressed by this division.

(c) The county administrator is directed to provide administrative resources and support needed to operate and manage the OCCB, other than financial resources and support, to the extent possible, and within existing resources of the county. When and if deemed appropriate by the board, the board may seek county council's approval to hire permanent staff, who will be county staff, reporting to the administrator.

(d) Operating expenses of the bank may be paid out of the OCCB fund in accordance with Oconee County Policies and Procedures, and, as authorized and appropriated by county council, provided such expenses shall not exceed ten percent of the total annual OCCB funding amount. Notwithstanding any other provision of this division, Oconee County tax dollars shall not be used for the operation or purposes of the bank.

(Ord. No. 2011-16, § IV, 9-6-2011)

Sec. 2-402. - OCCB fund.

The Oconee County Treasurer shall establish an account separate and distinct from all other funds appropriated by county council, called the Oconee County Conservation Bank Fund (the "OCCB fund"). The OCCB fund shall receive revenues as noted herein, and from the county according to one or more funding measures approved by Oconee County Council. The council acknowledges and agrees that county funding measures should be undertaken as soon as feasible, consistent with overall budget priorities of the county, in order to avoid escalating land costs and lost acquisition opportunities. The OCCB fund shall be used only for the purposes set forth herein. Funds donated to the OCCB by third parties shall not be re-directed by council.

(Ord. No. 2011-16, § V, 9-6-2011)

Sec. 2-403. - Criteria.

The board shall use the following conservation criteria in developing a ranking system for applications pursuant to section 2-401(b)(1).

(1) Environmental sensitivity.

- a. Presence of wetlands.
- b. Frontage on USGS Blue Line Stream.
- c. Water quality classification of such stream by the South Carolina Department of Health and Environmental Control.
- d. Presence of threatened/endangered species.
- e. Habitat suitable for threatened/endangered species.
- f. Habitat suitable for native wildlife species.

- g. Extent of biological diversity.
- h. Presence of unique geological/natural features.
- (2) Percentage of property sharing a boundary with protected land.
- (3) Historic/cultural features.
  - a. Contains feature designated on the National Historic Register.
  - b. Contains feature eligible for the National Historic Register.
  - c. Contains historic/prehistoric structures.
  - d. Contains historic/prehistoric site or location of a historic event.
- (4) Percentage of property containing prime/statewide important soil types.
- (5) Extent of active farming on property and extent proposed to be kept as wooded land or farmland.
- (6) Extent of public visibility of property.
  - a. Visibility from public roads.
  - b. Visibility from public land.
- (7) Scenic view from property or preservation of general scenic nature of that part of county.
- (8) Extent of public access.
- (9) Location of property.
- (10) Threat of development.
- (11) Size of property.
- (12) Potential impact on water quality in wetlands or water bodies not on the property.

The board shall use the following financial criteria in developing the ranking system for applications for participation in the program and grants pursuant to subsection 2-402(b)(1).

- (1) Funding percentage of appraised fee simple or conservation easement value requested;
- (2) Amount of applicable partnerships, matching contributions, management agreements, management leases, and similar collaborations among state agencies, federal agencies, eligible OCCB recipients, and local governments, boards, and commissions;
- (3) No matching funds or other contributions are required to receive grants from the OCCB fund. However, the commitment of such other funds shall be a factor considered by the board in its evaluation and recommendation of the applications.

(Ord. No. 2011-16, § VI, 9-6-2011)

Sec. 2-404. - Program and procedures.

(a) Application.

- (1) An eligible OCCB recipient independently or in conjunction with the landowner may apply for a grant from the OCCB by submitting an application in accordance with the rules and procedures established by the board under and consistent with this division;
- (2) Within five business days of the submittal of an application to the OCCB, the eligible OCCB recipient must notify in writing all landowners adjacent to the subject property of the application. Within thirty (30) days of receipt of said notice, contiguous landowners and other interested parties may submit in writing to the board their views in support of or in opposition to the application.
- (3) Prior to the submission of its application, the eligible OCCB recipient must notify in writing the owner of the land that is the subject of the application of the following:
  - a. That interests in land purchased with OCCB funds result in a permanent conveyance of such interests in land from the landowner to the eligible OCCB recipient and its assigns;
  - and

- b. That it may be in the landowner's interest to retain independent legal counsel, perform appraisals, create surveys, and seek other professional advice; and

The application must contain an affirmation that the notice requirement of this subsection has been met, and the commitment of the landowner to convey title to or an easement on the property if grant funds are approved for the property, all signed by the landowner and duly notarized by a notary public of the State of South Carolina.

(4) In each application, the eligible OCCB recipient must provide information regarding how the proposal meets the criteria contained in section 2-403.

(5) For each grant application the applicant shall specify:

- a. The purpose of the application;
- b. How the application satisfies the criteria contained in section 2-403;
- c. The uses to which the land will be put;
- d. The party responsible for managing and maintaining the land; and
- e. The parties responsible for enforcing any conservation easement or other restrictions upon the land.

(6) Where an eligible OCCB recipient seeks an OCCB grant to acquire fee title to land, the eligible OCCB recipient must demonstrate both the expertise and financial resources to manage the land for the purposes set forth in its application. The board shall require an eligible OCCB recipient acquiring fee title to land to place a conservation easement on such property or include language in the deed to ensure that the property is permanently protected.

(7) Where an eligible OCCB recipient seeks an OCCB grant to acquire a conservation easement, the eligible OCCB recipient must demonstrate both the expertise and financial resources to monitor and enforce the restrictions placed upon the land for the purposes set forth in its application. The board shall evaluate each proposal to determine the qualifications of the proposed managing party and to determine whether the proposed management is consistent with the purposes set forth in the application.

(8) The board shall establish reasonable procedures and requirements to ensure that the personal information of eligible OCCB recipients and property owners is protected as permitted by the South Carolina Freedom of Information Act.

(b) Application review.

(1) The board shall accept three rounds of applications per calendar year in accordance with the following deadlines: April 1st, August 1st, and November 1st.

(2) The board shall evaluate each application according to the criteria contained in section 2-403 of this division and recommend approval of application and associated grants to county council based on how well the proposals meet these criteria. The more criteria a proposal satisfies, the higher priority it shall be given.

(3) The board shall evaluate each application and submit recommendations to county council within 90 days of each application deadline referred to in subsection (b)(1). The recommendation of an application may be for full approval, partial approval or disapproval.

(4) In recommending the awarding of a grant from the OCCB fund, the board shall set forth findings that indicate the items below. The board may delegate to one of its members this duty to write a report summarizing the board's findings. and delivering it to council.:

- a. How the application meets the criteria set forth in section 2-403;
- b. The purpose of the award and the use to which the land will be put;
- c. The party responsible for managing and maintaining the land;
- d. The party responsible for monitoring and enforcing any conservation easements or other restrictions upon the land;

e. How the parties designated in items c. and d. possess the expertise and financial resources to fulfill their obligations;

f. The availability of funds in the OCCB fund for the award;

g. Any other findings or information relevant to the award.

(5) County council shall take action on the board's recommendations within 30 days of the board's submission thereof. The council shall consider and vote on each recommendation individually. The council shall accept the recommendation of the board for the award of a grant unless (i) it is determined that there are not sufficient funds in the OCCB fund for the award or (ii) at least a majority of the council members present and voting vote to reject the recommendation. If the board's recommendation for the award of a grant is approved by council, the award shall be made and the transaction closed in accordance with subsection (c).

(6) The board may only authorize grants to purchase interests in lands at or below fair market value pursuant to a current (within twelve months of grant approval by county council), independent certified appraisal. The board may accept a market analysis update covering the time period from the date of the original appraisal to the present in the form of a letter prepared and signed by the original appraiser. Said market analysis update letter must be submitted to the board no later than thirty (30) days prior to the next scheduled board meeting. The board shall establish reasonable procedures and requirements to ensure the confidentiality of appraisals.

(c) Grant award.

(1) The board shall notify the eligible OCCB recipient of its recommendation and the action taken by county council on the application.

(2) If the board recommends the application in whole or in part and the recommendation is approved by county council in accordance with subsection (b)(5), the eligible OCCB recipient and the owner of the interest in the land identified in the application shall have a period of four months from the date of the county council's approval to decide whether to accept the award. Within fourteen (14) days of acceptance of the grant award the eligible OCCB recipient shall execute and record a grant agreement or memorandum thereof, which shall be in a form approved by the board. Said grant agreement shall include provisions for the indemnification and reimbursement of the OCCB for improperly used OCCB funds, or title issues or defects, perpetual monitoring and enforcement, and other actions pursuant to Section 2-405.

(3) The eligible OCCB recipient shall submit the following documents to the board prior to closing the transaction and the board and the county attorney or an attorney designated by the County Administrator on recommendation of the board shall review and approve the documents before OCCB funds can be disbursed:

a. A certified appraisal satisfying the requirements of subsection (b)(6):

b. A final draft of the conservation easement and/or deed, a final draft of the settlement statement, a final draft of the title insurance commitment and exceptions, and the grant agreement required pursuant to subsection 2-404(c)(2).

c. In order to identify potential liability pursuant to applicable state or federal environmental laws or regulations, a certified environmental hazard assessment shall be conducted on lands before the disbursement of OCCB funds for the acquisition of all interest in such lands except as provided below in subsection (c)(3)d.

d. An application for such interest in land shall qualify as a small grant application if the amount requested is less than \$30,000.00 or ten percent of the appraised fair market value of either the conservation easement or fee simple acquisition, whichever value is smaller.

The environmental assessment required in subsection (c)(3)c. shall be waived for

applications for interest in land qualified as a small grant, as defined herein, unless specifically required on a case by case basis by the board.

(4) The bank and eligible OCCB recipients receiving monies from the OCCB fund shall retain all records of acquisition of interests in land with OCCB funds including, but not limited to deeds, title documents, contracts, surveys, inventories, appraisals, title insurance policies, environmental assessments, and closing documents.

(5) The board shall disburse OCCB funds to eligible OCCB recipients and the closing shall occur after all applicable requirements of this section are fully satisfied, provided the closing shall take place no later than one year after the eligible OCCB recipient and owner of the interest in land decide to accept the award unless the board, for good cause shown, extends the deadline for a period not to exceed six months.

(6) No later than sixty (60) days after the day of closing, the OCCB grant recipient shall submit a report to the board describing how the OCCB grant funds were distributed or used and the status of the project. The report shall include supporting documentation, such as the closing settlement statement, disbursement statement, and the recorded conservation easement or deed.

(Ord. No. 2011-16, § VII, 9-6-2011)

Sec. 2-405. - Use of funds.

(a) Only eligible OCCB recipients may acquire interests in lands with OCCB funds.

(b) The bank may purchase an interest in land on behalf of Oconee County subject to the criteria contained in section 2-403.

(c) OCCB funds shall be used only by eligible OCCB recipients for the acquisition of interests in land, including closing costs. "Closing costs" shall include recording fees, deed transfer or documentary stamp fees, the costs of performing the work and providing the documentation required under subsection 2-404(c)(3), attorney's fees, and the cost of obtaining surveys or an updated market analysis pursuant to subsection 2-404(b)(6). The board shall have the discretion to allow the OCCB funds to be used solely for closing costs after considering the amount of the award, the value of the project, the amount of the closing costs, or other factors. In the event that OCCB determines that OCCB funds were spent for purposes other than those listed in this subsection or the grant agreement, the eligible OCCB recipient or property owner shall reimburse the OCCB in the amount of the improperly used funds, plus interest.

(d) All interests in land acquired with OCCB funds shall be held by the eligible OCCB recipient approved by the board to acquire the interest in land; except that an interest in land obtained with OCCB funds may be assigned from one eligible OCCB recipient to another upon approval of the board by majority vote. In the event that there is a mortgage on any property interest protected through the use of OCCB funds, the eligible OCCB recipient and property owner, if any, shall notify and inform the mortgagee or debt-holder that the mortgage will be subordinate to the conservation easement or conservation provisions in the deed. The eligible OCCB recipient shall copy the OCCB on the notice and information to the mortgagee.

(e) The owner of the fee simple title to property upon which a conservation easement was purchased with OCCB funds, whether the original owner that conveyed the conservation easement or a successor-in-interest, may reacquire and thereby terminate or extinguish that conservation easement, whether in whole or in part, only by complying with all of the following: (i) proving that the original conservation and/or historic values of the protected land have been lost or substantially impaired by factors beyond the owner's control, (ii) obtaining unanimous approval by the OCCB board, (iii) obtaining unanimous approval by county council, (iv) obtaining approval by the Oconee County Court of Common Pleas, and (v) making payment in cash to the OCCB fund of whichever is higher of the original fair market value or the current fair market value of the conservation easement, as determined by a certified appraisal paid for by the owner of fee simple title to the property.



(f) If an eligible OCCB recipient acquires fee simple title to land for conservation and/or historic purposes with OCCB funds, that land may not be sold, transferred, assigned, alienated, or converted to a use other than the use set forth in the grant award except by complying with all of the following: (i) proving that the original conservation and/or historic values of the protected land have been lost or substantially impaired by factors beyond the owner's control, (ii) obtaining unanimous approval by the OCCB board, (iii) obtaining unanimous approval by county council, (iv) obtaining approval by the Oconee County Court of Common Pleas, and (v) making payment in cash to the OCCB fund of whichever is higher of the original fair market value or the current fair market value of the protected land, as determined by a certified appraisal paid for by the eligible OCCB recipient.

(g) If any interests in lands that have been acquired by an eligible OCCB recipient with OCCB funds are extinguished, terminated, sold, transferred, assigned, alienated, or converted pursuant to subsections (e) and (f), the eligible OCCB recipient extinguishing, selling, transferring, assigning, alienating, or converting the interests in land shall replace them with the interests in land of substantially equal current fair market value, with any excess from the sale of the prior interests being used by contribution to the OCCB fund. The replacement land shall have the same or greater significance when evaluated under the criteria set forth in section 2-403. The board shall verify that suitable replacement interests in lands have been identified and will be obtained before authorizing that any interest in land purchased with OCCB funds be extinguished, sold, transferred, assigned, alienated, or conveyed. Where replacement in whole or in part is impossible, funds realized which are not used for replacement interests in land must be credited to the OCCB fund. Where funding for an original acquisition was from multiple sources, funds realized must be credited to the OCCB fund under this section in proportion equal to the contribution that OCCB funds made to the original acquisition.

(h) The eligible OCCB recipient or property owner shall notify the board in the event that a claim against the title to the property has been made.

(i) In the event that the title to the protected property interest is invalidated or otherwise found to be deficient, the board shall be reimbursed by the eligible OCCB recipient and/or owner in an amount up to the amount of the award approved by county council and disbursed to the eligible OCCB recipient.

(j) In the event that there is no conservation easement on a property funded by the OCCB, the County Administrator shall be responsible for ensuring that the owner of the property complies with the ordinance and for enforcing the provisions of the ordinance. The grant agreement shall specify that the County shall be able to access the property for monitoring and/or enforcement purposes.

(Ord. No. 2011-16, § VIII, 9-6-2011)

Sec. 2-406. - Eminent domain or condemnation proceedings.

OCCB funds may not be used to acquire interests in lands or other interests in real property through the exercise of any power of eminent domain or condemnation proceedings.

(Ord. No. 2011-16, § IX, 9-6-2011)

Sec. 2-407. - Recreational and economic use.

The provisions of this division shall not be construed to eliminate or unreasonably restrict hunting, fishing, farming, forestry, timber management, or wildlife habitat management, as regulated by the law of this state, upon lands for which interests in lands are obtained pursuant to this division. These and other traditional and compatible activities may be conducted, where appropriate, upon lands protected with OCCB funds.

(Ord. No. 2011-16, § X, 9-6-2011)

Sec. 2-408. - Conservation easements.

When OCCB funds are used to purchase a conservation easement on land, the conservation easement shall be the controlling legal document regarding what is and what is not permitted upon the land, how the land will be protected, and what rights are vested with the eligible OCCB recipient and its assigns which holds the conservation easement. If any inconsistencies or ambiguities arise between the provisions of this ordinance and the terms and conditions of the conservation easement purchased with OCCB funds, the terms and conditions of the conservation easement shall prevail. The eligible OCCB recipient shall have sole responsibility for monitoring the property subject to the conservation easement and for enforcing the terms and conditions thereof.

(Ord. No. 2011-16, § XI, 9-6-2011)

Sec. 2-409. - Historic properties.

The board may authorize up to ten percent of the annual OCCB appropriation to acquire interests in land that qualify solely as a historic or cultural feature according to the criteria contained in section 2-403.

(Ord. No. 2011-16, § XI, 9-6-2011)

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# Oconee County Council

Oconee County  
Administrative Offices  
415 South Pine Street  
Walhalla, SC 26611

Phone: 864-718-1023  
Fax: 864-718-1024

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

John Elliott  
Chair Pro Tem  
District I

Wayne McCall  
District II

Paul A. Cain  
Vice Chair  
District III

Julian Davis, III  
Chairman  
District IV

J. Glenn Hart  
District V



The Oconee County Council will meet in 2020 on the first and third Tuesday of each month with the following exceptions:

- April, July, August, & November meetings, which will be **only** on the third Tuesday of each of the four months.

All Council meetings, unless otherwise noted, are held in Council Chambers, Oconee County Administrative Offices, 415 South Pine Street, Walhalla, South Carolina.

Oconee County Council will also hold a Planning Retreat from 9:00 a.m. to 12:00 p.m. on Tuesday, February 11, 2020 in Council Chambers to establish short and long term goals.

Oconee County Council will also meet on Tuesday, January 5, 2021 in Council Chambers at which point they will establish their 2021 Council and Committee meeting schedules.

Oconee County Council will also hold a Budget workshop on Tuesday, March 10, 2020 in Council Chambers.

Additional Council meetings, workshops, and/or committee meetings may be added throughout the year as needed.

Oconee County Council Committees will meet in 2020 prior to County Council meetings on the following dates/times in Council Chambers located at 415 South Pine Street, Walhalla, South Carolina unless otherwise advertised.

The Law Enforcement, Public Safety, Health, & Welfare Committee at 4 p.m. on the following dates: February 4, March 17, July 21, & October 6, 2020.

The Transportation Committee at 4:30 p.m. on the following dates: February 18, May 19, August 18, & October 20, 2020.

The Real Estate, Facilities, & Land Management Committee at 4 p.m. on March 17 and 4:30 p.m. on the following dates: June 16, September 15, & November 17, 2020.

The Budget, Finance, & Administration Committee at 4:30 p.m. on the following dates: March 10 [Budget Workshop], April 21, May 5, May 19, & June 2, 2020.

The Planning & Economic Development Committee at 4:30 p.m. on the following dates: March 3, June 2, September 1, & November 17, 2020.

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#### ■ LEGAL NOTICES

#### LEGALS

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**PUBLISHER'S AFFIDAVIT**

**STATE OF SOUTH CAROLINA  
COUNTY OF OCONEE**

**OCONEE COUNTY COUNCIL**

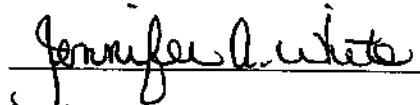
**IN RE: NOTICE OF MEETING SCHEDULE AND EXCEPTIONS FOR 2020**

**BEFORE ME** the undersigned, a Notary Public for the State and County above named, This day personally came before me, Hal Welch, who being first duly sworn according to law, says that he is the General Manager 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 papers on 01/10/2020 and the rate charged therefore is not in excess of the regular rates charged private individuals for similar insertions.

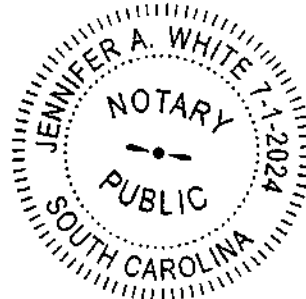


\_\_\_\_\_  
Hal Welch  
General Manager

Subscribed and sworn to before me this  
01/10/2020



\_\_\_\_\_  
Jennifer A. White  
Notary Public  
State of South Carolina  
My Commission Expires July 1, 2024





# Oconee County Conservation Bank

Title: Bank Account  
Policy No. 0002

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Effective Date: August 18, 2020

Revision Date(s)

Page1 of 2

Attachments: None

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## **Purpose:**

This policy governs the procedures used in opening, maintaining, and closing bank accounts or investment accounts for the Oconee County Conservation Bank.

## **Definitions:**

1. The definitions set forth in Chapter 2, Article IV, Division 9, Section 2-399 of the Oconee County Code of Ordinances are incorporated by this reference.
2. "Community First account" means the OCCB account at Community First Bank established pursuant to this policy.
3. "Clerk" means the person duly appointed as the Clerk to the Council.
4. "Grant" means the monetary award made to an Eligible OCCB Recipient by the Council.
5. "State Pool" means Local Government Investment Pool managed by the State Treasurer pursuant to Sections 6-6-10, 12-45-220, and 11-1-60 of the 1976 Code of Laws of South Carolina, as amended.
6. "Treasurer" means the person duly elected as the Treasurer of Oconee County.

## **'Policy:**

1. The Chair and Secretary of the Board shall open an account at Community First Bank at the Walhalla, SC branch.

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2. The name on the Community First account shall be the Oconee County Conservation Bank with the address as 415 South Pine Street, Walhalla, SC 29691.
3. The Board shall manage the funds in the Community First account on behalf of the Bank.
4. Disbursements from the Community First account shall require two signatures. The Chair and Secretary of the Board are designated as the two persons authorized to disburse funds.
5. The Board may invest all or part of the Bank funds in the State Pool.
6. The Treasurer shall manage the funds in the State Pool on behalf of the Bank.
7. Upon Council's approval of a Grant, the Clerk shall notify the Treasurer by email and telephone that funds in the amount of the Grant are to be transferred from the State Pool to the Community First account.
8. The Treasurer shall disburse funds from the State Pool only as authorized by the Board or this policy.

Eligible Recipient	Property Owner	Type of Request	No. Acres	SI Rec'd	Board Vote Date
Soil and Water	Peggy Moore	CE	34	5/9/2017	
	Jerry Powell		94.1	5/23/2017	6/8/2017
	Keevan Moore			6/8/2017	
Upstate Forever	Elaine Morris family	CE	26.26	6/8/2017	6/8/2017
Upstate Forever	Naturaland (Oconee Towne)	fee simple	53.68	12/18/2017	12/18/2017
Upstate Forever	Naturaland (Lyles Estate)	fee simple	155.56	8/14/2018	8/14/2018
				rev 11-19-2019	
Naturaland Trust	Cliff Timbers aka WH	fee simple	193		
Upstate Forever	Oly Ernie Lombard	CE	40	2/25/2020	2/25/2020

need to add  
 Chapman \$88,000      OCCB 5-19-1010      Council 6-2-2020  
 Gary \$45,000



Board Vote	App Rec'd	Board Vote Date	Board Decision	Council Vote Date	Council Decision
	4/9/2018	9/17/2019	\$ 8,100.00		\$ 8,100.00
submit app			\$ 7,500.00		\$ 7,500.00
deferred vote; no ER					
submit app	12/18/2017	12/18/2017	\$ 12,500.00		\$ 12,500.00
	rev 4-1-2020	5/19/2020	\$ 12,500.00		\$ 12,500.00
submit app		8/14/2018	\$ 9,567.33		\$ 9,567.33
submit app		9/17/2019	\$ 34,000.00		
	rev 11-19-2019	12/10/2019	\$66100 Or 10	12/17/2019	\$66,100 or 10
		9/17/2019	\$ 58,000.00	10/1/2019	\$ 58,000.00
submit app					

Accpetance Ltr	Amt Disb	Check Issued	Misc Notes
			withdrawn
	\$ 7,500.00	12/18/2017	Westminster
		check voided	Tamassee; withdrawn
	\$ 12,500.00		
	\$ 9,567.33	3/28/2019	UF holds CE
			UF holds CE; orig app withdrawn
	\$ 66,100.00		
11/18/2019	\$ 58,000.00		
		12/10/2019	