

AGENDA
LEXINGTON COUNTY COUNCIL

Committee Meetings

Tuesday, May 03, 2005

Second Floor - County Administration Building

212 South Lake Drive, Lexington, SC 29072

Telephone - 803-785-8103 -- FAX 803-785-8101

4:00 p.m. - 4:15 p.m. - Planning and Administration

- (1) County Employee Handbook Revisions - Personnel - Katherine Doucett, Director A
- (2) 2005-2009 Consolidated Plan & 2005/2006 Annual Action Plan - Community Development Block Grant (CDBG) Program - Community Development - George Bistany, Community Development Administrator B
- (3) Resolution Adopting the All Natural Hazard Risk Assessment and Mitigation Plan for the Central Midlands Region of South Carolina - John Huffman, AICP, Planner and Grants Administrator - Department of Health and Environmental Control C
- (4) Old Business/New Business
- (5) Adjournment

Planning & Administration

- J. Owens, Chairman
- J. Jeffcoat, V Chairman
- J. Carrigg, Jr.
- B. Derrick
- D. Summers
- B. Rucker

A G E N D A
LEXINGTON COUNTY COUNCIL
Tuesday, May 03, 2005
Second Floor - Council Chambers - County Administration Building
212 South Lake Drive, Lexington, South Carolina 29072
Telephone - 803-359-8103 FAX - 803-359-8101

4:30 P.M. - COUNCIL CHAMBERS

Call to Order/Invocation
Pledge of Allegiance

Employee Recognition - Art Brooks, County Administrator
(1) Employee of the 1st Quarter for 2005

Presentation of Resolutions
(1) Evelyn L. Faulk Presented by Councilman Carrigg
(2) Herbert J. Hames Presented by Councilman Carrigg

Resolutions **D**
(1) Mr. William A. "Bill" Byrd

Appointments **E**

Bids/Purchases/RFPs
(1) Electric Lighting and Beacon Repairs - Lexington County Airport at Pelion **F**
(2) Installation Generator and Transfer Switch at Cayce Public Safety Office -
Public Safety/Emergency Preparedness **G**
(3) Bunker Gear - Public Safety/Fire Service **H**

Chairman's Report

Summer Meeting Schedule **I**

Administrator's Report

Approval of Minutes - Meeting for April 12, 2005 **J**

Zoning Amendments

- (1) Zoning Text Amendment T05-03 - Vested Rights - Proposed Changes to Article 12, Administration, of the Lexington County Zoning Ordinance - Announcement of 1st Reading **K**
- (2) Zoning Text Amendment T05-04 - Recycling Centers - 2nd Reading (Handout will be provided on May 3)

Ordinances

- (1) Ordinance 05-02 - An Ordinance Adopting a Supplemental Appropriation for Fiscal Year 2004-2005 - 3rd and Final Reading **L**
- (2) Ordinance 05-03 - Vested Rights - Proposed Changes to Section 3, Procedures, of the Lexington County Subdivision Regulations - 1st Reading by Title **M**
- (3) Ordinance 05-05 - Amendment to the Solid Waste Ordinance - Recycling Centers - 1st Reading by Title (Handout will be provided on May 3)

Committee Reports

Planning & Administration, J. Owens, Chairman

- (1) County Employee Handbook Revisions - Personnel - **(TAB A)**
- (2) 2005 - 2009 Consolidated Plan & 2005/2006 Annual Action Plan - Community Development Block Grant (CDBG) Program - Community Development - **(TAB B)**
- (3) Resolution Adopting the All Natural Hazard Risk Assessment and Mitigation Plan for the Central Midlands Region of South Carolina - **(TAB C)**

Budget Amendment Resolutions

OLD BUSINESS/NEW BUSINESS

EXECUTIVE SESSION/LEGAL BRIEFING

MATTERS REQUIRING A VOTE AS A RESULT OF EXECUTIVE SESSION

ADJOURNMENT

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County of Lexington

Community Development Department
212 South Lake Drive Lexington, SC 29072
(803) 785-8121 Fax (803) 785-8188

MEMORANDUM

To: Planning and Administration Committee Members
Lexington County Council

Through: Art Brooks, County Administrator

From: George Bistany, Community Development Administrator *GB*

Date: April 25, 2005

Subject: 2005-2009 Consolidated Plan & 2005/2006 Annual Action Plan
Community Development Block Grant (CDBG) Program



Lexington County receives approximately \$1 Million annually from the United States Department of Housing and Urban Development (HUD) to implement the Community Development Block Grant (CDBG) program. To continue receiving CDBG funds annually, the County must comply with certain planning requirements known collectively as the Consolidated Plan. Among the Consolidated Plan requirements are the preparation of a plan every five years that describes the County's housing and community development needs, priorities and strategies. Included in the Five-Year Plan is the Annual Plan that describes how we propose to utilize CDBG funds specifically in the upcoming year. The Five-Year Plan must be submitted to HUD no later than May 16th.

The Consolidated Plan process requires that citizens be provided with adequate opportunities to provide input and comment on the proposed Plan. As this is a Five-Year Plan, we encouraged citizen participation through several means including a community survey conducted in December and January, a "stakeholders" meeting held on February 1st, and three public hearings held on February 17th and April 21st. The public was notified of public hearings, availability of the draft document, public comment period and the plan submission date through a notice published in *The State* newspaper on February 3rd. The public comment period expires April 30th. To date we have received written comments from the Brookland West Columbia Community & Housing Development Corporation and the City of Cayce (see attached).

Based on the input and direction provided during the Planning process, the following activities are proposed for CDBG funding for 2005/2006:

- Fire Station at Fish Hatchery Road
- Law Enforcement Center at the Lexington County Airport at Pelion
- Old Barnwell Road Water Project
- Low and Moderate Income Neighborhood Study

A copy of the Executive Summary of the Five-Year Plan is attached. A full copy of the Five-Year Plan will be available at the Committee meeting for review.

Requested Action: *Committee recommendation to full Council for approval of the Community Development Block Grant Program 2005-2009 Consolidated Plan and 2005/2006 Annual Action Plan.*

Lexington County Community Development Block Grant (CDBG)

OVERVIEW

Lexington County receives approximately \$1 million dollars annually from the United States Department of Housing and Urban Development to implement the Community Development Block Grant Program (CDBG). CDBG provides funds for projects and activities that primarily assist low and moderate-income persons in securing:

- Decent housing
- Suitable living environments
- Expanded economic opportunities

CDBG activities may be carried out by the County or by other eligible non-profit agencies. Funds can be used to:

- Build community or senior citizen centers
- Assist in homeownership efforts
- Construct public water and sewer systems
- Provide various public services
- Install sidewalks
- Pave roads
- Build parks
- Fund initiatives that generate jobs

To receive assistance from CDBG, every project and activity must meet one of three National Objectives:

- Principally benefit low and moderate income (LMI) persons
- Aid in the elimination of slums and blight - activities that help to prevent or eliminate slums and blighted conditions.
- Meet an urgent or unanticipated need - activities that alleviate a serious and immediate threat to the health or welfare of the community resulting from a catastrophic event. (hurricane, tornado, etc.)

WHERE CAN CDBG FUNDS BE SPENT?

Lexington County's CDBG program provides funds for activities and projects primarily serving residents of the unincorporated areas of the County. Incorporated towns and cities (Batesburg-Leesville, Cayce, Chapin, Gaston, Gilbert, Irmo, Lexington, Pelion, Pine Ridge, South Congaree, Springdale, Summit, Swansea, West Columbia) are eligible to receive similar funds from the State of South Carolina Community Development Block Grant Program.

Lexington County Community Development Block Grant (CDBG)

USE OF CDBG FUNDS 2000 - 2005

- Fire Trucks & Equipment: \$1,303,676
- Water Lines: \$1,177,717
- Road Paving Projects: \$464,865
- Drainage Improvements: \$215,639
- Fair Housing: \$50,000
- Neighborhood Planning: \$50,000

COMMUNITY SURVEY

A Community Survey was widely distributed in December 2004 as part of the development of the County's 2005-2009 Consolidated Plan. The Survey provided a list of thirty CDBG-eligible activities in six different general areas. Respondents were asked to circle 1, 2, or 3 indicating how they felt about the activity:

- 1 = low priority (do not use funds for this activity during the next five years)
- 2 = moderate priority (consider using funds for this activity during the next 5 years)
- 3 = high priority (Use funds for this activity during the next 5 years)

Top 10 highest rated activities (based on average response):

1. Services for Abused Children
2. Road Improvements
3. Services for the Elderly
4. Job Creation & Retention
5. Education Programs
6. Fire Stations & Equipment
7. Services for Domestic Violence
8. Health Care Facilities & Crime Prevention (Tie)
9. Job Training
10. Mental Health Services

LEXINGTON COUNTY



2005-2009 CONSOLIDATED PLAN FOR HOUSING & COMMUNITY DEVELOPMENT

Lexington County Department of Community Development
212 South Lake Drive
Lexington, South Carolina 29072
(803) 785-8121
www.lex-co.com

DRAFT April 1, 2005

ACKNOWLEDGMENTS

This *Lexington County 2005 – 2009 Consolidated Plan* was completed for Lexington County with the assistance of The Matheny-Burns Group.

Lexington County County Council

Bruce E. Rucker, Chairman
M. Todd Cullum, Vice-Chairman
John W. Carrigg, Jr.
George H. Davis
William C. Derrick
Johnny W. Jeffcoat
Bobby C. Keisler
Joseph W. Owens
Debra B. Summers

William A. Brooks, County Administrator
George L. Bistany, Community Development Administrator

This plan was developed with assistance, cooperation and information provided by the following public and private organizations:

Affordable Housing Coalition of SC
Arnold School of Public Health, University of South Carolina
Babcock Center
Brookland West Columbia Community & Housing Development Corporation
Central Carolina Economic Alliance
Central Midlands Council of Governments
Central Midlands Regional Transit Authority
Central South Carolina Habitat for Humanity
Greater Columbia Association of Realtors
Greater Columbia Community Relations Council
Harvest Hope Food Bank
The Hispanic Connection
Homebuilders Association of Greater Columbia
Irmo-Chapin Recreation Commission
Lexington County Council
Lexington County Administrator
Lexington County Department of Public Safety
Lexington County Department of Public Works
Lexington County Planning and GIS
Lexington County Recreation & Aging Commission
Lexington Employment Security Commission

Lexington Interfaith Community Services
Lexington-Richland Alcohol & Drug Abuse Council
Mental Illness Recovery Center
Midlands Technical College
Midlands Workforce Investment Board
Palmetto AIDS Life Support Services
Midlands Area Coalition for the Homeless
Richland/Lexington Disabilities & Special Needs
Salvation Army
SC Budget & Control Board, Office of Research & Statistics
SC Centers for Equal Justice - Lexington Office
SC Department of Alcohol and Other Drug Abuse Services
SC Department of Mental Health
SC Department of Social Services, Lexington County
SC DHEC (Water & Sewer)
SC Employment Security Commission
SC Housing Finance and Development Authority
SisterCare
US Department of Housing and Urban Development
United Way of the Midlands
Veterans Administration

Part One. Executive Summary

I. Introduction

In 1999, the US Department of Housing and Urban Development (HUD) designated Lexington County an Entitlement Community eligible to receive assistance from the Community Development Block Grant (CDBG) Program. A requirement for receiving assistance through the CDBG program is the preparation and adoption of a Consolidated Plan that must meet specific regulations and guidelines prescribed by HUD. The Consolidated Plan describes the County's housing and community development needs and also serves as the application for CDBG funding.

The lead agency responsible for the development of Lexington County's Consolidated Plan is the Lexington County Department of Community and Economic Development. The Consolidated Plan area includes all unincorporated areas of the County. The Plan is a comprehensive planning document that describes the County's housing market conditions, identifies overall needs for affordable housing and non-housing community development, and provides strategies to address these needs over a five-year period.

The Consolidated Plan is intended to coordinate the County's community and economic development activities with those of other public agencies, private non-profit affordable housing providers, and non-housing service providers. Both housing and non-housing needs are addressed in the Plan that mobilize various funding sources but primarily rely on CDBG funds allocated to Lexington County by HUD. The resulting Consolidated Plan establishes a unified, coordinated vision for community development actions for the upcoming five years with the primary goals of providing decent housing, a suitable living environment, and expanded economic opportunities for the residents of Lexington County, South Carolina.

II. Citizen Participation and Consultation

Lexington County employed diverse methods to encourage participation from residents, community stakeholders, and existing and potential community development partners. The participation process included a survey, public notices, an interagency forum, public meetings, and local government and stakeholder consultations. In the end, the process yielded the active involvement and input of more than 60 governmental, non-profit, and faith-based organizations and nearly 1,000 persons who responded to community surveys and attended meetings.

To solicit public comment and maximize citizen participation, Lexington County held a series of meetings and hearings. Notification included advertisements in *The State* newspaper, notices placed in County buildings, mailed invitations, and verbal invitations extended at various community meetings and events. Distribution was also encouraged by Planning Commissioners, County Council members, and community service providers. Hearings were held at the Lexington County Administration Building on February 17, 2005 at 1 p.m. and 5:30 p.m. and on April 21, 2005 at 5:30 p.m.

To extend citizen participation beyond the minimal requirements of HUD and to foster a more comprehensive citizen participation effort during the development of the 2005-2009 Consolidated Plan update process, the Lexington County Community and Economic Development Department developed a Community Needs Survey. The survey was distributed to a sample of County residents and area service providers between December 1, 2004 and January 31, 2005. Of the more than 1,950 surveys that were distributed, 836 were completed and returned – a response rate of nearly 43%. Respondents were asked to rank activities within the six core areas of Community Facilities, Community Services, Infrastructure, Special Needs Services, Jobs, and Housing in terms of level of priority (low, moderate, or high emphasis) the County should place on each activity. Respondents were also given an opportunity to add other areas they felt should be addressed. The community needs receiving the highest overall ratings were services for abused children, road improvements, services for the elderly, job creation and retention, education programs, fire stations and equipment, services for victims of domestic violence, crime prevention, and health care facilities.

In addition, a Stakeholder's Forum was held on February 1, 2005 to introduce the Consolidated Planning process, gather information, identify and prioritize community needs, develop strategies and actions to meet those needs, identify community resources and initiatives, and promote the coordination of resources and collaboration among agencies within the community. Representatives from 38 County and regional public, private and faith-based agencies involved in assisted housing, health services, transportation, recreation, education, and social services participated in the Forum. Attendees provided valuable information related to the mission and needs of their organizations. Agencies that were not able to attend the Stakeholder's forum were consulted individually in person and via phone interview.

Table 1-1. Consultations and Research with Public and Private Agencies

<ul style="list-style-type: none"> ➤ Affordable Housing Coalition of SC ➤ Arnold School of Public Health, USC ➤ Babcock Center ➤ Brookland West Columbia Community & Housing Development Corp ➤ Central Carolina Economic Alliance ➤ Central Midlands Council of Governments ➤ Central Midlands Regional Transit Authority ➤ Central South Carolina Habitat for Humanity ➤ Greater Columbia Association of Realtors ➤ Greater Columbia Community Relations Council ➤ Harvest Hope Food Bank ➤ The Hispanic Connection ➤ Homebuilders Association of Greater Columbia ➤ Irmo-Chapin Recreation Commission ➤ Lexington County Council ➤ Lexington County Administrator ➤ Lexington County Department of Public Safety ➤ Lexington County Department of Public Works ➤ Lexington County Planning and GIS ➤ Lexington County Recreation & Aging Commission 	<ul style="list-style-type: none"> ➤ Lexington Employment Security Commission ➤ Lexington Interfaith Community Services ➤ Lexington-Richland Alcohol & Drug Abuse Council ➤ Mental Illness Recovery Center ➤ Midlands Technical College ➤ Midlands Workforce Investment Board ➤ Palmetto AIDS Life Support Services ➤ Midlands Area Coalition for the Homeless ➤ Richland/Lexington Disabilities & Special Needs ➤ Salvation Army ➤ SC Budget & Control Board, Office of Research & Statistics ➤ SC Centers for Equal Justice, Lexington Office ➤ SC Dept. of Social Services, Lexington County ➤ SC DHEC (Water & Sewer) ➤ SC Employment Security Commission ➤ SC Housing Finance & Development Authority ➤ SisterCare ➤ United Way of the Midlands ➤ Veterans Administration
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Community Development staff also met with eight area local governments and commissions during the development of the Plan to discuss the County's housing and community development needs and to identify any potential partnerships in addressing these needs. Governments and commissions consulted included the Town of Swansea; Central Midlands Council of Governments; the Cities of West Columbia, Cayce and Columbia; Richland County, the Joint Municipal Water and Sewer Commission, and the Columbia Housing Authority.

Issues that emerged in the citizen participation process for the consolidated plan included:

- Affordable Housing
- Housing Condition/Rehabilitation
- Mental Health Services
- Senior Services
- Domestic Violence Services
- HIV/AIDS Services and Housing
- Homeless Services
- Community Facilities & Infrastructure
- Transportation/Public Transit
- Jobs/Employment
- Public Awareness & Education
- Partnerships & Collaboration

III. Community and Housing Profile

Lexington County is one of South Carolina's fastest growing counties. Although historically a rural county, Lexington County now ranks as one of the most densely populated in the State, with more than 66% of the County's population considered urban. Located in the Columbia Metropolitan Statistical Area (MSA), the County contains a portion of the State's Capitol City of Columbia, two Interstate highways (I-20 and I-26), and Lake Murray, one of South Carolina's most popular recreational lakes. Lexington's strategic location in the center of the State, its accessibility to major transportation networks, and its natural and recreational amenities have combined to fuel the County's sustained residential, commercial and industrial growth in recent decades.

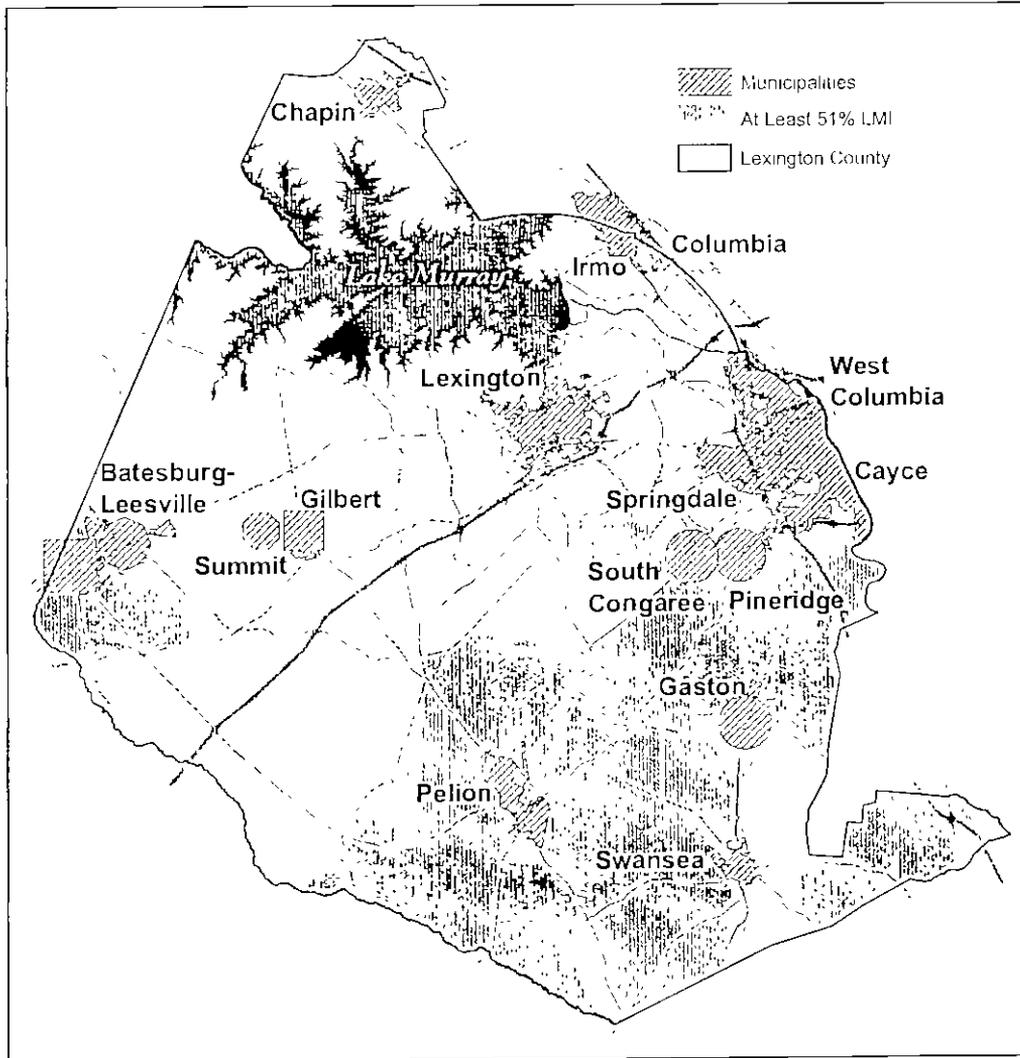
Significant demographic trends and issues include:

- The County's growth rate of 28.9% from 1990 to 2000 to a population of more than 216,000 was the State's fifth highest.
- From 1990 to 2000, population in the 45-to-64 age group increased by more than 56% and the number of residents age 65 and over increased by nearly 48%.
- Lexington County experienced a 218% increase in its Hispanic population during the past decade, with the number of Hispanic residents nearly tripling.
- Nearly 38% of households countywide are considered to be low and moderate income (LMI).
- Sixty-one percent of the County's renter households are considered to be low and moderate income.
- Nearly 48% of families living in poverty are headed by a single female with children under the age of 18.
- The unemployment rate for Lexington County has risen steadily from 2.0% in 2000 to 3.3% in 2004.
- There has been a shift from higher wage manufacturing jobs to lower wage wholesale/retail and service employment in Lexington County in the last decade.
- There were 90,978 housing units in Lexington County in 2000, an increase of nearly 35% from 1990.
- Manufactured/mobile housing comprises nearly one-fourth (23.1%) of the housing units in Lexington County.

- Permitting for multi-family housing has consistently been low in the unincorporated area of the County.
- There is a projected 14.5% increase in housing units from 2000 to 2009 in Lexington County, resulting in a housing count of 104,138 units in the County by 2009.
- The median cost for owner-occupied housing units in Lexington County in 2000 was \$92,700 – well above the median cost of housing units statewide at \$83,100.
- At \$548, median rent for occupied housing units in Lexington County in 2000 was higher than the statewide median rent of \$510.
- Nearly 40% of elderly renters spent more than 30% of their income on rent and nearly 18% of elderly homeowners spent more than 30% of their income on housing costs.
- An extremely low-income household in Lexington County earning \$18,180 (30% of the area median income of \$60,600) can afford a monthly rent of no more than \$455, while the County's current Fair Market Rent for a two-bedroom housing unit is \$625.
- Social Security recipients (receiving \$564 monthly) can only afford monthly rent of \$169 or less, while the current local Fair Market Rent for a one-bedroom unit is more than triple that at \$561.
- Among the County's extremely low-income households, nearly 70% have housing problems. Nearly 65% of extremely low-income households in Lexington County have a housing cost burden of more than 30% and the cost burden for more almost half (47.6%) of households in that income group is more than 50% of their gross income.
- Housing problems are a concern for more than half (51.1%) of very low-income households in the County. Nearly 49% of Lexington County's very low-income households have a housing cost burden of more than 30% and 18.8% have a cost burden of more than half of their gross income.
- African-Americans, Hispanics and other minority households experienced a disproportionately higher percentage of housing problems than Lexington County households as a whole.

Low and moderate income data provided by HUD enables communities to determine the location of areas with at least 51% of households having low or moderate incomes (LMI)

**Map 1-1. Areas of Low and Moderate Income by Census Block Group, 2000
Lexington County**



Source: US HUD, Low and Moderate Income Summary Data, 2004

IV. Supportive Housing for Persons with Special Needs

In examining supportive housing for persons with special needs, Lexington County has considered the needs of the elderly and frail elderly, persons with disabilities (mental, physical and developmental), alcohol and other substance abusers, and persons with HIV/AIDS.

Elderly households face many issues that impact housing affordability. For elderly homeowners, housing costs including insurance and taxes increase steadily, as do

maintenance costs as homes age. Housing costs are also increasing steadily for elderly renters and include the cost of rent and utilities. However, most elderly residents are on fixed incomes with only moderate yearly increases, and are experiencing increased health costs that are generally associated with aging. For the more than 5,500 Lexington County residents who can be classified as “frail” elderly, securing housing that accommodates physical and mental capabilities are particularly critical.

Victims of domestic violence and their children often face daunting obstacles when trying to rebuild their lives after leaving violent situations. Safety is a key issue for many, making secure and discrete locations for shelters and transitional housing critical. Secondary, though very important issues include ready access to childcare, transportation and social services.

Many persons with disabilities require special assistance and care. Supportive housing continues to be a strong need among the disabled community. Specialized regional centers that provide active treatment and medical services, intermediate care facilities, group homes, community training homes, supervised apartment living programs and independent living programs are all housing needs for this population.

Persons with alcohol and other substance abuse problems require intense treatment, which often involves residential programs and transitional housing options. HIV/AIDS patients have substantial medical needs that sap financial resources and sometimes limit housing options – forcing many to live with their families or friends because suitable housing is not available.

V. Barriers to Affordable Housing

In considering the barriers to affordable housing, it is clear that a number of factors impact the availability of affordable housing including the availability and price of land, financing, and the rules, regulations and fees governing development and construction. While the private sector seeks to fill the demand for housing in terms of type, size and value, the public sector impacts the process through policies including development regulations, zoning, building code enforcement, and provision of infrastructure, and through the fees charged to implement those policies.

Barriers to affordable housing identified for Lexington County residents include:

- Reductions in federal funding for housing assistance programs
- Development regulations including:
 - Somewhat restrictive regulations related to the location of new mobile home parks make it difficult to locate a new mobile home park in the County.
 - Landscape regulations pose an additional, and sometimes costly, burden on multi-family development, but only affect a small portion of the County.
 - Subdivision Regulations are stringent when dealing with matters related to safety and long-term maintenance, but offer fair and cost-effective alternatives whenever possible

- Locational Standards for Assisted Housing, while modeled after HUD requirements, can pose a challenge to potential developers to find appropriate sites within the County for new affordable housing developments.
- Transit service is limited to urban areas, while more affordable housing is often found in more rural areas.
- Many residents find that their income is not enough to afford housing in Lexington County.
- Many persons of low and moderate-incomes lack the education and job skills needed to obtain higher-paying jobs that would enable them to afford housing in Lexington County.
- Because of literacy, language, and educational barriers, many of Lexington County's LMI residents do not fully understand the processes, responsibilities and legal aspects of renting and homeownership

VI. Homeless Needs Assessment

Lexington County is located within the service and planning area of the Midlands Area Consortium for the Homeless (MACH). MACH covers an eleven-county region including Allendale, Bamberg, Calhoun, Chester, Fairfield, Lancaster, Lexington, Orangeburg, Newberry, Richland, and York. MACH is governed by a 14-member Board of Directors and consists of over 60 agencies that meet monthly to address issues and coordinate services. MACH was established as a collaborative resource to provide a bridge between the homeless and the at-large community through education, planning, advocacy, and services. Efforts toward these areas are accomplished by acquiring funds to provide housing and supportive services through sub-recipients to address the needs of the homeless. The MACH has been successful in obtaining more than \$7.6 million in federal Department of Housing and Urban Development Continuum of Care Supportive Housing Program and Shelter Plus Care funds.

MACH conducted a regional point-in-time survey of the homeless sheltered population in February 2004. At that time, the MACH region included 7 counties – Chester, Fairfield, Lancaster, Lexington, Newberry, Richland and York. The count indicated that there were 730 homeless persons housed in shelters in the MACH region. Of these, 187 (25.6%) were in homeless families and 162 (70.5%) were individuals. MACH also asked law enforcement and counselors who frequently interact with the unsheltered population, including children and teenagers, to provide additional estimates. Using their estimates, 349 additional homeless persons were added for a total estimate of 1,079 homeless in the MACH area. However, given the difficulty of conducting an accurate count of the unsheltered homeless, MACH estimates that this point-in-time count is likely very low.

Of the homeless subpopulations, the count revealed that there were 269 chronically homeless persons in shelters, with another 248 persons estimated to be chronically homeless who were not sheltered. In general, HUD considers a chronically homeless person to be an unaccompanied disabled individual who has been continuously homeless for over one year.

VII. Non-Housing Community Development

Infrastructure, community facilities and support services are in large part provided by local government and funded through taxes, fees, and State support. Location and availability of these key components can make the difference between affordability and housing that is beyond the means of LMI residents.

Education is key to achieving higher incomes and an improved quality of life. The importance of job-preparation and training in improving individual and family socio-economic conditions is paramount. Access to post-secondary training resources such as the technical college system, adult literacy programs, quality day care, transportation, and new information technologies for any-time, anyplace learning alternatives can significantly reduce the traditional barriers of time and place and contribute to educational success and participation in lifelong learning opportunities.

The County is host to a public, two-year, post-secondary institution, Midlands Technical College (MTC). MTC has two satellite campus locations in the County – the Airport Campus and the Harbison Campus. In addition to numerous technical and occupational training programs leading to certificate, diploma, and associate degree attainment, MTC provides specialized training for area businesses and two-year coursework that transfers to area universities. As one of the State's 16 technical colleges, MTC operates under an "open-door" admissions mandate, providing a key entry point into higher education for many low-income, first generation, disabled, and other non-traditional student populations.

The lack of accessible and reliable transportation is a major barrier that is disproportionately experienced by low-income residents and special populations. Greater demands are placed on transportation services as area residents move from government assistance programs to the workplace. However, the creation of employment and job training resources are of little help to those residents who can not access them. In addition, the lower incomes and limited access of special needs populations makes the availability of affordable and reliable transit a necessity to maintain employment, receive support services, and access health care and other needed programs. The Central Midlands Transit Authority is the provider for transit services in the Midlands Region. However, transit service within Lexington County is limited – extending only into the more urban areas of West Columbia, Cayce and Springdale.

Access to water and sewer service plays a particularly instrumental role in the development patterns of a community. Residential development outside of water and sewer service areas must utilize wells and septic systems, adding to the initial cost of each residential unit. The larger lots required for septic tank use generally mean higher costs per residence. In some cases existing septic tanks and wells do not function properly, resulting in sub-standard living conditions for residents. Industrial and commercial development is largely dependent on available water and sewer service. Areas without water and sewer service are not generally attractive and are cost-prohibitive to new industrial and commercial development. Water service is available in the more urbanized areas of the County, centering in and around municipalities. As with water, the provision of sewer is primarily centered in the municipalities. However, unlike water, sewer service in some areas has been extended far beyond corporate limits into the more rural areas of the County.

While Lexington County has excellent Fire, EMS and police departments, continued residential and commercial growth and expansion into rural areas in recent years has stretched facilities, personnel and equipment resources. Expansion plans will place fire stations within the optimal 5 miles from residential developments and will reduce travel time by emergency personnel. These expansions will result in improved safety for residents and reductions in insurance rates for homeowners. Additional law enforcement substations will also reduce travel time by deputies to persons in need and will help to deter crime by providing a visible community presence.

VIII. 5-Year Strategic Plan

The Strategic Plan outlines the community's overall strategy for addressing area housing and community development needs in the coming 5 years. The Plan specifically addresses how Lexington County intends to use its Community Development Block Grant funds to meet priority needs.

The County intends to target its Consolidated Plan efforts toward meeting the statutory goals established by HUD for the CDBG program. Such efforts are required by HUD to primarily assist low and moderate income persons. The specific goals of the Plan are adapted from the three statutory goals of the national CDBG program:

1. Provide decent housing,
2. Provide a suitable living environment; and
3. Expand economic opportunities.

Implementation of Consolidated Plan strategies to meet the County's housing and community development needs are influenced and shaped by the realities of both funding and staff available to support and administer the programs. The seven guiding priorities for the *2005-2009 Lexington County Consolidated Plan* are:

- Priority Need 1: Ensure adequate and dependable public facilities are available to provide for basic and essential needs and service.
- Priority Need 2: Ensure adequate and safe infrastructure to meet basic needs of residents.
- Priority Need 3: Develop and produce plans and studies that will assist in identifying and evaluating community needs and establish strategies for implementation.
- Priority Need 4: Establish or support programs that provide needed public services and/or increase the level of service provided by existing programs.
- Priority Need 5: Support and provide assistance to nonprofit and for-profit entities that create, increase or retain employment opportunities for LMI persons.
- Priority Need 6: Provide and/or support adequate, safe and affordable housing
- Priority Need 7: Provide mechanisms and forums for collaboration, coordination, and community capacity building
- Priority Need 8: Support programs that provide housing and services for homeless populations.

Table 1-2 includes the priority needs for the Lexington County Consolidated Plan along with strategies for implementation.

Table 1-2. Strategic Plan – Priority Needs and Strategies

#	Strategies
Priority Need 1: Ensure adequate and dependable public facilities are available to provide for basic and essential needs and services.	
1.1	Construct and/or upgrade fire, EMS, police, and other public safety facilities
1.2	Acquire fire safety equipment and apparatus to support existing and new facilities
1.3	Construct and/or upgrade senior and community centers
1.4	Construct and/or upgrade health care facilities
1.5	Construct and/or upgrade libraries
1.6	Construct and/or upgrade recreational facilities
1.7	Construct and/or upgrade day care centers for children and/or adults
1.8	Removal of architectural barriers from parks, recreational facilities and County buildings
Priority Need 2: Ensure adequate and safe infrastructure to meet basic needs of residents.	
2.1	Construct, extend, or improve water systems
2.2	Construct, extend, or improve sewer systems
2.3	Pave existing unpaved roads
2.4	Construct or improve storm drainage facilities
2.5	Construct or extend sidewalks
Priority Need 3: Develop and produce plans and studies that will assist in identifying and evaluating community needs and establish detailed strategies for implementation.	
3.1	Develop neighborhood plans for LMI neighborhoods
3.2	Update the <i>Analysis of Impediments to Fair Housing Choice</i>
3.3	Conduct environmental studies
3.4	Conduct or participate in the development and update of economic development plans and strategies
3.5	Participate in the development of transportation studies and plans
3.6	Conduct or participate in studies of historically significant properties, neighborhoods, districts and sites
Priority Need 4: Establish or support programs that provide needed public services and/or increase the level of service provided by existing programs.	
4.1	Provide and/or support services for the elderly
4.2	Support shelters for victims of domestic violence
4.3	Support shelters for abused children
4.4	Support services for the mentally and/or physically disabled
4.5	Provide Fair Housing education
4.6	Provide and/or support services related to public safety
4.7	Support emergency food and shelter services
4.8	Support substance abuse counseling and/or treatment
4.9	Support health care services
4.10	Support child care services
4.11	Provide and/or support recreation programs
4.12	Support education programs
4.13	Provide/support energy conservation counseling and testing

Table 1-2. Strategic Plan – Priority Needs and Strategies, *Continued...*

#	Strategies
	Priority Need 5: Support and provide assistance to non-profit and for-profit entities that create, increase or retain employment opportunities for LMI residents.
5.1	Support economic development opportunities that create jobs for LMI residents
5.2	Provide and/or support job training and educational programs
5.3	Construct infrastructure to support economic development efforts
	Priority Need 6: Provide and/or support adequate, safe and affordable housing.
6.1	Provide and/or support the provision of education on issues related to housing
6.2	Provide and/or support homeownership assistance
6.3	Provide and/or support housing rehabilitation of unsafe units
6.4	Provide and/or support efforts to improve accessibility for disabled homeowners
	Priority Need 7: Provide mechanisms and forums for collaboration, coordination, and community capacity building.
7.1	Form a public/private advisory group on community development, affordable housing issues, services and resources for LMI persons in Lexington County
7.2	Facilitate coordination between the County, municipalities within the County, neighboring jurisdictions, housing authorities, service providers and others in the provision of services and programs
7.3	Provide technical assistance and promote capacity building for neighborhood associations and other community organizations
	Priority Need 8: Support programs that provide housing and services for Homeless populations.
8.1	Support services for the homeless
8.2	Encourage and support the development of transitional and permanent housing for the homeless
8.3	Support regional efforts to alleviate homelessness
8.4	Continue to strengthen partnership with the Midlands Area Consortium for the Homeless (MACH)

IX. Annual Action Plan 2005

The Annual Action Plan describes the specific activities that will be undertaken in the 2005 program year with the County's CDBG funds. CDBG funds are the only formula entitlement grant funds that Lexington County receives directly from HUD. All projects identified in this Action Plan will be funded entirely from the County's 2005 CDBG allocation of \$1,123,954. No program income is anticipated. When feasible, the County will provide in-kind services, funds for operating costs, funds for furnishings and equipment, other available funds, or real property to carry out the activities identified in this Plan.

Lexington County's CDBG program provides funds for projects in unincorporated areas of the County where there are predominantly LMI persons. Incorporated towns and cities (Batesburg-Leesville, Cayce, Chapin, Gaston, Gilbert, Irmo, Lexington, Pelion, Pine Ridge, South Congaree, Springdale, Summit, Swansea, and West Columbia) are eligible to receive funds from the State of South Carolina CDBG program. During the program year, the County will focus its CDBG funds on public facility, infrastructure and planning needs, especially in southern and western areas of the County. Program Year 2005 will address the following objectives selected from the 5-Year Consolidated Plan

- **Priority Need 1:** Ensure adequate and dependable public facilities are available to provide for basic and essential needs and service.
- **Priority Need 2:** Ensure adequate and safe infrastructure to meet basic needs of residents.
- **Priority Need 3:** Develop and produce plans and studies that will assist in identifying and evaluating community needs and establish detailed strategies for implementation.

Lexington County expects to receive \$1,123,954 to implement activities for the 2005 Program Year. The activities proposed for funding are as follows:

Table 1-3. Annual Action Plan Budget, Program Year 2005

2005/2006	05/06 Funds Allocated	Total
Public Facilities		\$782,680
Fire Station at Fish Hatchery Road	\$111,440*	
Law Enforcement Center – Lexington County Airport at Pelion	\$671,240	
Infrastructure		\$180,000
Old Barnwell Road Water	\$180,000	
Planning		\$32,586
Low and Moderate Income Neighborhood Study	\$32,586	
Administration		\$128,688
CDBG Program Administration	\$128,688	
TOTALS:	\$1,123,954	\$1,123,954

* To be combined with approximately \$430,800 from 2004/2005 funds.

The *Fire Station at Fish Hatchery Road* will provide coverage to a large rural area of the County that is currently more than 5 miles from any fire safety facility. The project will include costs for architectural design, land purchase and construction costs. Fire equipment will also be included to support the facility including 12 personal fire protection outfits, 15 monitors/receivers, and 6 radios. The Public Safety Department will provide oversight on the Fire Station at Fish Hatchery Road and Law Enforcement Center projects.

The *Law Enforcement Center at the Lexington County Airport at Pelion* will increase law enforcement presence at the County's new airport near the Town of Pelion. The project will include costs for an environmental assessment, architectural design, land purchase and construction costs. The Law Enforcement Center project will be constructed on land owned by Lexington County. The value of the entire parcel is estimated to be approximately \$225,000.

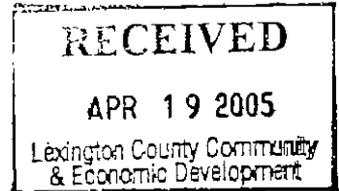
The ***Old Barnwell Road Water Project*** will consist of the installation of approximately 6,500 linear feet of 8" PVC water line along Old Barnwell Road from Garden Pond Drive to Shirway/Mac Circle. In addition to providing water service to residents of Old Barnwell Road, the project will also help fire flow and allow for future water service extensions to other low and moderate-income areas nearby. The Lexington County Joint Municipal Water and Sewer Commission is providing in-kind services for the Old Barnwell Road water project including preparation of the environmental review, engineering and contract administration. The value of this contribution is estimated to be at least \$20,000.

The ***Low and Moderate Income Neighborhood Study*** will evaluate several low and moderate-income communities in the County and provide recommendations for improvements. Community needs to be evaluated include water, sewer, sidewalks, housing, drainage, crime statistics, ISO ratings, education and literacy, health statistics, and other needs that could potentially be addressed with CDBG funds. The County undertook a similar study in 1998 that provided the basis for the County's first Five-Year Consolidated Plan.



Brookland West-Columbia Community & Housing Development Corporation

April 18, 2005



Rev. Charles B. Jackson, Sr.
Founder

Board Officers

Harry Jivers, Jr.
President
Donald Jackson
Treasurer
Paulette Edwards
Secretary

Board Members

Rosemounda "Peggy" Butler

Mathias Chaplin

Dale Collier

Rudine Davis

Deborah M. Dawson

Annette Folks

Rev. James A. Jamison

Michael Powe

Mr. George Bistany
Community Development Administrator
Lexington County
212 South Lake Drive
Lexington, SC 29072

Dear Mr. Bistany:

This letter is intended to register our objection to the county's failure to allocate any funds in the draft 2005-2009 Consolidated Plan for Housing and Community Development to the Double Branch Road neighborhood for infrastructure improvements. Given the 2005/2006 proposed Action Plan this title is a misrepresentation of what the county is actually planning to do with these funds as there are no funds designated for housing or for community development in an area whose conditions warranted its inclusion as a target community in the prior consolidated plan. How a neighborhood targeted in the consolidated plan could be completely overlooked in a subsequent one, when absolutely nothing was done to change the conditions, is difficult to comprehend.

The Brookland West Columbia Community & Housing Development Corporation involved itself extensively with the county's community development staff and with elected officials to firmly establish the needs for the use of these funds in this area. We did so because we believe it is morally wrong to permit people to live in substandard conditions, particularly when it is in an area surrounded by developed properties. We also believed that the county's good faith partnership with us would lead to our investment as a Community Housing Development Organization (CHDO) so that, ultimately, this area would be revitalized.

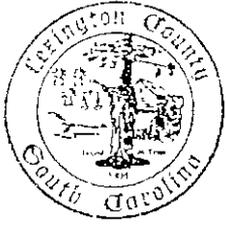
To say that we are disappointed in these actions is an understatement. We really have to question the process. What is the point of soliciting citizen involvement in determining the allocation of these funds if the outcome is a foregone conclusion? Double Branch Road was one of the neighborhoods targeted for these funds in the previous consolidated plan but nothing was done in this neighborhood until our involvement. Only then were funds set aside to conduct some of the necessary studies that are precursors to further development. Because of this history, we believe that we had every reason to be hopeful that the next stage would be a commitment from the county to work to bring this community up to livable standards with these funds.

We are urging the county to reconsider these priorities and include the Double Branch Road neighborhood in its 2005/2006 Annual Action Plan

Sincerely,

Harry L. Jivers, Jr.

cc: Bruce E. Rucker, Lexington County Council Chairman
Joseph W. Owens, County Council Member
Rev. Charles B. Jackson, Sr.



County of Lexington

County Administrator
212 South Lake Drive
Lexington, South Carolina 29072
Telephone (803) 785-8100 - Fax (803) 785-8101

April 27, 2005

Mr. Harry L. Jivers, Jr.
Brookland West Columbia Community & Housing Development Corporation
Post Office Box 2454
Columbia, South Carolina 29202

Subject: Lexington County 2005-2009 Consolidated Plan

Dear Mr. Jivers:

We are in receipt of your letter dated April 18, 2005 expressing objection to our Consolidated Plan because it does not include 2005/2006 Community Development Block Grant (CDBG) funding for the Double Branch Road neighborhood. The Double Branch neighborhood is a concern of the County and we recognize that there are many needs in this community.

In 2004, we allocated \$50,000 from our CDBG program to fund planning activities for the neighborhood. Specifically, we have used these funds to contract with HPG & Company to update the 1998 community needs assessment of the Double Branch neighborhood and prepare an environmental review record of the area. It is my understanding that this work is currently in progress and we look forward to sharing the results with your agency upon completion.

For 2005/2006, the County expects to receive \$1,123,954 in CDBG funds, a 6% reduction from 2004/2005. Unfortunately, a limited amount of funds reduces the number of projects and communities we can assist. Projects and locations selected were based on the priorities and direction of our County Council, input from our public safety staff and the Lexington County Joint Municipal Water and Sewer Commission and other factors such as significant other resources pledged for the project.

We appreciate the efforts of your organization to improve the lives and living conditions of residents of the Double Branch Road area. We also appreciate your participation in our Consolidated Plan process and regret that we are unable at this time to address all the needs that were identified. In the event funding becomes available in 2005/2006 or in future years, we will consider a project in the Double Branch Road area. If you have any questions or need further assistance, please contact our Community Development Administrator, George Bistany at 785-8600

Sincerely,

A handwritten signature in cursive script that reads "William A. Brooks". The ink is dark and the signature is fluid.

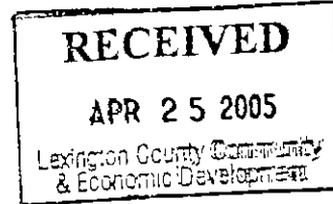
William A. Brooks
County Administrator

cc. Bruce E. Rucker, Chairman, Lexington County Council
Joseph W. Owens, Member, Lexington County Council
Rev. Charles B. Jackson, Sr., Founder, Brookland West-Columbia
Community & Housing Dev. Corp.



CITY OF CAYCE

April 22, 2005



Mayor

Avery B. Wilkerson, Jr.

Mayor Pro-tem

Richard N. Myers

Council Members

James E. Jenkins

Kenneth D. Jumper

Robert E. Malpass

City Manager

John C. Sharpe

Public Safety

Charles E. McNair

Mr. Todd Cullum
Lexington County Councilman
955 Bruce Road
Cayce, South Carolina 29033

Dear Councilman Cullum:

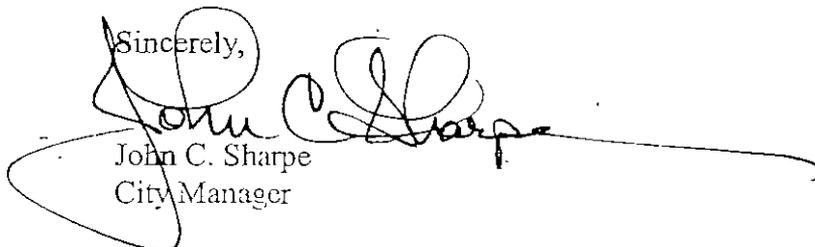
The paper and television news from yesterday and today reflects a problem with untreated sewage discharge in the Lloydwood Subdivision, which is located within Lexington County's jurisdiction. I am writing to you with the hope that you may be able to help expedite a request on behalf of the City of Cayce that will be beneficial to both the City and the County by addressing this issue.

On January 13, 2005, City of Cayce personnel met with Mr. George Bistany, Community Development Administrator for Lexington County and Ms. Robin Cooley, Program Manager for Central Midlands Council of Government to discuss the City's possible expansion of sewer services as they related to Lexington County's residents. After that meeting, we composed a letter that listed five (5) communities we felt would be most beneficial for the City to expand our sewer services. The list was based on the county's criteria and feasibility of extending services. Since this areas potential hazard to the community at large has increased dramatically, a revisit to the criteria may be in order.

Not only would the City like to move the Lloydwood Subdivision up to first position on our list, we would also like to request Lexington County revisit the community development funds availability for projects of this type.

For your convenience, I am attaching a copy of the letter to Mr. Bistany and all supporting data. Please do not hesitate to call should you need additional information.

Sincerely,



John C. Sharpe
City Manager

Councilman Todd Cullum

April 22, 2005

Page 2 of 2

- Attachments:
1. Letter to Mr. George Bistany, January 28, 2005
 2. WLTX Website Article, April 21, 2005
 3. WIS Website Article, April 22, 2005
 4. *The State News* Article, April 21, 2005
 5. *The State News* Article, April 22, 2005

Cc (without attachment 1):

George Bistany, Community Development Administrator
Robin Cooley, Program Manager
Frank Robinson, Director
Kenneth C. Knudsen, AICP, Director
Renee Norton, Grants Specialist



WLTX-TV Columbia, SC

SEARCH

Search

Sewage Leak Causing Problems for Neighborhood

(Cayce) - There's a warning out for people living in the Lloydwood Subdivision in Cayce.

Video

Brandy Bell on DHEC Warning



This stream runs through the Lloydwood subdivision in Cayce

Clair Boatwright with the S.C. Department of Health and Environmental Control says a stream running through the neighborhood could be contaminated with animal or human waste.

She says no one should drink or come in contact with the water because it could cause stomach problems.

"It was significant enough to threaten the public health to put out a public notification...that means it can cause illness," says Boatwright.

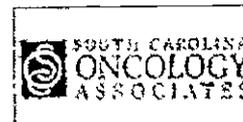
DHEC tells News19 the source is a local wastewater treatment plant that is not complying with standards.

Health officials are trying to bring the plant into compliance as quickly as possible.

Kenneth Moton, Assignment Editor/Reporter

Updated 4/21/2005 2 14 34 PM

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Lexington County creek polluted with sewage

(Lexington-AP) April 22, 2005 - The Department of Health and Environmental Control found out a Lexington County creek was polluted three weeks before it issued a warning.

DHEC's Thom Berry says pollution is pouring into Dry Branch Creek between Cayce and Gaston. He says DHEC can not take over a malfunctioning sewer plant. Problems at the plant owned by Piney Grove Utilities started March 1st when the contractor that ran the plant told DHEC it was no longer getting paid and would stop maintenance.

Berry says a test March 22nd found bacteria indicating human or animal waste in the water. He says a warning was issued after a second test confirmed the problem April 11th.

DHEC wants Piney Grove to fix the problem or join the Cayce system. Piney Grove could not be reached for comment.

Posted 9:01am by [BrettWitt](#)



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MIETRO

THURSDAY, APRIL 21, 2005 SECTION B

BUSINESS Page B6 WEATHER Page B10

DHEC warns people to avoid creek tainted by sewage

By SAMMY FRETWELL
Staff Writer

The state health department is warning people to stay clear of a creek near Dixiana tainted for weeks by spilled sewage from a nearby wastewater treatment plant.

Health regulators have posted signs warning people not to swim or wade in Dry Branch, a tributary

of the Congaree River, because it is polluted with "significantly high amounts of bacteria," according to the S.C. Department of Health and Environmental Control.

Agency officials said they have found bacteria counts 150 times higher than are allowed for safe swimming.

DHEC has issued an emergency enforcement order against Piney Grove Utilities to stop the

pollution and to improve plant operation. The company was sanctioned by DHEC in 2002 and 2004 for similar violations.

Piney Grove allowed poorly treated sewage to wash into Dry Branch from its small treatment plant in southern Lexington County, agency officials said Wednesday.

Efforts to reach company officials Wednesday were unsuccessful.

The sewer plant's operator left his job March 1, and the plant ran without such supervision until DHEC learned of the problem later in the month, agency spokeswoman Clair Boatwright said.

Treatment plants in South Carolina are supposed to have operators to make sure they run properly, DHEC spokesman Thom Berry said. "Under federal and state law, anyone wanting to discharge

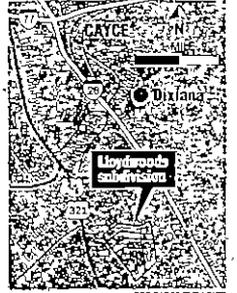
wastewater must remove bacteria and some other pollutants before releasing the wastewater to a creek or river.

"Nobody has been doing maintenance, or the upkeep necessary to keep this plant working efficiently," Berry said. "The effluent was going out and being discharged with very little treatment."

SEE SEWAGE PAGE B5

PUBLIC HEALTH ADVISORY

The state has warned residents to avoid Dry Branch Creek because of high levels of bacteria.



FOR BARRY/THE STATE

TEXTILES TO RETAIL: Shops open in Lexington landmark



Irmo High principal departing

Witt plans to step down after leading District 5 school for 10 years

By BILL ROBINSON
Staff Writer

Irmo High principal Gerald Witt told colleagues Wednesday he will not return for another year at the helm of the Lexington-Rich-



GERALD WITT

OBITUARIES

DEATHS

Evelyn Turnage

CHEWAW — Mrs Evelyn Lee Turnage, 76, died Tuesday, April 19, 2005. Funeral is 2 p.m. Tuesday, April 21, 2005, at Miller-Rose-Caulder Funeral Home Chapel. Burial in Piney Grove Cemetery. Visitation is 1-2 p.m. prior to the service at the home. Miss Turnage was born in High Point, N.C., a daughter of the late Preston Turnage and Sarah Adams Turnage Butler. Evelyn was also preceded in death by a stepbrother, Franklin Butler, and a step-sister, Vera Butler. Survivors: 3 sisters, Dorothy T. Walker of High Point, N.C., Ann T. Berry and Eunice T. (Bobby Joe) Thurman of Cheraw, S.C.; stepbrothers, Robert Butler of High Point, N.C., James Butler of Oklahoma and Ernest Butler of Welcome, N.C.; 1 step-sister, Mildred Thomas of High Point, N.C.; also a number of nieces and nephews. Miller-Rose-Caulder Funeral Home is serving the Turnage family.

Barbara Tyszelmán

FORT MILL — Graveside services for Barbara Morris Tyszelmán, 66, daughter of the late Herbert and Ellen Morris, will be held at 11 a.m. today, April 21, 2005, at Greenlawn Cemetery, Dillon, directed by Kathleen's Funeral Home, Dillon. She died April 19, 2005. Surviving are a daughter, Sherry (Roger) Holcomb and grandson, Drew Holcomb, all of Fort Mill. She was predeceased by brother, Herbert Morris.

Katharine Wade

AMERICUS, Ga. — Services for Katharine G. Wade, 86, widow of William Wade Sr., are 2 p.m. today at Raleigh Presbyterian Church, Newberry. SC. Burial Rosemont Cemetery, Newberry. Hancock FH is in charge. Born in Clinton, S.C., to Bothwell and Katharine Bean Graham, she died April 18, 2005. Surviving children: Frances, Richard Carter, Rev. William B. Theodos Wade, sister, Eustace McCaslin.

Lonnie Way

WEST COLUMBIA — Funeral services for Lonnie Lee Way, 59, will be held Friday, April 22, 2005, at 11 a.m. at Rockton Baptist Church, Winnsboro, conducted by the Rev. Howard Dickson and the Rev. Jun Newman. Burial will be at 3 p.m. in Crestlawn Memorial Gardens in Orangeburg, S.C., with military honors. Visitation will be 6-8 p.m. Thursday, at Pope Funeral Home.

Mr. Way, son of the late Lonnie Way and the late Ruby Fadgett Way Carson, was born March 27, 1946.

DEATHS

ter of the late Rosa Thomas Wade and James Benjamin White of Winnsboro. She was predeceased in death by her brother, Benne.

The family would like to thank the staff at Midlands Center for their years of loving care. Rosa had multiple disabilities and they enabled her to live a life of grace and dignity, and be a full member of the Midlands community.

A graveside service will be held on Sunday, May 1st, at noon at St. Stephen's Episcopal Church in Ridgeway.

Memorials may be made to the Family Center of Midlands Center, 5301 Farrow Road, Columbia SC 29203.

OBITUARY POLICY

The State will print up to 12 lines of an obituary for \$15. Additional lines may be purchased. Funeral home copies of obituaries are free. Your funeral home can assist you with data. Obituaries may be edited for style and policy. Information, along with your name, address and phone number, may be e-mailed, faxed or delivered to the Obituary Desk at our office, 1401 Shop Road, Columbia SC 29201. All corrections must be faxed.

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GALLERY

FROM PAGE B1

been going door to door to raise money, and I was there to confirm that he is making an effort." Smith said after the hearing.

"I want to be clear on any suit I can," he said. "But that's a lot of money. It's an historic building."

SEWAGE

FROM PAGE B1

Berry said that, as far as he knows, the sewer plant was still operating.

The polluted "creek" flows through the Lloydwoods neighborhood between Cayce and Gaston near the Dixiana community. The pollutant of concern is fecal coliform, a bacteria that indicates the presence of human and animal waste. People ingesting water with high bacteria levels can get upset stomachs, fevers or headaches.

Berry could not say why DHEC tested the creek once in mid-March and again in early April but did not post warnings against swimming in Dry Branch until late last week.

Some Lloydwoods residents were upset about the contamination Wednesday, saying they have

complained for several years about the treatment plant.

Mary Smoak, of 303 Carters Hill Drive, said the smell of raw sewage sometimes wafts through the neighborhood south of Columbia. She also has noticed sewer bubbling from manholes.

"The situation is pretty nasty," said Smoak, a Lloydwoods resident for 17 years. "The smell has gotten really, really horrible in the neighborhood."

She also said the neighborhood needs improved sewer service, saying Piney Grove "has no business running people's sewers."

DHEC records show Piney Grove Utilities has had a recent history of troubles over operation of its sewage treatment plant.

The company was fined \$37,034 in December 2002 after DHEC said it failed to properly operate and maintain the treatment plant.

DHEC's enforcement order

sent the plant to exceed discharge limits for total coliform bacteria, ammonia-nitrogen and dissolved oxygen. The order said Piney Grove should contract with a regional sewer system for future services.

A little more than a year ago, DHEC again hit Piney Grove Utilities with an enforcement order for virtually the same violations. The agency said Piney Grove failed to send an operator to the plant each day and did not conduct proper daily monitoring.

The agency did not fine Piney Grove, but said it must contract to a regional sewer system to upgrade the wastewater treatment plant.

Staff writer Shidama C. Jackson contributed to this story. Peach Newell at (803) 771-8537 or sfnewell@thestate.com.

PINEY GROVE UTILITIES

Recent state enforcement actions against the company.

December 2002: Company is fined more than \$37,000 for failing to properly operate and maintain its Lloydwoods treatment plant in Lexington County. DHEC said Piney Grove should contract with a regional sewer system for future service.

March 2004: Company is sanctioned for failing to properly operate and maintain the Lloydwoods plant. DHEC did not fine Piney Grove, but said the utility must contract to a regional sewer service or upgrade the wastewater treatment plant.

April 2005: DHEC issues emergency order seeking to stop pollution from leaking a creek near the Lloydwoods treatment plant. Agency posts no swimming signs on Dry Branch Creek.

OLD MILL

FROM PAGE B1

Day Pals Books next door, he convinced the Old Mill is a sleeping giant among specialty retailers.

"It's going to become one of the premier shopping places," he said. "I believe this is the right place at the right time."

The Old Mill produced textiles when it first opened in the 1890s. Its success as a shopping mall, started in 1993, has been mixed, with merchants coming and going steadily. But some think things might be different this time.

Condon — who bought the 7-acre site for \$1.8 million, according to tax records — is undertaking a project that other developers looked at and nixed.

Renovation thus far have been both substantial, with a new roof and more parking, and cosmetic, with new windows to add interior light. But aides remain

The mall is bedeviled by leaks when it rains.

Another restaurant is needed to complement the local Crab Shack outlet, a chain in which Condon is part owner.

A decision awaits on removal or use of a turbine that supplied power for the looms when textiles were manufactured at the site.

Getting in and out can be difficult when traffic is heavy.

It's as big a challenge as it

NEW LOOK FOR OLD MILL

New shops and restaurants are coming to the Old Mill in Lexington as part of an effort to revitalize the shopping mall.



Shack outlet, a chain in which Condon is part owner.

A decision awaits on removal or use of a turbine that supplied power for the looms when textiles were manufactured at the site.

Getting in and out can be difficult when traffic is heavy.

It's as big a challenge as it

LIFE AT THE OLD MILL

The Old Mill in Lexington has had a varied history.

Opened in 1911 as a textile mill, it produced cloth and fabric until 1935.

After that, it was used as a warehouse. It has been home to various businesses, including a restaurant.

In 1993, it became an indoor shopping mall. The 30-acre pond adjoining the mill supplied water to Lexington residents for about 60 years. Ending in October 1998, a 2000-2001 when town hall switched to Lake Murray.

expected to be," Condon said. "This is not an overnight success story of things."

Community leaders say the restoration shows older buildings in town are not past their prime.

"It's as good as I would hope for," said Chuck Corley, chairman of the town Historic Preservation

Review Board

It's easy today to imagine textile machinery sitting on the grooves in the wooden floors in some parts of the mill.

The mill is a local landmark because the parents and grandparents of many residents once worked there when the town of 10,500 was much smaller.

Audrey Liddle says it's the perfect setting for her dining and fabric shop, Boxes and Patches. "It's the place I wanted to be. And I'm pleased with the way it's taken off."

Customers seem to be, too. "It's a quaint, cozy atmosphere," said Michaela Bishop of Columbia, a real estate agent and interior design consultant. "The potential is there if they develop it right."

Ellinger, who runs the Old Mill weekly while her daughter studies dance, is a fan of the boutiques there for reasons beyond the memories and merchandise.

"The people (merchants) are so nice," she said, "you want them to succeed."

Reach Flach at (803) 771-8453 or flach@thestate.com

WITT

Witt said the words of a gospel

leader (who) has given 100

person has given him high 10



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The State

Friday, April 22, 2005

114TH YEAR, NO. 112 | SOUTH CAROLINA'S LARGEST NEWS PAPER

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thestate.com

State health agency criticized for delayed pollution warning

DHEC knew Lexington County plant was leaking sewage into creek weeks before it notified public

By SAMMY FRETWELL
Staff Writer

South Carolina's public health agency knew in mid-March that a wastewater plant was pumping contaminated sewage into a Lexington County creek, but it took three weeks for the department to warn people about the pollution.

Since the warning was issued last Friday, the Department of Health and Environmental Control has been unable to stop the contaminated water from entering Dry Branch Creek near the Lloydwoods subdivision, agency spokeswoman Tom Berry said. Berry said state law does not allow DHEC to take control of a malfunctioning sewer plant. The agency instead needs a

court to appoint another sewer system to run the malfunctioning plant, he said.

EXCLUSIVE

He declined to say if the agency would seek such an order, but said DHEC was investigating. The agency was informed by letter in late February that the contractor running the plant, EA Services, had not been paid and would not maintain the plant beginning March 1. DHEC continues to try to force the sewer plant's owner, Piney Grove Utilities, to fix the problem of the on with the

larger Cayce sewer system. The company has a recent history of problems operating the more than 30-year-old plant.

DHEC's handling of the sewer leak, which apparently has released hundreds of thousands of gallons of poorly treated wastewater into Dry Branch Creek, brought a chorus of complaints Thursday from neighborhood residents and environmentalists. "Some said the agency should have acted more swiftly to head off the problem — or at least to tell people about it

"Even if this is not a major health issue, it involves our water," said Johnny Powell, a Lloydwoods resident. "We should have been notified."

Jane Larson, a staff member with the S.C. Coastal Conservation League, said DHEC's failure to warn people earlier jeopardizes children who might play in Dry Branch Creek, which is between Cayce and Gaston. "All you need is a couple of kids going down there in the springtime to collect

SEE POLLUTION PAGE A7

City authority
must pay
developer

Domestic violence furor mounts

CRIMINAL
DOMESTIC

FROM PAGE ONE

Persistent sewage problem frustrates subdivision's residents

By SHALAN C. JACKSON
Staff writer

The small, but you as soon as you walk outside Liberty Royal's front door.

He said the sewage is in the Levee on the south side of the Levee. The Levee is owned by the state. The Levee is owned by the state. The Levee is owned by the state.

The state Department of Health and Environmental Control has warned residents not to yander swim in Dry Branch Creek. But the plant continues to leak into the creek because the agency can't shut it down.

clear, anymore." Residents said they have made complaints for at least 18 months to DHEC, local politicians and the state Public Service Commission, which regulates utilities and water service companies.

"This has been a saga," said Clifford Dawkins, DHEC's neighborhood alliance president. "We've been all of the events and with DHEC or someone would inform us as to what is going on."

Residents said they are tired of their not being able to have to call him, he couldn't answer their questions until Thursday, when the team of DHEC's warning, Dr. Branch, is not a drinking water source.

"We're definitely not happy with the situation," he said. "DHEC has known what has been going on all this time. We just want to be heard."

Any one can walk into the plant, owned by Charleston-based Piney Grove Utilities, because the gate stands wide open. There are no employees to be seen — the company that maintained the plant for Piney Grove Utilities said it was out of the area.

The station, which appears to enter one point, before moving through a filtration system and adding into another point, coated with algae. The water moves from the second pond down through another filtration system before being pumped to a nearby street.

"When I first moved here, there and I was disappointed under the street used to be a number of springs with clear, running water and fish," said Gloria Roberts, who has lived in Levee Woods for more than 10 years.

"The water running in the creek looks behind on heavily polluted."

The \$4000

Wilton's

OPEN HOUSE

Champion

125 Outlet
Pointe Blvd.
Saturday 9-5
Sunday 1:30-5

PARISIAN

SALE

A MORNING OF SPECIAL SAVINGS TO BENEFIT LOCAL CHARITIES AND SCHOOLS

AN ALL-PARISIAN EVENT

four

public health threats.

The agency is governed by a seven-member board, which is appointed by the governor. It is the state's chief environmental protection department, one of South Carolina's largest agencies.

Liberty said DHEC is willing to stop the contamination.

"We have been making every attempt to contact the other," he said. "But they are not willing to get the facility operating the way it should be," Berry said. "It is his responsibility to make sure the plant operates efficiently."

He said the plant is owned by the state. The Levee is owned by the state. The Levee is owned by the state.

South after hearing other samples from the sewer plant's discharge. The Levee is owned by the state. The Levee is owned by the state. The Levee is owned by the state.

Barry said the creek is not a source of drinking water and not a threat to the health of the Levee. The Levee is owned by the state. The Levee is owned by the state. The Levee is owned by the state.

That's about 1,000 times higher than the amount allowed for safe drinking water. The Levee is owned by the state. The Levee is owned by the state. The Levee is owned by the state.

Barry said the creek is not a source of drinking water and not a threat to the health of the Levee. The Levee is owned by the state. The Levee is owned by the state. The Levee is owned by the state.

Records show a sampling was taken on March 22, 1978, and the results showed a coliform count of about 30,000 per gallon. The Levee is owned by the state. The Levee is owned by the state. The Levee is owned by the state.

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COMMITTEE REPORT

RE: Resolution Adopting the All Natural Hazard Risk Assessment and Mitigation Plan for the Central Midlands Region of South Carolina

DATE: March 23, 2005

COMMITTEE: Planning & Administration

MAJORITY REPORT: Yes

The Planning and Administration Committee convened on Tuesday, March 22, 2005 to consider a resolution adopting the All Natural Hazard Risk Assessment and Mitigation Plan for the Central Midlands Region of South Carolina that was submitted to Federal Emergency Management Agency (FEMA) by Central Midlands Council of Governments.

The purpose of the plan is to make Lexington County eligible for 75 percent grant funding from FEMA for mitigation that has to be done to address recurring natural hazard events that repeatedly affect the same properties, i.e. hurricanes, winter storms, tornadoes, flooding. Flooding is the most common example of this natural hazard needing mitigation.

The committee voted to recommend that full Council approve the resolution making Lexington County eligible for funding through FEMA.

** See attached memo from Neil W. Ellis, Director of Emergency Management



County of Lexington

Department of Public Safety

212 South Lake Drive Lexington, South Carolina 29072
TELEPHONE (803) 785-8141 FAX: (803) 785-8589

April 10, 2005

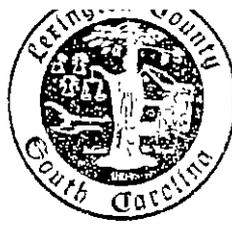
TO: TIM M. JAMES
DEPUTY COUNTY ADMINISTRATOR

FROM: NEIL W. ELLIS *NWE*
DIRECTOR OF EMERGENCY MANAGEMENT

REF: HAZARDS MITIGATION PLAN

OK [initials]
plz forward & copy to Diana

1. Approximately three years ago, FEMA declared that all governmental entities would be required to formally adopt an **All Hazards Mitigation Plan**. This would be required in order to receive mitigation funding from the federal government. (Not to be confused with Public Assistance funding, that is distributed to assist with clean-up from a storm).
2. The Central Midlands COG was selected, or volunteered to complete the mitigation plan for all counties they represent.
3. This funding is strictly for "mitigation", not response. Projects include, but are not limited to:
 - a. Creating detention ponds to ease flooding concerns
 - b. Moving structures out of flood prone area
 - c. Retrofitting governmental buildings, including evacuation shelters, to receive generator power (does not include the generator)
 - d. Addressing drainage issues (building retention/detention ponds, upgrading storm drainage systems, etc)
 - e. Hardening Emergency Operation Centers
4. Funds are available annually through competitive means (75% - 25% split) and through FEMA if a Presidential Disaster is declared. (Example: Ice Storm)
5. All municipalities and special purpose districts are required to adopt this type of resolution in order to receive funds. They have, or will be contacted by Central Midlands COG.
6. Staff recommendation is to approve adoption of the Mitigation Plan and Resolution.



COUNTY OF LEXINGTON, SOUTH CAROLINA

RESOLUTION

THE COUNCIL FOR THE COUNTY OF LEXINGTON, SOUTH CAROLINA,
MEETING IN GENERAL SESSION THE 3RD DAY OF MAY, TWO
THOUSAND AND FIVE ADOPTED THE FOLLOWING:

WHEREAS, County of Lexington recognizes the threat that natural hazards pose to people and property; and

WHEREAS, undertaking hazard mitigation actions before disasters occur will reduce the potential for harm to people and property and save taxpayers dollars; and

WHEREAS, an adopted all hazards mitigation plan is required as a condition of future grant funding of mitigation projects; and

WHEREAS, County of Lexington participated jointly in the planning process with the other units of government in the Central Midlands region of South Carolina to prepare an all hazards mitigation plan; and

WHEREAS, County of Lexington is aware that revision and updating of the plan is critical for active and effective hazard mitigation and that County of Lexington will monitor and record hazard related data and events that can be used to update the all natural hazards mitigation plans.

NOW, THEREFORE, BE IT RESOLVED that we, the members of Lexington County Council, hereby adopts the **All Natural Hazards Risk Assessment Mitigation Plan for the Central Midlands Region** as an official plan and will undertake annual recording of hazard events, their impact, duration, and any expenditures made to remediate hazard events.

Bruce E. Rucker, Chairman

M. Todd Cullum, V Chairman

William C. "Billy" Derrick

George H. "Smokey" Davis

Debra B. Summers

Bobby C. Keisler

Johnny W. Jeffcoat

John W. Carrigg, Jr.

Joseph W. "Joe" Owens

GOALS OF LEXINGTON COUNTY, SC

1. Develop better data for the county relating to type, impact, location and cost of the mitigation of natural disasters occurring in Lexington County.
2. Increase the county's internal capacity to initiate and sustain emergency response operations during and after a natural disaster and thereby mitigate the effects of hazardous events.
3. Enhance existing or design new policies and/or programs in the county to reduce the potential damaging effects of hazards without hindering other community goals or impeding hazard mitigation programming in the county.
4. Protect the most vulnerable populations, buildings and critical facilities in the county through the implementation of cost-effective, environmentally sound, and technically feasible mitigation projects.
5. Protect the public health, safety and welfare by increasing the public awareness of existing hazards and by fostering both individual and public responsibility in the mitigation of risks caused by natural hazards.
6. Increase understanding of all residents in the county about the natural hazards threatening local areas and the techniques available to minimize vulnerability to those hazards
7. Maintain the economic vitality of the county in the face of natural disasters.
8. Ensure that the residents of the county will have secure homes, institutions and place of employment that are now vulnerable to natural disasters.
9. Ensure that the availability and functioning of the infrastructure of the county will not be significantly disrupted by a natural disaster.
10. Inventory and map all structures in flood plains and assess properties that are or may be repetitive loss properties

ACTION PLAN FOR UNINCORPORATED LEXINGTON COUNTY, SC

Natural hazards ranked by priority in unincorporated Lexington County.

- 1) Forest Fires/Wild Fires
- 2) Flooding
- 3) Winter Snow and Ice Storms
- 4) Thunderstorms/Summer Storms with accompanying hail, wind & lightning
- 5) Hurricanes
- 6) Tornados
- 7) Earthquakes
- 8) Drought/Heat

This is not intended to be an exclusive list of natural hazards that threaten the county. These are the most important natural hazards as rated by Lexington County participants in the planning process.

The following are the proposed projects to be undertaken/continued in unincorporated Lexington County for hazard mitigation during 2004-2009
 (Abbreviations for Type of Mitigation are as follows PA = Preventive Activities, PP = Property Protection Activities, NB = Natural and Beneficial Functions/Resource Preservation Activities ES = Emergency Services Activities SP = Structural Projects PI = Public Information Activities and GIS = Geographical Information Systems Activities)
 Key plan umbrella goals are enumerated in Section VII

Type	Type of Hazard	Activity	Lead Agent	Finance Source	Local Goals Addressed	Priority (1 highest, 4 lowest)
ES	Forest Fire/Wild Fires	Improved suppression response (tankers, dry chemicals)	Lexing County	Capital Improve. Budget	2, 3, 7, 8, and 9	1
PA	Forest Fire/Wild Fires	Regulate open burning by permit (Red flag alerts)	Lexing County	Operating budget	3 and 8	2
PA	Forest Fire/Wild Fires	Fire Code enforcement/ inspections	Lexing County	Operating budgets	2, 5, and 8	1
PP	Forest Fire/Wild Fires	Construct dry hydrant program in rural areas of county	Lexing County	Capital Improve Budgets or Grants	2, 3, 7, 8, and 9	1
GIS	Forest Fire/Wild Fires	Use GIS capacity to map, record wild fires, all hazard events	Lexing County	Operating Budget	1 and 10	1

PA	Flooding	Enforce county zoning & stormwater ordinances to restrict development in flood-plans	Lexing County	Operating Budget	2, 5, and 8	1
PI	Flooding	Declare May of each year to be Flood Awareness Month	Lexing. County	Operating Budget	2, 5, and 8	2
PP	Flooding	Coordinate with other local gov'ts in county to make stream channel imp	Lexing. County/ municipalities in county	Capital Improve. Budgets	2, 3, 7, 8, and 9	3
SP	Flooding	Replace structurally obsolete bridges	Lexing. County/ towns/ SCDOT	Capital Improve. Budgets	2, 3, 7, 8, and 9	2
PA	Flooding	Identify & contact all repetitive loss properties	Lexing. County/ towns in county	Operating Budgets	1, 5, and 10	1
PA	Flooding	Ensure that the FEMA Elevation Certificate is properly completed before issuance on property in flood areas	Lexing County/ towns in county	Operating Budgets	2, 5, 8, and 10	1

PA	Flooding	Undertake Planning to improve Community Rating System Ranking	Lexing County/ towns in county	Operating Budgets	2, 5, 8, and 10	1
PP	Winter Snow & Ice Storms	Power Line easement clearance	Lexing. County/ SCANA Fleet. Coops	Electric utility providers	2, 3, 7, 8, and 9	1
ES	Winter Snow & Ice Storms	Debris removal and road clearance work	Lexing. County Public Works and S C DOT	Lexing County Public Works & SCDOI Operating Budgets	2, 3, 7, 8, and 9	1
ES	Winter Snow & Ice Storms	Use bus and van transit system for emergency shelters, evacuation & communcal capacity	Central Midlands Transit System/ DART system, etc.	CMRTA and DART budgets	3, 4, 7, and 8	1
ES	Winter Snow & Ice Storms	Procure and use elec generators at critical facil	Lexington County/ school dist cities' recreation comm	Capital Improve budgets or operating budget if rental	2, 3, 7, 8, and 9	1
SP	Thunderstorms (Harl. Wmd Lightning)	Install surge protectors in critical facilities	Lexing County & School Districts & cities	Capital Improve Budgets	2, 3, 7, 8, and 9	1

PA	Thunderstorms (Hail, Wind, Lightning)	Adopt procedure to suspend operations in elec storms	Lexing. County	Operating Budget	2, 3, 4, 5, and 8	2
PA	Thunderstorms (Hail, Wind, Lightning)	Clear power line and utility easements of debris	SCANA / Elec Coops	Public Works Operating Budgets	2, 3, 7, 8, and 9	1
PA	Thunderstorms (Hail, Wind, Lightning)	Remove taller trees near critical facilities	Lexing County & Coops SCANA	Public Works Operating Budget	2, 3, 7, 8, and 9	2
ES	Hurricanes	Develop portable water treatment facilities	Lexing. Joint Municipi./ City Utilities/ Columb.	Capital Improve. Budget	2, 3, 7, 8, and 9	2
SP	Hurricanes	Replace water storage tanks and pumps as needed	Water providers in county	Capital Improve Budgets	2, 3, 7, 8, and 9	2
SP	Hurricanes	Add capacity at solid waste disposal facilities serving the county to handle more debris	Lexing. County and solid waste contractors	Capital Improve Budgets	2, 3, 7, 8, and 9	2

SP	Tornados	"Harden" utility services especially in highly vulnerable areas	Lexing County	Capital Improve Budget	2, 3, 7, 8, and 9	1
PA	Tornados	Conduct engineering strength studies of critical facil.	Lexing. County	Capital Improve. Budget	2, 3, 4, and 8	1
ES	Tornados	Emergency response chain saw project and other efforts to remove debris	Lexing County/ SCANA /Elect Coops SCDOF & towns in county	Capital Improve Budgets	2 3 7, 8, and 9	1
ES	Tornados	Install safe rooms in critical facilities especially those with vulnerable populations	Lexing County	Capital Improve Budget	2, 3, 7, 8, and 9	2
GIS	Tornados	Establish GIS mapping of all hazard events by location, effect, and time	Lexing County West Columb /Cayce & other municip	Capital Improve Budgets	1 and 10	3
PA	Earthquak	Conduct earthquake impact analysis on critical facilities in Lexing City	Lexing County/ City of West Columb /Cayce	Public Works Depts Capital Budgets	2, 3, 4 and 8	1

PA	Earthquak	Work with SCANA to ensure that the Lake Murray Dam withstands future events	Lexing County and SCANA	Operating Budget	2, 3, 4 and 8	1
ES	Earthquak causing dam failure	Ensure that warning system works for rapid evacu. from lands downstream of Lake Dam	SCANA	Operating Budget	2, 3, 4, and 8	1
PA	Earthquak causing dam failure	Develop clearly marked and explained evacuation routes for dam failure	Lexing County/ City of West Columb/ Cayce & SCANA	Operating Budgets	2, 3, 4, and 8	1
PI	Earthquak	Develop speakers bureau about earthquake and other natural disaster threats to the county	Lexing County/ SCANA towns cities	Operating Budget	2, 4, 5, 6, and 8	1
ES	Earthquak	Implement "Reverse 911" Alert to affected earthquake area	Lexing County	Capital Budget	2, 3, 4, and 8	2

PA	Drought	Develop and publicize water conservation practices to respond to drought declarations	Lexing County/ Towns in County	Operating Budget	5 and 6	1
PA	Drought	Amend state drought legislation to stiffen penalties & clarify laws	S C General Assem- bly	Operating Budget	1, 5, and 6	3
PA	Drought	Develop and publicize water conservation practices to respond to drought declarations	Lexing County/ Towns in County	Operating Budget	1, 5, and 6	1
PP	Drought	Add to surface water reservoirs and resources in the county	Lexing, County/ Towns in County	Capital Budgets	2, 3, 4, and 8	2

Source Lexington County Dept. of Public Works and Public Safety Staff, 2004

During the preparation of the comprehensive five-year revision of the plan, the public shall be offered an opportunity to attend the meetings of the county committee to give input and also to comment on the action plan of each local jurisdiction prior to its inclusion in the regional plan. A copy of the regional plan shall be made available at the offices of the agency responsible for preparing the five-year comprehensive revision. Notices of the time and date and place of the meeting of the local jurisdiction adopting the plan by resolution be published as an article of general interest news or as a legal notice in a newspaper of general circulation not less than 10 working days prior to passage of the adopting resolution.

Local jurisdictions may take and are encouraged to take additional measures to involve the public in the planning and evaluation process but should take the above listed measures at a minimum to afford the public an opportunity to be involved in the document preparation process.

A sample form used by the CPT and county risk assessment and hazard mitigation committees to undertake the annual evaluation process and annual report preparation should be similar to that included below.

Form for Use in Updating the _____ Action Plan
(Insert Name of Local Government)

Type of Hazard Event*	Date of Hazard Event	Estimate of Hazard Damages**	Activities to Implement Plan	Date Activities Effected	Collaborative Activities to Implement Plan	New Obstacles to Implement Plan	Activities Undertaken to Resolve Obstacles to Plan Implementation

Name and title of person completing form _____

Date form completed _____

Signature of persons completing form _____

*Governmental responses to hazards may be used in defining a hazard event, for example, a city fire department answers a call to put out a wild fire. Units of Governments may use insurance claims to report hazard damages where appropriate



COUNTY OF LEXINGTON, SOUTH CAROLINA

RESOLUTION

THE COUNCIL FOR THE COUNTY OF LEXINGTON, SOUTH CAROLINA, MEETING IN GENERAL SESSION THE 3RD DAY OF MAY, TWO THOUSAND AND FIVE ADOPTED THE FOLLOWING:

WHEREAS, William A. "Bill" Byrd, a citizen of Lexington County, initiated the call to the County of Lexington in February 2004 that prompted a significant change to the County's phone service; and

WHEREAS, the County of Lexington made a major decision in March 2004 to solicit bids from potential telecommunication service providers to establish a contract for providing land line and long distance telecommunication services to the entire County of Lexington. The objective was to consolidate the existing service providers, reduce costs, and enable all Lexington County residents to conduct business with any County office without incurring any long distance charges; and

WHEREAS, Bill Byrd, an expert in telecommunications, unselfishly volunteered his time and talents to conduct research and evaluate proposals offered to the County of Lexington to ensure that all Lexington County residents would receive quality service at the most economical cost; and

WHEREAS, in October 2004 the County of Lexington entered into a contract with PBT Communications, Inc. to provide all local and long distance telephone service utilizing Voice over Internet Protocol (VoIP), not only providing free long distance service for the residents when calling the County, but free long distance service for all Lexington County offices when conducting business; and

WHEREAS, because of Mr. Byrd's expertise and concern for fellow Lexington County citizens, the County will enjoy a cost savings of approximately \$100,000 annually.

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Lexington County Council, express our sincere appreciation and gratitude to William A. "Bill" Byrd for volunteering his time, talents and expertise to Lexington County that will save considerable money for all taxpayers of Lexington County.

Bruce E. Rucker, Chairman

M. Todd Cullum, V Chairman

William C. "Billy" Derrick

George H. "Smokey" Davis

Debra B. Summers

Bobby C. Keisler

Johnny W. Jeffcoat

John W. Carrigg, Jr.

Joseph W. "Joe" Owens

A P P O I N T M E N T S - B O A R D S & C O M M I S S I O N S

May 03, 2005

BILLY DERRICK

Board of Zoning Appeals - Ronnie E. Garner - Term expired 12/31/04 - Not eligible for reappointment

BOBBY KEISLER

Children's Shelter - Mary L. Miller - Term expires 6/30/05 - Not eligible for reappointment

JOHNNY JEFFCOAT

Children's Shelter - Christine B. Westbrook - Term expires 6/30/05 - Eligible for reappointment

JOHN CARRIGG

Children's Shelter - Vacant - Term expired 6/30/01
Library Board - Vacant (Resigned) - Term expires 9/26/07

JOE OWENS

Accommodations Tax Board - Vacant - Term expires 12/31/06
Children's Shelter - James E. Murray - Term expires 6/30/05 - Eligible for reappointment

TODD CULLUM

Accommodations Tax Board - Vacant - Term expired 12/31/03
Assessment Appeals Board - Bill Power - Term expired 9/21/04 - Eligible for reappointment
Children's Shelter - Vacant - Term expired 6/30/03

AIKEN/BARNWELL/LEXINGTON COMMUNITY ACTION

At-Large Appointment

Ms. Juanice Aaron (to replace Pamela Bobbitt) - Term expires 12/31/05

BUILDING CODE BOARD OF APPEALS

Building - E. D. Sturkie - Term expired 8/13/04

Plumbing - Perry Kimball - Term expired 8/13/03

REGIONAL TRANSIT AUTHORITY

At-Large Appointment (no term limit)

Andrew R. Gambrell (Resigned)

Lowell C. Spires, Jr.

LEXINGTON/RICHLAND ALCOHOL & DRUG ABUSE COUNCIL

At-Large Appointment

William L. Rawl, Jr. - Term expired 12/31/04 - Not eligible for reappointment

AIKEN/BARNWELL/LEXINGTON COMMUNITY ACTION COMMISSION, INC.

GEORGE A. ANDERSON
EXECUTIVE DIRECTOR

JAMES C. MILLEDGE
CHAIRMAN OF THE BOARD

P.O. BOX 2066
AIKEN, SOUTH CAROLINA 29802
(803) 648-6836
FAX (803) 649-1588

March 7, 2005

The Honorable Bruce E. Rucker, Chairman
Lexington County Council
212 South Lake Drive
Lexington, South Carolina 29072

In Re: Board Membership Appointments
Aiken/Barnwell/Lexington Community Action

Dear Mr. Rucker:

We are seeking your assistance along with the consideration and approval of Council, regarding the appointment of a person to the referenced Board of Directors, which, as you may be aware, has involved itself in providing programmatic services and financial assistance to some of the most needy, and disadvantaged citizens in Lexington County. While our Commission has been operating since 1966, our provision and assistance in Lexington County began in 1984.

Accordingly, we would recommend the following and ask that you please cause the subject of this appointment be given the most immediate consideration by the Council.

Recommendee

Area Representing

Ms. Juanice Aaron
4465 Highway 321, SC-7,
Gaston, South Carolina 29053

Lexington County At Large

We have consulted the recommendee who has varied experience which we deem appropriate to serve on our Board, and she had indicated her desire, willingness, and availability. Thank you for your assistance and we look forward to hearing from you and Council at your earliest opportunity. You may wish to contact Mr. Anderson for any questions you may have at (803) 648-6836, extension 234.

Sincerely yours,

James C. Milledge
James C. Milledge, Chairman

George A. Anderson
George A. Anderson
Executive Director



PROGRAM AREAS:



5-2-05 11:03 AM

FAX NO.

P. 02

01/01/2005 23:58 7331395

LRADAC

PAGE 02/02

02/02/2005 04:15 000000000

LEXINGTON COUNTY SC

PAGE 01/01

772-1953

LEXINGTON COUNTY COUNCIL
BOARD COMMISSIONER NOMINATION FORM

Name of Board/Commission: LRADAC
Name: Steve Hatcher Steve Hatcher
Address: 300 Kenneber Court, Lexington SC 29072
Employed by: Total Comfort Service Center, Inc.
Address: 5636 Old Bush River Road, Columbia SC 29912
Home Telephone: 803-8535 Business Telephone: 772-4495
Mobile Phone: 446-4382 Pager Number:
Fax Number: 772-1953

Are you aware of board/commission activities and responsibilities: Yes

Background information (include education, community service activities, previous service on county boards/commissions or any other board/commissions on which you are currently serving):

Education: University of South Carolina - 1982
Degree: BS in Accounting

Boards: Boys + Girls Club of the Midlands
2002 - Present (Finance Committee)

Submitted by: William L. Rawl, Jr.
Date: 2/21/05

COUNTY OF LEXINGTON

Procurement Services



MEMORANDUM

DATE: April 22, 2005

TO: Art Brooks
County Administrator

FROM: Sheila R. Fulmer, CPPB
Procurement Manager

A handwritten signature in cursive script that reads "Sheila R. Fulmer".

SUBJECT: Electrical Lighting and Beacon Repairs

On March 22, 2005 the Airport Planning Committee and County Council approved to move forward with the Electrical Lighting and Beacon repairs. These immediate repairs are needed to get the Airport up and running. This approval was given based on an estimate provided by Wilbur Smith in the amount of \$15,000 00

Competitive bids were solicited through Wilbur Smith. We received one (1) bid. Bids were evaluated by June Witty, Wilbur Smith, and Sheila Fulmer, Procurement Manager. We have verified with the State Aeronautics Division that the bid received is fair and reasonable. We recommend award to Walker & Whiteside as the low bidder meeting specifications. The total amount of this purchase is \$18,383.00 including all applicable sales tax.

Funds are appropriated in the following account:

5800-580020-5A5574	Electrical & Beacon Repairs	\$15,000.00
--------------------	-----------------------------	-------------

There is \$15,000 00 appropriated in the account for this purchase. If approved, a budget amendment will be prepared for the remaining \$3,383 00.

I concur with the recommendation and further request that this bid be placed on Council's agenda for their next scheduled meeting on May 3, 2005.

cc: Larry Porth, Director of Finance/Assistant County Administrator



To: **Members of County Council**

From:  **Timothy M. James, Deputy County Administrator
Public Safety – Homeland Security**

Council Meeting Date: **May 3rd, 2005**

Reference: **Installation Generator and Transfer Switch at
Cayce Department of Public Safety Office
Public Safety / Emergency Preparedness**

As part of the Homeland Security initiatives we are seeking to purchase and have installed a generator and transfer switch at the Cayce Department of Public Safety. Funds have been identified and appropriated through the State Homeland Security Grant for this purchase. This is a 100% grant and requires no matching funds from Lexington County

Bids were solicited and it is our recommendation that we proceed with awarding the bid to DNB Electric Inc. in the amount of \$17,350.00 which will include all equipment, installation and sales tax.

This equipment will be utilized at the Cayce Department of Public Safety to keep their emergency services operational should a power outage occur.

As the grant procedures have been approved by the South Carolina Department of Public Safety; we are seeking County Council's approval to move forward.

TMJ/cls

COUNTY OF LEXINGTON

Procurement Services

MEMORANDUM

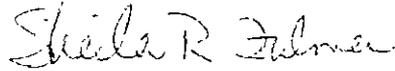
(O) 785-8385

(F) 785-2240

DATE: April 21, 2005

TO: Art Brooks
County Administrator

THROUGH: Sheila R. Fulmer, CPPB
Procurement Manager



FROM: Janice A. Bell, CPPB
Procurement Officer



**SUBJECT: Installation Generator and Transfer Switch at Cayce Public Safety Office
Public Safety/Emergency Preparedness
B05038-04/21/05B**

Competitive sealed bids were solicited for the installation of a generator and transfer switch at the Cayce Public Safety Office. We received two (2) bids (see attached bid tabulation). The bids were evaluated by Neil Ellis, Emergency Management Coordinator and Janice Bell, Procurement Officer.

This equipment will allow the Public Safety Answering Point (PSAP) to remain functional during a power outage. The Emergency Telephone System (9-1-1) for Cayce citizens is operated at the Public Safety Headquarters. This generator will be of sufficient size to power the telephone and radio equipment and maintain a lighting capability. This equipment has been approved as part of the State Homeland Security Grant that is administered by the State Law Enforcement Division.

We recommend award to DNB Electric Inc. as the low bidder meeting specifications. The total amount of this purchase is \$17,350.00 including applicable sales tax.

Funds are appropriated in the following account:

2477-151200-5A5549	Supplemental Homeland Security Grant
(1) Back Up Generator	\$17,350.00

I concur with the above recommendation and further recommend that this bid be placed on County Council's agenda for their next scheduled meeting on May 3, 2005.

Attachment

copy: Larry Porth, Director of Finance/Assistant County Administrator
Neil Ellis, Emergency Management Coordinator

County of Lexington

Bid Tabulation

BID: B05038-04/21/05B

INSTALLATION OF GENERATOR AND TRANSFER SWITCH AT CAYCE PUBLIC SAFETY OFFICE

Quantity	Description	DNB Electric		B&L Electric	
		Unit Price	Total	Unit Price	Total
1	Lump Sum	\$17,350.00	\$17,350.00	\$19,521.00	\$19,521.00

Bids Opened: April 21, 2005

Janice A. Bell, CPPB
Procurement Officer



COUNTY OF LEXINGTON

Procurement Services

MEMORANDUM

(O) 785-8385

(F) 785-2240

DATE: April 21, 2005

TO: Art Brooks
County Administrator

THROUGH: Sheila R. Fulmer, CPPB
Procurement Manager

FROM: Janice A. Bell, CPPB
Procurement Officer

SUBJECT: **Bunker Gear**
Bid No. B05030-03/15/05B
Public Safety/Fire Service

Sheila R Fulmer

Bell

Competitive bids were solicited and advertised for Bunker Gear for Public Safety/Fire Service.

We received nine (9) bids (see attached bid tabulation). Bids were evaluated by Russell Rawl, Fire Service Coordinator and Janice A. Bell, Procurement Officer. It is our recommendation to make a multiple award to the lowest bidders meeting specifications as follows:

Quest Enterprises	\$43,199.24
Newton's Fire Safety	1,742.64
Wally's Fire & Safety Equipment	1,007.00
Carolina Fire Services	3,241.06

Total award including sales tax: \$49,189.94

Funds are appropriated in the following account.

1000-131500-540022	Personal Protective Equipment	\$49,189.94
--------------------	-------------------------------	-------------

I concur with the above recommendation and further recommend that this bid be placed on County Council's agenda for their next scheduled meeting on May 3, 2005.

Attachment

copy: Larry Porth, Director of Finance/Assistant County Administrator
Russell Rawl, Fire Service Coordinator

County of Lexington

Bid Tabulation

310 B02030-03/15/06B

BUNKER GEAR

Quantity	Description	Povall's Accounts		Anderson Fire & Safety		Vally's Fire & Safety Equipment		Houston's Fire Safety		Carolina Fire Supplies		Quest Enterprises		C.V. Fire		Charlottesville Equipment		Anderson Fire & Safety			
		Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
41	Coats	\$588.26	\$24,118.26	No Bid		\$650.00	\$27,000.00	No Bid		\$845.31	\$34,567.71	\$887.00	\$24,067.00	\$250.00	\$10,250.00	\$680.00	\$27,880.00	\$610.00	\$25,010.00		
41	Pants	\$445.00	\$18,245.00	No Bid		\$468.00	\$19,188.00	No Bid		\$439.56	\$18,021.96	\$407.00	\$16,687.00	\$450.00	\$18,450.00	\$500.00	\$20,500.00	\$447.00	\$18,333.00		
12	Fire Vests	\$143.00	\$1,716.00	No Bid		\$138.00	\$1,656.00	No Bid		\$129.41	\$1,552.92	No Bid		\$112.00	\$1,344.00	No Bid		\$187.00	\$2,244.00		
10	Boots	\$101.00	\$1,010.00	\$103.00	\$1,030.00	\$90.00	\$900.00	\$90.00	\$900.00	\$95.00	\$950.00	No Bid		\$85.00	\$850.00	\$95.00	\$950.00	\$94.00	\$940.00		
105	Gloves	\$36.05	\$3,785.25	\$35.00	\$3,675.00	\$38.00	\$3,980.00	No Bid		\$29.12	\$3,057.60	No Bid		\$30.00	\$3,150.00	\$32.00	\$3,360.00	\$32.00	\$3,360.00		
2-	Suspenders	\$25.00	\$50.00	\$20.00	\$40.00	No Bid		No Bid		No Bid		No Bid		\$3.00	\$7.00	No Bid		Included			

**Plus \$50.00 for freight
 Bids Opened March 15, 2006

Janice - Bell, CFPB
 Procurement Officer

MEMORANDUM

May 3, 2005

TO: County Council
FROM: Diana Burnett
RE: Summer Meeting Schedule

It has been the custom of Council to meet only once during the months of July, August, and September, and to hold the first meeting (second Tuesday) of those months. If Council wishes to meet only once a month, it would be helpful to make a decision as soon as possible so that staff can plan accordingly. Of course, the Chairman can always call a special meeting if needed.

Thank you.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
July 2005					1	2
					3	4
10	11	12 Council mtg.	13	14	15	16
17	18	19	20	21	22	23
24	25	26 Council mtg.	27	28	29	30
31						

Sunday Monday Tuesday Wednesday Thursday Friday Saturday

August 2005

	1	2	3	4	5	6
7	8	9 Council mtg.	10	11	12	13
14	15	16	17	18	19	20
21	22	23 Council mtg.	24	25	26	27
28	29	30	31			

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<h1>September 2005</h1>						
				1	2	3
4	5	6	7	8	9	10
11	12	13 Council mtg.	14	15	16	17
18	19	20	21	22	23	24
25	26	27 Council mtg.	28	29	30	

The minutes have been intentionally omitted until County Council has approved. Upon Council's approval, the minutes will be available on the internet.

Memorandum

April 21, 2005

To: Art Brooks
County Administrator

For: County Council

From: Charlie Compton, Director 
Department of Planning and GIS

Reference: Vested Rights Legislation

The South Carolina Legislature passed a Vested Rights Act that effects local government development approvals. I generally feel that the manner in which Lexington County has honored approvals and permits over the years is better than what is now required by this Act.

In our Subdivision Regulations we grant two-year approvals with multiple two-year extensions allowed if the terms of the approval continue to be met.

In our Zoning Ordinance the permitting procedures and policies allow the permit to remain valid as long as there is continued activity and intent that complies with the terms of the permit.

This new South Carolina Vested Rights Act designates a two-year vesting period with five one-year extensions required. Since legislation on development agreements is available for large projects, I assume the primary intent was to provide some protection for smaller projects from unreasonable "permit or approval termination" in the middle of a project. I am sure there were jurisdictions in the State that probably did that from time-to-time.

Therefore, I have proposed that we adopt the exact vesting terms as outlined in the Act, which would become a statutory requirement anyway after July 1, 2005. I feel we would be better served by having that authority rest in our local ordinances. Our current requirements to obtain these approvals seem to handle the key features of the legislation which are: (1) they are based on a site-specific development plan, and (2) they are an earlier approval than a building permit.

The following schedule for the required readings and public hearing would complete that adoption by July 1, 2005:

1 st Reading	– May 3 rd
2 nd Reading	– May 24 th
Public Hearing	– May 24 th
3 rd Reading	– either June 14 th or 28 th

Jeff Anderson has copies of these recommendations to review for any additional guidance. The Planning Commission also did a preliminary review today and made some changes. They will make a formal recommendation on May 19th.

Enclosures: Ordinance #05-03 – Proposed changes to Section 3, Procedures,
of the Lexington County Subdivision Regulations

Zoning Text Amendment #T05-03 – Proposed changes to Article 12, Administration,
of the Lexington County Zoning Ordinance



COUNTY OF LEXINGTON, SOUTH CAROLINA

Community & Economic Development
County Administration Building (803) 359-8121
212 South Lake Drive Lexington, South Carolina 29072

ZONING TEXT AMENDMENT APPLICATION # T05-03

Section(s) of the Zoning Ordinance which are affected:

Article 12, Chapter 1, Section 121.10

Reason for the request (use the back of this application form if necessary):

To amend the Lexington County Zoning Ordinance with respect to the vesting of project approvals as outlined in Act 287 of 2004 by the General Assembly of South Carolina

Even though this application will be carefully reviewed and considered, the burden of proving the need for the amendment rests with the applicant.

Date 4/22/05

Signature [Handwritten Signature]

Name(print) Charlie Compton, Planning Director
Lexington County Planning & GIS

Address 212 S. Lake Dr
Lexington SC 29072

Telephone # 785-8121

- 1. 04 / 22 / 05 Application Received
2. ___ / ___ / ___ Fee Received
3. ___ / ___ / ___ Newspaper Advertisement
___ / ___ / ___ Planning Commission Recommendation.

05 / 03 / 05 First Reading 05 / 24 / 05 Public Hearing ___ / ___ / ___ Second Reading ___ / ___ / ___ Third Reading

Results: _____

ARTICLE 12 - ADMINISTRATION

Chapter 1. General Provisions

121.00 Zoning Administrator

The administration and enforcement of this Ordinance shall be the responsibility of the Lexington County Zoning Administrator.

121.01 Duties of the Zoning Administrator

It shall be the duty of the Zoning Administrator to:

- a. Administer and enforce all applicable provisions of this Ordinance.
- b. Administer and enforce the actions of the Board of Zoning Appeals.
- c. Attend all meetings of the Board of Zoning Appeals.
- d. Maintain current and permanent records relative to the adoption, amendment, administration, and enforcement of this Ordinance.
- e. Provide information to the public on all matters relating to this Ordinance.

121.02 Enforcement of Performance Standards

In all districts where performance standards apply, the Zoning Administrator may require a zoning permit application to be accompanied by a certification from a registered professional engineer of South Carolina that the proposed activity can meet the applicable performance standards. If the Zoning Administrator has reasonable belief that a violation may occur despite the opinion of the engineer, then he may reject the application, citing the reasons.

121.03 Right of Entry upon Land

The Zoning Administrator or persons engaged by him to perform tests or any other duties may enter upon any land within the jurisdiction of this Ordinance and make examinations and surveys. They may also place or remove public notices as required by these regulations. However, there shall be no right of entry into any building without the consent of the owner.

121.04 Power to Arbitrate

Where buffering restrictions and performance standards apply, the Zoning Administrator shall act as the initial arbiter wherein surrounding property owners conflict or consent with regard to the application of these regulations or standards. A decision by the Zoning Administrator to relax either the buffering restrictions or performance standards shall be based upon the written consent of the neighboring and affected property owner(s), upon forms provided by the Zoning Administrator. This consent shall be called a zoning waiver and shall become valid only upon verification by the Zoning Administrator and attachment to an applicable zoning permit.

121.05 Measurement

If it is determined that following the issuance of a zoning permit a structure has been placed within the buffer and/or setback in error and all reasonable remedies (except waiver or variance) have been exhausted, the Zoning Administrator has the discretion to allow an encroachment up to 6 inches or 5%, whichever is greater. This remedy, when applicable, will only be applied to the required linear measurement for buffers and /or setbacks.

121.10 Zoning Permits

No building, structure, or tract of land within the zoned area of the County shall be used, constructed, or developed until the issuance of a valid zoning permit. The Zoning Administrator may

require that an application for a zoning permit include information and exhibits as he deems necessary to determine that the proposed development of the property complies with this Ordinance. He shall have a reasonable time to consult with other governmental agencies and request additional information and data to evaluate the application.

~~A zoning permit shall be effective for two years from the date of the approval. Five one-year extensions of the zoning permit will be granted provided the obligations of the permit continue to be met, and provided there have been no amendments to these regulations that prohibit approval.~~

121.20 Zoning Compliance

No building, structure, or activity for which a zoning permit has been issued shall be used or occupied until the Zoning Administrator has indicated that compliance has been made with all applicable provisions of this Ordinance.

121.30 Fees

A fee established by County Council shall be assessed for every permit application reviewed for compliance with the provisions of this Ordinance. This fee shall be paid to Lexington County before or upon the issuance of any permit within the Zoned area of the County, except when deemed unnecessary by the Zoning Administrator for purposes of enforcement of this Ordinance.



COUNTY OF LEXINGTON, SOUTH CAROLINA

ORDINANCE 05-02

AN ORDINANCE ADOPTING A SUPPLEMENTAL APPROPRIATION FOR FISCAL YEAR 2004-2005

Pursuant to the authority granted by the Constitution of the State of South Carolina and General Assembly of the State of South Carolina, be it ordained and enacted by the Lexington County Council as follows:

Section 1. Findings. Since the adoption of the annual budget for the Fiscal Year 2004-2005, County Council has determined that additional funding needs to be appropriated to meet certain needs of the County for Fiscal Year 2004-2005. County Council has further determined that additional appropriations may be made from the General Fund balance into specific accounts so as to meet any additional Fiscal Year 2004-2005 obligations of Lexington County.

NOW, THEREFORE, be it enacted by the County Council of Lexington County as follows: County Council hereby makes a supplemental appropriation in the sum of \$9,000,000.00 (Nine Million and No/100 Dollars) from the County General Fund balance to specific accounts for certain building and space needs for the construction of (1) Fire Stations at Corley Mill, Cedar Grove, Chapin, and Lake Murray and other fire station capital and improvements, (2) Libraries for Swansea, Gaston, Gilbert, and Chapin and (3) DSS facility.

Enacted this _____ day of _____, 2005

Bruce E. Rucker, Chairman

ATTEST:

Diana W. Burnett, Clerk

First Reading:

Second Reading:

Memorandum

April 21, 2005

To: Art Brooks
County Administrator

For: County Council

From: Charlie Compton, Director 
Department of Planning and GIS

Reference: Vested Rights Legislation

The South Carolina Legislature passed a Vested Rights Act that effects local government development approvals. I generally feel that the manner in which Lexington County has honored approvals and permits over the years is better than what is now required by this Act.

In our Subdivision Regulations we grant two-year approvals with multiple two-year extensions allowed if the terms of the approval continue to be met.

In our Zoning Ordinance the permitting procedures and policies allow the permit to remain valid as long as there is continued activity and intent that complies with the terms of the permit.

This new South Carolina Vested Rights Act designates a two-year vesting period with five one-year extensions required. Since legislation on development agreements is available for large projects, I assume the primary intent was to provide some protection for smaller projects from unreasonable "permit or approval termination" in the middle of a project. I am sure there were jurisdictions in the State that probably did that from time-to-time.

Therefore, I have proposed that we adopt the exact vesting terms as outlined in the Act, which would become a statutory requirement anyway after July 1, 2005. I feel we would be better served by having that authority rest in our local ordinances. Our current requirements to obtain these approvals seem to handle the key features of the legislation which are: (1) they are based on a site-specific development plan, and (2) they are an earlier approval than a building permit.

The following schedule for the required readings and public hearing would complete that adoption by July 1, 2005:

1 st Reading	– May 3 rd
2 nd Reading	– May 24 th
Public Hearing	– May 24 th
3 rd Reading	– either June 14 th or 28 th

Jeff Anderson has copies of these recommendations to review for any additional guidance. The Planning Commission also did a preliminary review today and made some changes. They will make a formal recommendation on May 19th.

Enclosures: Ordinance #05-03 – Proposed changes to Section 3, Procedures,
of the Lexington County Subdivision Regulations

Zoning Text Amendment #T05-03 – Proposed changes to Article 12, Administration,
of the Lexington County Zoning Ordinance

Ordinance #05-03

An Ordinance amending the Lexington County Subdivision Regulations with respect to the vesting of project approvals.

WHEREAS, the General Assembly in Act 287 of 2004 provided that local governments may establish a procedure providing for a vesting of rights in certain development plans; and

WHEREAS, the Act allows local governments to implement certain provisions of this legislation before July 1, 2005, in order to avoid being subjected to the requirements of Section 6-29-1650 of this Act; and

WHEREAS, Section 6-29-1650 substitutes statutory conditions for vesting, thereby reducing local control and flexibility;

NOW THEREFORE BE IT ORDAINED BY THE COUNTY COUNCIL FOR LEXINGTON COUNTY, SOUTH CAROLINA, DULY ASSEMBLED, THAT THE FOLLOWING ORDINANCE IS HEREBY ADOPTED:

{Make the following changes to Section 3.}

SECTION 3 - PROCEDURES

The process of obtaining approval for a subdivision is divided into two parts, approval of a Preliminary Plat and approval of a Final Plat.

Preliminary Plat approval is an approval by the staff of the Planning Commission which documents for the subdivider that what is proposed is in accord with these regulations and he may proceed to improve the property. This is the approval for the layout and development of the subdivision before any land is sold or transferred.

Final Plat approval is awarded when the subdivider has fulfilled his obligations with regard to the required improvements in accordance with the approved Preliminary Plat. The Final Plat is the plat of record recorded in the Office of the Register of Deeds of Lexington County.

3.10 Development Review Meeting (Optional)

- 3.11 Prior to the submission of the Preliminary Plat, the subdivider may wish to confer with the Development Administrator, County Engineer and other governmental agency representatives, as appropriate, to determine whether he is proceeding under the proper guidelines as stipulated in these regulations, to consider the desirability or necessity of amending the proposed plan, to clarify the issues and to discuss any other matter pertinent to the subdivision as may aid in the disposition of the submittal.

3.20 Submission of Preliminary Plats

The following procedure shall govern the submission of Preliminary Plats to the Planning Commission:

- 3.21 Whenever any subdivision of land is proposed to be made and before any contract for sale, or any offer to sell said subdivision or any part thereof, is made, the subdivider, through his project engineer, shall file the necessary number of copies of the Preliminary Plat of said plan with the staff of the Planning Commission. The Preliminary Plat shall be prepared in accordance with the regulations set forth in Section 4 of these regulations and shall be submitted to the staff prior to starting any survey of streets and lots and before starting any land disturbance or construction work upon the proposed streets and before any plat of said subdivision is made in form suitable for recording. The staff of the Planning Commission shall determine whether a plat is in proper form and shall not receive and consider such a plat as filed until it is submitted in accordance with the requirements herein.
- 3.22 A filing fee must accompany the submission of the plats. The fee for filing for plat approval shall be as adopted by County Council.
- 3.23 The Preliminary Plat shall be acted on immediately upon receipt of all required approvals and all plat requirements as detailed in Section 4. In no case shall action be delayed longer than 60 days.
- 3.24 The Preliminary Plat shall not be approved by the staff of the Planning Commission until all public and private agencies to which copies of the Preliminary Plat were forwarded have indicated concurrence with the proposed subdivision.
- 3.25 Preliminary Plat approval shall be effective for two years from the date of the approval. Subdivisions, or phases thereof, which have not received Final Plat approval by that time, shall be reviewed by the staff of the Planning Commission to determine the status of the project. ~~Five Two one~~ one year extensions of the Preliminary Plat approval ~~may will~~ be granted by the Planning Commission ~~at the upon a~~ recommendation of ~~by~~ the staff ~~provided that~~ the subdivider ~~has indicated a willingness continues to meet the obligations of the Preliminary Plat approval and provided there have been no amendments to these regulations that prohibit approval.~~ Preliminary Plat approval may be revoked at any time by the Planning Commission should the subdivider fail to meet the criteria for development documented in the plat, or should one or more of the agencies involved in the approval process revoke their stated approval.

3.30 Submission of Final Plats

The following shall govern the submissions of Final Plats of subdivisions to the Planning Commission.

- 3.31 After the proposed subdivision has been prepared and the required improvements made in accordance with the approved Preliminary Plat, the subdivider shall submit the necessary copies of the Final Plat to the staff of the Planning Commission. The Final Plat shall be prepared in accordance with the stipulations of Section 4 of these regulations.

- 3.32 The Final Plat shall be acted on immediately upon receipt of all required approvals and plat requirements. In no case shall action be delayed longer than 30 days.
- 3.33 Upon the approval of the Final Plat by the staff of the Planning Commission, copies of the plats thus submitted shall be stamped with the appropriate certificate of the Planning Commission indicating Final Plat approval, and returned to the subdivider for recording as the official plat of record in the Office of the Register of Deeds for Lexington County.
- 3.34 The Final Plat shall not be approved by the Commission staff until all public and private agencies to which copies of the Final Plat were forwarded have indicated approval of the Final Plat including the necessary improvements noted thereon.

3.40 General Requirements

- 3.41 A record of all actions on subdivision plats shall be maintained as a public record. This shall include the grounds for approval or disapproval and any conditions attached to the action.

3.50 Appeal of Action

- 3.51 Staff action, if such action is authorized, for either approval or disapproval of a subdivision may be appealed to the Lexington County Planning Commission by any party in interest. The Planning Commission shall act on the appeal within 60 days. Action of the Planning Commission is final.

Appeal of the decision of the Planning Commission in such cases may be taken to circuit court within 30 days after actual notice of the decision.

This Ordinance shall take effect June 30, 2005.

Enacted this _____ day of June, 2005.

Bruce E. Rucker, Chairman

ATTEST:

Diana W. Burnett, Clerk of Council

First Reading: May 3, 2005
 Second Reading: May 24, 2005
 Public Hearing: May 24, 2005
 Third & Final Reading: _____
 Filed w/Clerk of Court: _____