

AGENDA
LEXINGTON COUNTY COUNCIL
Committee Meetings
Tuesday, June 14, 2005
Second Floor - County Administration Building
212 South Lake Drive, Lexington, SC 29072
Telephone - 803-785-8103 -- FAX 803-785-8101

2:20 p.m. - 2:45 p.m. - Planning and Administration

- (1) 2005-2006 CEDS Priority Listing for Lexington County - Robin Cooley, Senior Planner - CMCOG **A**
- (2) Temporary Sign Ad hoc Committee - Recommendations from the Planning Commission - Planning & GIS - Charlie Compton, Director and Bruce Hiller, Development Administrator - Community Development **B**
- (3) Urban County Qualification FY2006-2008 - Community Development - George Bistany, Community Development Administrator **C**
- (4) Old Business/New Business
- (5) Adjournment

2:45 p.m. - 2:55 p.m. - Justice

- (1) Solicitor Myers - Mr. Norman Pellerin, 1220 Old Cherokee Road, Lexington, SC 29072
- (2) Old Business/New Business
- (3) Adjournment

2:55 p.m. - 3:30 p.m. - Public Works

- (1) Excess Water Runoff - Cobb Hill - Ms. Sarah Anderson, 627 Laurel Road, Lexington, SC 29073
- (2) Ordinance 05-05 - Amendment to the Solid Waste Ordinance and Zoning Text Amendment T05-04 - Recycling Centers - Planning & GIS - Charlie Compton, Director and Bruce Hiller, Development Administrator - Community Development **D**
- (3) Irmo Request - Matching Funds - Public Works - John Fechtel, Director **E**
- (4) Legal Closing of a Portion of Tarragon Drive - Public Works - John Fechtel, Director **F**
- (5) Old Business/New Business - Solid Waste Funding
- (6) Adjournment

3:30 p.m. - 3:45 p.m. - Economic Development

- (1) Roof Basket Works, Inc. - Fire Hydrant **G**
- (2) Old Business/New Business - Fire Hydrants
- (3) Adjournment

3:45 p.m. - 4:00 p.m. - Airport

- (1) Fees for Tie Downs at the Lexington County Airport at Pelion
- (2) Old Business/New Business - Tie Down Lease Agreement
- (3) Adjournment

4:00 p.m. - 4:15 p.m. - Committee of the Whole

- (1) Impact Fee Study (Included in Packet) - Planning & GIS - Charlie Compton, Director
- (2) Old Business/New Business
- (3) Adjournment

Planning & Administration

J. Owens, Chairman
J. Jeffcoat, V Chairman
J. Carrigg, Jr.
B. Derrick
D. Summers
T. Cullum

Justice

S. Davis, Chairman
T. Cullum, V Chairman
J. Owens
B. Keisler

Public Works

B. Derrick, Chairman
B. Keisler, V Chairman
S. Davis
J. Owens
T. Cullum

Economic Development

J. Jeffcoat, Chairman
S. Davis, V Chairman
B. Derrick
J. Carrigg, Jr.
T. Cullum

Airport

T. Cullum, Chairman
B. Derrick, V Chairman
D. Summers
J. Carrigg, Jr.

Committee of the Whole

T. Cullum, V Chairman
B. Derrick
S. Davis
D. Summers
B. Keisler
J. Jeffcoat
J. Carrigg, Jr.
J. Owens

A G E N D A
LEXINGTON COUNTY COUNCIL

Tuesday, June 14, 2005

Second Floor - Council Chambers - County Administration Building

212 South Lake Drive, Lexington, South Carolina 29072

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

4:30 P.M. - COUNCIL CHAMBERS

Call to Order/Invocation

Pledge of Allegiance

Election of Officers

Chairman

Vice Chairman

Employee Recognition - Art Brooks, County Administrator

Presentation of Resolution

(1) Michael B. "Mike" McGee Presented by Councilman Johnny Jeffcoat

Resolution **H**
(1) NIMS

Appointments **I**

Bids/Purchases/RFPs

(1) Type III Barricades - Sheriff's Department **J**

Delayed Item

(1) Ordinance 05-02 - An Ordinance Adopting a Supplemental Appropriation for Fiscal Year
2004-2005 - 3rd and Final Reading **K**

Tabled Item

(1) Ordinance 05-05 - Amendment to the Solid Waste Ordinance - 2nd Reading - **(Tab D)**

Chairman’s Report

Administrator’s Report

Approval of Minutes - Meeting of May 24, 2005 **L**

Zoning Amendment

(1) Zoning Text Amendment T05-03 - Vested Rights - Proposed Changes to Article 12, Administration, of the Lexington County Zoning Ordinance - 3rd and Final Reading **M**

Ordinances

(1) Ordinance 05-03 - Vested Right - Proposed Changes to Section 3, Procedures, of the Lexington County Subdivision Regulations - 3rd and Final Reading **N**

(2) Ordinance 05-04 - FY2005-06 - General and Non-General Fund Budgets - 3rd and Final Reading **O**

Lexington County Recreation & Aging Commission

(1) Adoption of Resolution Ordering a Public Hearing Concerning the Issuance of General Obligation Bonds in an Amount Not to Exceed \$17,000,000 and General Obligation Refunding Bonds in an Amount Not to Exceed \$17,000,000 by the Lexington County Recreation District - Frannie Heizer, Attorney - McNair Law Firm, PA **P**

(2) Ordinance 05-06 - Authorizing Lexington County Rural Recreation District to Issue General Obligation Bonds in an Amount Not to Exceed \$17,000,000 and General Obligation Refunding Bonds in an Amount Not to Exceed \$17,000,000 - Frannie Heizer, Attorney - McNair Law Firm, PA - 1st Reading by Title **Q**

Committee Reports

Planning & Administration, J. Owens, Chairman

(1) Urban County Qualification FY2006-2008 - Community Development - **(Tab C)**

Budget Amendment Resolutions

OLD BUSINESS/NEW BUSINESS

EXECUTIVE SESSION/LEGAL BRIEFING

MATTERS REQUIRING A VOTE AS A RESULT OF EXECUTIVE SESSION

ADJOURNMENT



MEMORANDUM

To: Diana Burnett

From: Robin Cooley *RC*

RE: CEDS Priority Listing for County Council meeting June 28, 2005

Date: May 27, 2005

I would request County Council concurrence on the attached CEDS Priority Listing for Lexington County. I understand that this item would be placed on the agenda of the June 14, 2005 County Council Subcommittee and then on the June 28, 2005 County Council meeting. Please find attached the following items:

- A brief summary of the purpose of the priority listing and the Comprehensive Economic Development Strategy (CEDS)
- The 2005-2006 CEDS Priority Listing for Lexington County
- A sample letter that we will need from County Council concurring with the CEDS, particularly, the priority listing. This letter will need to be put on County letterhead. **Please send this letter directly to me.** The original will need to be included with the CEDS submittal from the region as one document.

Thank you for all of your assistance with this, and, if you need any additional items or information, please do not hesitate to contact me at 803-744-5136 (phone), 803-376-5394 (fax) or rcooley@centralmidlands.org

U.S. Economic Development Administration – Comprehensive Economic Development Strategy (CEDS)

County Council is requested to approve the Comprehensive Economic Development Strategy (CEDS) for the Central Midlands Region, in particular the elements of the plan relating to Lexington County.

In order to remain eligible for U.S. Economic Development Administration (EDA) funding, EDA requires that each region have and maintain a CEDS. The CEDS is a Comprehensive Economic Development Strategy. This document has been called an OEDP (Overall Economic Development Plan) in the past. EDA requires that the CEDS must be updated annually, and every 5 years it must be revised. During 2003, the Central Midlands region completed the required 5 year revision to the CEDS in order to include 2000 Census Data. This year, the region is submitting an annual update. As part of the annual update, regional project priority listings must be revised and included in the document. Any project that EDA considers for funding from the region will come from these priority listings. If a project comes up later that is eligible for EDA funding but is not on the list, the list can be amended.

The adoption of the CEDS allows the Central Midlands region to maintain eligibility for EDA funding in the future. Without the CEDS document, the region is not eligible to receive EDA funding consideration. In Lexington County, EDA has most recently participated in funding of Pirelli.

Approving the request will maintain the Central Midlands region's eligibility for EDA funding consideration. Not approving the request will jeopardize the region's eligibility for EDA funding.

**ANNOTATION OF PROJECTS ON THE LEXINGTON COUNTY
PRIORITY LIST FOR 2005-2006**

Water Facilities

1. Linking of the Batesburg-Leesville water system with that of the Gilbert-Summit Water District via a 12" main extending east along US 1 to Lewie Road. Batesburg-Leesville has surplus water filtration capacity that can meet the needs of the Gilbert-Summit area.

<u>Primary Applicant</u>	<u>Estimated Cost</u>
Town of Batesburg-Leesville/ Gilbert-Summit Water District	\$650,000
Addressed in Plan: Short range capital improvements plans of the town and the water district	
Source of Funds: EDA, CDBG, Rural Development of USDA and local funds	
When Begun: 2003	

Industrial Park Facilities

2. Development of a new industrial park in the US 321 Corridor to include water and sewer, storm drainage, and miscellaneous improvements to attract manufacturers and businesses to industry poor Lexington School District 4.

<u>Primary Applicant</u>	<u>Estimated Cost</u>
Lexington County	\$3 million
Addressed in Plan: Lexington County economic development plans	
Source of Funds: EDA, CDBG, Office of Local Gov. of State Budget and Control Board and local funds	
When Begun: 2004	

Water and Sewer Facilities

3. Improve the water and sewer capacity in Chapin area through expansion of sewer treatment plant and new booster pumps for water system.

<u>Primary Applicant</u>	<u>Estimated Cost</u>
Town of Chapin and City of Columbia	\$1.5 million
Addressed in Plan: Long range capital improvements of the town	
Source of Funds: EDA, CDBG, State Infrastructure Revolving Loan fund and local funds	
When Begun: 2005	

Business/Industrial Park Facilities

4. Development of a new business/industrial park near Chapin probably with access near the SC 48/I-26 interchange to include water and sewer, storm drainage, and miscellaneous improvements.

<u>Primary Applicant</u>	<u>Estimated Cost</u>
Town of Chapin/Lexington County/Richland County	\$3 million
Addressed in Plan: Lexington County economic development plans	
Source of Funds: EDA, CDBG, Office of Local Government of the S. C. Budget and Control Board and local funds	
When Begun: 2004	

Industrial Park Facilities

- 5. Development of a 147 acre industrial park in concert with Lexington County at the intersection of U. S. 1 and Highway 23 at the eastern end of Batesburg-Leesville. Site design work is underway. Water is already available, but roads, drainage improvements, and sewer need to be supplied. Plans have been prepared by the project engineer.

<u>Primary Applicant</u>	<u>Estimated Cost</u>
Town of Batesburg-Leesville	\$2 million
Addressed in Plan: Town Comprehensive Plan and short range economic development plans	
Source of Funds: EDA, CDBG, Office of Local Government of the S. C. Budget and Control Board and local funds	
When Begun: 2002	

Sewer Facilities

- 6. Expand treatment capacity of the Cayce Wastewater Treatment Plant on New State Road in Cayce from 9.5 MGD to 16 MGD to handle additional waste loads from the Swansea, Lexington, Pine Ridge and South Congaree areas of Lexington County. Final design of project is nearly complete.

<u>Primary Applicant</u>	<u>Estimated Cost</u>
City of Cayce	\$26.5 million
Addressed in Plan: City capital improvements plans and the long range plan of the S. C. Budget and Control Board, Division of Regional Development	
Source of Funds: State bond funds through the DRD of the S. C. Budget and Control Board, bonded debt, capacity fees and local funds	
When Begun: 2005	

Water Facilities

- 7. To provide for adequate water storage in the Town of Lexington activities will include one new transmission line from the West Columbia Lake Murray Water Filtration Plant to the Hite Water Tank and one new transmission line from the Hite Water Tank to a new 1.0 million gallon elevated storage tank.

<u>Primary Applicant</u>	<u>Estimated Cost</u>
Town of Lexington	\$3.2 million
Addressed in Plan: Short range capital improvement plan of the town	
Source of Funds: EDA, State Infrastructure Revolving Loan funds and local funds	
When Begun: 2003	

Water Facilities

- 8. Expansion of Lake Murray water filtration plant from 13.5 MGD to 22.5 MGD. Expansion needed to supply the growing water demand for Lexington County Water and Sewer Commission, Town of Lexington and areas supplied by the City of West Columbia.

<u>Primary Applicant</u>	<u>Estimated Cost</u>
City of West Columbia	\$6.2 million
Addressed in Plan:	
Source of Funds: Local funds, state infrastructure funds, Office of Local Government Budget and Control Board	
When Begun: 2004	

Industrial Park Facilities

9. Development of approximately 175 acres for a new industrial park in the I-26 corridor to include water and sewer, storm drainage, and miscellaneous improvements.

<u>Primary Applicant</u>	<u>Estimated Cost</u>
Lexington County	\$5.7 million
Addressed in Plan: Lexington County economic development plans; Consolidated Plan for Lexington County	
Source of Funds: EDA, CDBG, State Budget & Control Board Office of Local Gov and local funds	
When Begun: 2005	

Industrial Park Facilities

10. Begin planning and development of a new industrial park in the I-20 corridor.

<u>Primary Applicant</u>	<u>Estimated Cost</u>
Lexington County	\$3.5 million
Addressed in Plan: Lexington County economic development plans; Consolidated Plan for Lexington County	
Source of Funds: EDA, CDBG, State Budget & Control Board Office of Local Gov and local funds	
When Begun: 2006	

Water System Improvements

11. Improve transport/delivery of water to the intersection of Calks Ferry Road and Highway 1. The proposed improvements would include over 50,000 LF of water main extension, a booster pump station and storage tank. This activity is currently in the planning stages. A PER has been done.

<u>Primary Applicant</u>	<u>Estimated Cost</u>
Lexington County Joint Municipal Water and Sewer Commission	\$6.3 million
Addressed in Plan: Water and Sewer Commission Capital Improvement Plans	
Source of Funds: EDA, Joint Municipal Water and Sewer Commission, local funds, state infrastructure funds	
When Begun: 2006	

Water and Sewer Facilities

12. Expand water and sewer in South Congaree and Pine Ridge to implement the recommendations of an EDA mini-technical assistance study on the topic. The towns plan the extension of water and sewer via 12" mains from US 321 west along Pine Ridge Drive.

<u>Primary Applicant</u>	<u>Estimated Cost</u>
City of Cayce	\$3 million
Addressed in Plan: Long range capital improvement plans of the two towns and Cayce	
Source of Funds: EDA, State Infrastructure Revolving Loan Funds, CDBG and local Funds	
When Begun: 2005	

Technology/Enterprise Campus Facility and Infrastructure Development

13. The Midlands Technical College Enterprise Campus has been established to attract facilities dedicated to second-tier incubation, research commercialization and public-private development of 100 acres of college property in Northeast Richland County. The college, through the MTC

Enterprise Campus Authority, proposes the initial development of a 32,000 square foot multi-purpose building containing four 5,000 square foot bays with water, compressed air, electronic multi-power, and computer drops, along with classrooms, five offices, storage areas, restrooms and a lobby. Infrastructure improvements for the entire 100 acres include development of water, sewer, storm drainage, streets and utility support, including connectivity to the college's phone and intranet.

<u>Primary Applicant</u> Midlands Technical College Addressed in Plan: Midlands Technical College Master Plan Source of Funds: EDA and local When Begun: 2004	<u>Estimated Cost</u> \$6.5 million
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Sewer Facilities

14. Extension of sewer service to the Lexington County – Pelion Airport from the Lexington County Joint Municipal Water and Sewer Commission's existing sanitary sewer system. Provision of sewer service to the area would make it more attractive to industries locating in the area. A Preliminary Engineering Report has been completed.

<u>Primary Applicant</u> Lexington County Joint Municipal Water and Sewer Commission Addressed in Plan: Source of Funds: EDA, Joint Municipal Water and Sewer Commission, local funds When Begun: 2006	<u>Estimated Cost</u> \$3.2 million
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TOTAL \$74.25 million

All projects are listed in priority order by the Lexington County CEDS Priority Setting Committee.

June ____, 2005

Ms. Lola B. Smith, Acting Director
U.S. Department of Commerce
Economic Development Administration
401 West Peachtree Street, NW
Suite 1820
Atlanta, GA 30308-3510

Dear Ms. Smith:

At a regularly scheduled Lexington County Council meeting on June 28, 2005, the Lexington County Council approved by resolution the Comprehensive Economic Development Strategy (CEDS) for the Central Midlands region and particularly the elements of that plan relating to Lexington County. The regional CEDS was prepared for your consideration, as well as for the board of the Central Midlands Council of Governments, by Central Midlands staff working with appointees to the Economic Development Planning Advisory Committee. They assisted in the identification of project priorities contained within the Comprehensive Economic Development Strategy.

The CEDS, as it applies to Lexington County, will aid the County in evaluating its economic status, progress, and needs. The plan contains a list of economic development projects of great need by Lexington County and its municipalities. EDA participation in funding these projects will greatly assist in relieving long-term economic distress and mitigate hardship among the low and moderate income segments of the population. The plan, as prepared, will also assist the county in obtaining funding from other federal agencies as well as from the State of South Carolina.

Sincerely,

Chairman
Lexington County Council

Memorandum

May 26, 2005

To: Lexington County Council

From: Charlie Compton, Secretary 
Lexington County Planning Commission

Reference: Council's Temporary Signs Ad hoc Committee Report

At their May meeting the Planning Commission was able to complete their review of the Report by Council's Temporary Signs Ad hoc Committee. They are recommending that these changes be scheduled for adoption as a Zoning Text Amendment by the zoning staff. The following is a summary of the Committee's report in which you will find the few changes recommended by the Planning Commission:

A number of the proposed changes are simply format issues which includes the relocation of all definitions to the beginning of the chapter on Signs. That is helpful in some cases, but can also be cumbersome where a particular type of sign and all of its requirements appears in only one location with the description of that activity somewhere else. In those instances it may be helpful to at least repeat the description again. On that particular format issue the Planning Commission deferred the final recommendation to the zoning staff as they prepare a text amendment.

The primary proposals from the Ad hoc Committee are listed here.

Section 26.40 (a) on page 8 simply clarifies that Banners over roads can be used only if approved by the agency responsible for the maintenance of the road.

Strands of Pennants have been prohibited for some time now. Section 26.40 (c) on page 8 would allow them once again under proposed limitations.

Section 26.40 (e) on page 9 contains two proposed changes. First, Portable or Movable Signs have been allowed only once a year for a maximum of 30 days. The proposed change would allow them three separate times a year for a maximum 30 days each. The second change would reduce the separation between multiple signs on the same road frontage and the same parcel from 500 feet to 200 feet.

Section 26.40 (i, j, and k) on page 10 address three different issues in a new way.

Immediately following the definitions section on pages 5 and 6 is a new summary chart to assist in the use of this Chapter.

The Planning Commission considered the recommended modifications to the section on Portable or Movable Signs to be the primary change that would allow businesses more opportunities for temporary advertising in conjunction with activities like grand openings, annual sales, and going-out-of-business promotions. However, they felt the recommendation to allow pennants all of the time, even with a limit on quantities, was not in keeping with the temporary aspect of the other suggestions. They felt that section would be improved if the pennants were linked to the same limitations outlined in the section on Portable or Movable Signs.

Under Real Estate Signs on page 9 the Commission expressed concern for requiring temporary Development/Project Signs to "be removed after one year of their placement or until 90% of the lots, units, etc. have been sold or leased, whichever is the lesser period of time." They felt the build-out period for many projects is often much greater than one year and the allowable time period for these signs should be longer and perhaps linked more closely to the life of the particular project.

Enclosure: Temporary Signs Ad hoc Committee Report

Lexington County



Temporary Signs Ad hoc Committee

Craig Lemrow – Chair

Mardi McKinnon – V. Chair

Brad Bessent

Keith Bush

Thomas Campbell

Roger “Bo” Griffin

John Huffman

Jim Sexton

Zoning Ordinance Proposed Text Amendment
Article 2 – Application of Regulations, Chapter 5 – Signs

Proposed Text changes:

Highlighted Italics = new text

~~Strikethrough~~ = deleted text

Chapter 5. Signs

25.00 Intent and Purpose

The purpose of this Chapter is intended to accomplish the following objectives:

- a. To encourage a high standard for signs in order that they should be appropriate to and enhance the aesthetic appearance and attractiveness of the community and, further, create an aesthetic environment that contributes to the ability of the community to attract sources of economic development and growth.
- b. To ensure that signs are designed, constructed, installed, and maintained so that public safety and traffic safety are not compromised.
- c. To minimize the distractions and the obstructing-of-view that contributes to traffic hazards and endanger public safety.
- d. To allow for adequate and effective signs for communicating identification and promoting business.
- e. In the interest of public safety, the visibility of street name signs, street address information, and address numbers for use by emergency responders (fire, police and medical) is of preeminent importance and should be considered during the placement of signs covered under this Section.

256.00 Definitions

Advertising Signs. Any signs, pictorial or otherwise, regardless of size or shape, which direct attention to a business, commodity, attraction, profession, service, or entertainment conducted, sold, offered, manufactured, existing, or provided at a location other than on the premises where the sign is located or to which it is affixed. Such signs are sometimes called off-premise signs, and include, but are not limited to, those signs commonly referred to as outdoor advertising signs, billboards, or poster boards.

Audible Signs. Signs which emit any sound capable of being detected on a public road or adjoining property.

Awning Signs. See Marquee Signs definition.

Banners. Signs intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentations applied to plastic or fabric of any kind, excluding flags and emblems of political, professional, religious, education, governmental, or corporate organizations.

Business Signs. Any signs, pictorial or otherwise, regardless of size or shape, which direct attention to a business, commodity, attraction, profession, service, or entertainment conducted, sold, offered, manufactured, existing, or provided on the premises where the sign is located or to which it is affixed. Such sign shall also include such representations painted on or otherwise affixed to any exterior portion of a business. Business signs are sometimes called on-premise signs.

Canopy Signs. Signs that are erected on a separate, freestanding roof-like covering.

Changeable Copy Signs. Signs on which message copy is changed manually through the utilization of attachable letters, numbers, symbols, and other similar characters or changeable pictorial panels. Poster panels and printed boards are not considered changeable copy signs.

Commercial Center. A commercial complex consisting of more than one retail, commercial, or office establishment grouped together, usually developed under one ownership or management, and generally sharing parking areas and vehicular entrances and exits.

Contractors' Signs. Signs displaying the names of the builders, contractors, architects, engineers, craftsmen, artisans, and similar information erected upon the premises of any work, construction, major repairs, or improvements.

Development / Project Signs. Signs announcing a planned residential, office, business, industrial or mixed-use development.

Directory Signs. Any signs listing only the names, uses, or locations of more than one business, activity, firm, professional office, or tenant within a building, group of buildings, or commercial center.

Display Area. That area of a sign including the entire area within a regular geometric shape (square, rectangle, triangle, circle, or semicircle) or combination of regular geometric shapes enclosing all of the elements of informational or representational matter displayed, including blank masking or any surface shape intended to convey ideas, information, or meaning. The display area shall also include any painted portion, whether on a sign or building edifice, that serves as a part or all of a logo or other advertisement for any business product or activity. Frames or structural members not bearing informational or representational matter shall not be included in calculating the display area. For double-faced signs that are relatively parallel (forming an angle of 45 degrees or less) and supported by the same structure, the display area of the sign equals the total display area of the largest face. The display area of other multiple-faced signs equals the total display area of all faces.

Driveway Signs. Signs indicating the direction of travel for driveway ingress and/or egress.

Electronic Message Board. An electrical or electronic sign using a pattern of lights to form various words or graphics which is capable of changing copy continuously.

Flag. A piece of durable fabric of distinctive design that is used as a symbol or decorative feature. Perennials do not qualify under this definition.

Flashing Signs. Signs that use a blinking, intermittent or flashing light source.

Freestanding Signs. Signs that are permanently secured in the ground and that are not attached to, supported by, or erected on a building or other structure having a principal function other than support of such signs.

Garage Sale Signs. Signs notifying the public of a garage or yard sale.

Illuminated Signs. Any signs either internally or externally which is directly or indirectly lighted by an artificial light source.

Incidental Signs. Signs used in conjunction with equipment or other functional elements of a use or operation. These shall include, but not be limited to drive through window menu boards, and signs on automatic teller machines, gas pumps, vending machines, or newspaper delivery boxes.

Inflatable Signs. Any signs that are either expanded to their full dimensions or supported by gases contained within the sign parts, at a pressure greater than atmospheric pressure. Untethered airships are not considered to be inflatable signs. Also see Portable or Moveable Signs.

Internally Illuminated Sign. Any sign which has light transmitted outward through its face or any part thereof.

Marquee Signs. Any signs erected, stenciled, engraved on, attached to, or suspended from a marquee. A marquee is defined as any hood, awning (with or without stanchions), or roof-like structure of permanent construction, which is supported from a wall of a building and projects beyond the building wall, and is generally designed and constructed to provide protection against the weather.

Moving Message Board. An electrical or electronic sign using a pattern of lights to form various words or pictures which is capable of changing copy continuously.

Moving Signs. Any sign that has movement caused by means other than the movement of air over the face of the sign or into the body of the sign (see windblown signs).

Off-Premise Signs. Any signs, pictorial or otherwise, regardless of size or shape, which direct attention to a business, commodity, attraction, profession, service, or entertainment conducted, sold, offered, or manufactured, existing, or provided at a location other than on the premises where the sign is located or to which it is affixed. Such signs include, but are not limited to, signs commonly referred to as outdoor advertising signs, billboards, or poster boards.

On-Premise Signs. Any signs, pictorial or otherwise, regardless of size or shape, which direct attention to a business, commodity, attraction, profession, service, or entertainment conducted, sold, offered, or manufactured, existing or provided on the premises where the sign is located or to which it is affixed. Such signs shall also include such representations painted on or otherwise affixed to any exterior portion of a business. See Business Signs.

Pennants. Any lightweight plastic, fabric, or other material, regardless of shape, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move with the wind.

Political Campaign Signs. Signs announcing candidates seeking public office or relating to any election or public referendum.

Portable or Movable Signs. Any signs, which rest upon, but are not attached to the ground, a structure, a frame, building, or other surface. Such signs include, but are not limited to, the following: trailer signs, sandwich board signs, sidewalk or curb signs, and inflatable signs.

Produce Sale Signs. Signs advertising the sale of produce out of a home garden.

Projecting Signs. Any signs which are erected on a building wall or structure and extend beyond the wall of the building more than twelve inches.

Projection Signs. Any signs or graphics that are projected on a wall, building, street, screen, or natural backdrop, originating from any projection device which would include, but not be limited to, laser lights, slide or video projections, and any other computer or electronic device.

Public and Institutional Sign. A sign relating to uses of a civic, charitable, fraternal, cultural, religious, educational, institutional, or governmental nature. Such signs shall conform to the requirements for business signs as described in Section 25.50.

Public Information Signs. Signs that display information pertinent to the safety, legal responsibilities, or the well-being of the general public to include, but not be limited to, warning, no trespassing signs, restrooms, public telephones, walkways, entrance and exit drives, and traffic directions.

Real Estate Signs. Signs offering real estate for sale, rent, or lease.

Residential/Commercial/Industrial Subdivision and Residential Development Signs. Permanent signs displaying no information other than the name of the subdivision, group housing development, apartment/condominium complex, or mobile home park.

Seasonal Signs. On-Premise signs advertising seasonal or holiday products or services.

Sign. Any device which informs or attracts the attention. of persons not on the premises on which the sign is located.

Advertising Signs. Any signs, pictorial or otherwise, regardless of size or shape, which direct attention to a business, commodity, attraction, profession, service, or entertainment conducted, sold, offered, manufactured, existing, or provided at a location other than on the premises where the sign is located or to which it is affixed. Such signs are sometimes called off premise signs, and include, but are not limited to, these signs commonly referred to as outdoor advertising signs, billboards, or poster boards.

Business Signs. Any signs, pictorial or otherwise, regardless of size or shape, which direct attention to a business, commodity, attraction, profession, service, or entertainment conducted, sold, offered, manufactured, existing, or provided on the premises where the sign is located or to which it is affixed. Such sign shall also include such representations painted on or otherwise affixed to any exterior portion of a business. Business signs are sometimes called on-premise signs.

Short Term Personal Information Signs. Signs such as garage sale, lost and found pets, and wedding and reception directions.

Sponsorship Signs. Signs employed by a school or by a civic, fraternal, religious, charitable or similar organization, which identifies the sponsor (by name, address and/or logo, crest, insignia, trademark or emblem only) of recreational or sports facilities provided on the premises where such signs are displayed. "Sponsorship Fence Signs" shall mean sponsorship signs affixed to permanent fencing. "Facility" shall mean the entire premises of an elementary or secondary school or a recreation or sports facility.

Street Frontage. That property line of a parcel that abuts a public or private road. In those cases where no property lines abut a road, 25% of the parcel's perimeter shall be a substituted measurement for street frontage for the purpose of calculating the maximum display area and number of freestanding signs allowed, as though that parcel had only one street frontage.

Temporary Directional Signs. Directional signs intended for use with seasonal activities and civic or community special events not associated with permanent business activities.

Temporary Signs. Signs which are not permanently installed in the ground or affixed to any structure or building, and which are erected or displayed for a period of time as allowed in this ordinance.

Vehicular Signs. Signs on vehicles or trailers, which are in a street legal operating condition.

Wall Signs. Signs attached to the exterior wall of a building or structure, which do not extend beyond the building wall more than 12 inches.

Window Signs. Signs intended for viewing from the exterior of a window or door.

Windblown Signs. Any banner, device, or display designed to be moved by natural or artificially generated sources of air, the wind that contains a written or pictorial message. Windblown signs do not include continuous streamers such as pennants or decorative flags mounted on individual poles. Governmental and corporate flags are considered windblown signs but are exempt from the provisions of this Ordinance if in compliance with Section 25.20(b).

LEGEND: T = Temporary P = Permanent S = Permit Required E = Exempt X = Not Allowed

Sign Type	Ordinance Section Reference	T	P	E	X	Required Setback From Right-of-way	Required Setback From Adjoining Property	Display Area, Height and/or Spacing Restrictions
Advertising Signs	26.60		✓S			10 ft.*	10 ft.	✓
Audible Signs	26.32				✓			
Banners	**							
Banners over R/W	26.40a	✓						
Business Signs	26.50		✓S			10 ft.*	10 ft.	✓
Canopy Signs	26.53		✓S					✓
Changeable Copy Signs	26.52		✓S			10 ft.*	10 ft.	✓
Commercial Center Signs	26.52		✓S			10 ft.*	10 ft.	✓
Contractor's Signs	26.40b	✓						✓
Development/Project Signs	26.40d							✓
Directory Signs	26.52		✓S			10 ft.*	10 ft.	✓
Driveway Signs	26.53		✓					✓
Electronic Message Board	26.52	**	**					
Flag	26.20			✓		10 ft.*	10 ft.*	
Flashing Signs	26.33				✓			
Illuminated Signs	26.13 d 26.15 26.35	** ** **	** ** **					
Incidental Signs	26.20 h			✓				
Inflatable Signs	**							
Marquee Signs	26.52 26.53		✓S ✓S					✓ ✓
Moving Signs	26.34				✓			
Off-Premise Signs	26.40a	✓						✓
On-Premise Signs	26.40a	✓						✓
Pennants	26.40c	✓				10 ft.*		✓
Political Campaign Signs	26.40d	✓						
Portable or Movable Signs	26.40e	✓S						✓
Projecting Signs	26.53		✓S					✓
Projection Signs	**							
Public Information Signs	26.20 c			✓				
Real Estate Signs	26.40f	✓						✓
Residential/Commercial/Industrial Subdivision and Residential Development Signs	26.53		✓S					✓
Seasonal Signs	26.40g	✓						✓
Short-Term Personal Information Signs	26.40h	✓						✓
Sponsorship Signs	26.40i	✓						

Sign Type	Ordinance Section Reference	F	P	E	X	Required Setback From Right-of-way	Required Setback From Adjoining Property	Display Area, Height and/or Spacing Restrictions
Temporary Directional Signs	26.40j	✓						✓
Vehicular Signs	26.40k	✓						
Wall Signs	26.53		✓§					✓
Window Signs	26.20g			✓				
Windblown Signs	**							

* If the distance from the edge of the road to the edge of the right-of-way is greater than 20 feet, the ten-foot setback from the road right-of-way shall not apply.

** Not considered a type of sign, but as an optional form of construction or method of display.

NOTE: All allowed or exempt signs, including flags, must meet the requirements as outlined in this ordinance.

256.10 General Provisions

256.11 Construction Standards

All signs shall comply with the appropriate provisions of the County's Building Code, and shall maintain clearances from all overhead electrical conductors in accordance with the National Electric Code, provided that no sign shall be installed closer than ten feet horizontally or vertically from any conductor. *Temporary signs shall be erected or placed to remain in the intended location and not to become a safety hazard or litter problem.*

256.12 Unsafe or Hazardous Signs

No sign shall be erected or allowed to remain erected that, in the opinion of the County Building Official, is structurally unsafe and constitutes a danger to the public safety. If any sign should become insecure, in danger of falling, or otherwise unsafe, the owner thereof or the person maintaining the sign shall immediately secure or remove the sign.

256.13 Maintenance

To insure that signs are maintained in a safe and aesthetic manner, the following maintenance requirements shall apply to all signs.

- a. No sign shall be allowed to have more than 20% of its display area, reverse side, or structure covered with disfigured, chipped, cracked, ripped, or peeling paint or poster paper for a period of more than 30 successive days.
- b. No sign shall be allowed to remain with a bent or broken display area, broken supports, loose appendages or struts, or stand more than 15 degrees away from the perpendicular for a period of more than 30 successive days.
- c. No sign shall be allowed to have weeds, trees, vines, or other wild vegetation growing upon it for a period of more than 30 successive days.
- d. No indirect or internally illuminated sign shall be allowed to have only partial illumination for a period of more than 30 successive days.

256.14 Public Right-of-Way

No portion of any sign shall overhang or encroach upon any public right-of-way.

256.15 Illuminated Signs

All illuminated signs must meet the performance standards related to light and glare as described in Article 2, Section 24.50.

256.20 Exempt Signs

The following are not subject to these sign regulations:

- a. Signs not exceeding one square foot in area and bearing only property numbers, post office box numbers, or names of occupants on premises not having commercial connotations.
- b. The single flag or insignia of the United States or any other governmental or corporate entity, except when displayed in connection with commercial promotion.
- c. Legal notices or identification, ~~public informational signs~~, and directional signs erected as required by governmental bodies.
- d. Integral decorations or architectural features of buildings or grounds, except letters, trademarks, moving parts, or moving lights.
- e. Signs not exceeding four square feet in area directing and guiding traffic on private property.
- f. Wall identification signs and commemorative plaques not more than four square feet in area, memorial cornerstones or tablets providing information on building erection or commemorating a person or event.
- g. Signs, which are not designed to be visible beyond the boundaries of the parcel on which they are located or from any public thoroughfare or right-of-way.
- h. ~~Incidental signs or~~ Trademarks or product names which are displayed as part of vending machines, dispensing machines, automatic teller machines, and gasoline pumps.

256.30 Prohibited Signs

256.31 Signs Imitating Traffic or Emergency Signals

No sign shall be permitted which imitates an official traffic sign or signal, or contains words or symbols displayed in a manner which might mislead or confuse drivers of vehicles, or which displays intermittent lights resembling the color, size, shape, or order of lights customarily used in traffic signals, on emergency vehicles, or on law enforcement vehicles, except as part of a permitted private or public traffic control sign.

256.32 Audible Signs

No sign shall be permitted which emits any sound capable of being detected on a public road or adjoining property.

256.33 Flashing Signs

No sign shall be permitted which utilizes flashing, blinking, or strobe-type lights, or any type of pulsating or moving light, except ~~moving electronic~~ message boards in accordance with the provisions of this chapter. However, ~~moving electronic~~ message boards are not allowed to flash a static message.

256.34 Moving Signs

No sign shall be permitted which moves or presents the illusion of movement in any manner. ~~except windblown signs in accordance with the provisions of Section 25.40. when such movement is provided by means other than the movement of air~~

25.35 Signs Attached to or Painted on Selected Features

No sign shall be permitted which is attached to a utility pole or street sign, or is attached to or painted on tree trunks, rocks, or other natural objects.

25.36 Portable Signs

~~Portable signs shall be permitted only in accordance with the provisions of Section 25.40, Temporary Signs.~~

25.37 Windblown Signs

~~Windblown signs shall be permitted only in accordance with the provisions of Section 25.41, Special Event Signs.~~

25.40 Temporary Signs

~~The only temporary signs, which require a permit, are special event signs; however, all must comply with the requirements of this Ordinance. The owner of the sign shall be responsible for obtaining the permit prior to its installation.~~

~~All Temporary Signs must maintain at least a ten-foot setback from all property lines and the existing road right-of-way, unless otherwise specifically stated in this Ordinance. If the distance from the edge of the road to the right-of-way is greater than 20 feet, the ten-foot setback from the road right-of-way shall not apply. However, no sign shall be allowed to violate any of *In keeping with Section 25.00 Intent and Purpose, temporary signs that are in compliance with the requirements of Section 22.10 Driveway and Street Restrictions, Section 26.10 General Provisions, Section 125.00 Conflict with Other Laws, and all other applicable requirements of this Ordinance, shall be allowed.*~~

a. Banners Over Public Rights-of-Way

~~Banners spanning over public rights-of-way are subject to approval by the appropriate state DOT agency or appropriate local governmental (County or Municipal) agency responsible for maintenance of the right-of-way. Banners attached to existing utility poles shall require the approval of such utility agency.~~

25.42 b. Contractors' Signs

~~Contractors' signs~~ One sign displaying the names of the builders, contractors, architects, engineers, craftsmen, artisans, and similar information may be erected upon the premises of any work, construction, major repairs, or improvements. The display area of such signs shall not exceed 32 square feet in Restrictive Development Districts and 50 square feet in Intensive Development Districts. Such signs shall be removed within seven days of the completion of the work.

c. Pennants

~~Pennants shall be limited to two strands for every 100 feet of road frontage or portion thereof. A strand is defined as being between two attachment points. Pennants and/or attachment points shall be set back a minimum of 10 feet from the road rights-of-way.~~

25.46 d. Political Campaign Signs

~~Signs announcing candidates seeking public office or relating to any election or public referendum shall be allowed.~~ Such signs shall be placed only on private property, and removed within seven days after the election or referendum. These signs do not have to be set back from road rights-of-way.

25.41 e. Portable or Movable Special Event Signs

~~One portable sign and one windblown sign shall be permitted in conjunction with special events. Special Event Portable or movable signs shall be permitted once up to three separate times a per year for a period not to exceed 30 consecutive days per occurrence. Portable signs must be located at least 20 feet from any adjoining business signs or small advertising signs.~~

Individual businesses ~~centers~~ and commercial centers may have one ~~special event~~ portable sign per 500 ~~200~~ feet of street frontage or portion thereof. ~~Tenants are limited to one portable sign per occurrence.~~ A parcel with frontage on different streets shall have the frontages regulated independently as to number of signs allowed. Multiple signs allowed on the same frontage of the same parcel must be located at least 500 ~~200~~ feet apart, ~~and 20 feet from any adjoining business signs or small advertising signs.~~ Private restrictive covenants and/or lease agreements for business centers and commercial centers may include more restrictive policies for these types of signs.

Signs for all other promotions or activities shall use permanent, permitted changeable copy signs as described in Section 25.50, Business Signs.

25.43 f. Real Estate Signs

~~Signs offering real estate for sale, rent, or lease.~~

~~Development/Project Signs shall meet the following size and location restrictions for On-Premise and Off-Premise Real Estate Signs. Such signs shall be removed after one year of their placement or until 90% of the lots, units, etc. have been sold or leased, whichever is the lesser period of time.~~

On-Premise - Real estate sign display area shall not exceed six square feet for individual parcels restricted for residential use only and 32 square feet for all other parcels. These signs do not have to be set back from road rights-of-way. Such signs shall be removed within seven days of the conveyance or lease of the property.

Off-Premise - Real estate signs not exceeding 4 square feet in area and 2.5 feet in height are allowed off-premises, provided they are located on private property with the property owners' permission. These signs do not have to be set back from road rights-of-way. Such signs shall be removed within seven days of the conveyance or lease of the property.

25.44 Garage or Yard Sale Signs

~~On-site garage or yard sale signs are allowed provided that the total display area shall not exceed six square feet. Such signs shall be removed upon completion of the garage or yard sale.~~

25.48 g. Seasonal Signs

~~Seasonal signs are signs advertising seasonal or holiday products or services. These signs shall not exceed 32 square feet in area and must be located on private property with the property owner's permission. Seasonal signs must be removed within 7 days after the end of the season. These signs do not have to be set back from road rights-of-way.~~

h. Short-Term Personal Information Signs

~~Short-term personal information signs are allowed provided they are located on private property with the property owner's permission. These signs shall not exceed six square feet in size, are limited to no more than seven consecutive days, and must be removed within twenty-four hours after the completion of the event. These signs do not have to be set back from road rights-of-way.~~

25.45 Temporary Subdivision Signs

Temporary signs announcing a land subdivision development may be erected on the premises of the land subdivision. Such signs shall not exceed 32 square feet in area, shall be at least 20 feet from all adjoining property lines, and shall be spaced at least 500 feet apart. Such signs shall be removed within 30 days from such time as 75% of the lots are conveyed.

25.47 Produce Sale Signs

A sign advertising the sale of produce out of a home garden shall be allowed on the premises where the produce is being sold. Such signs shall not exceed four square feet in display area nor exceed four feet in height.

i. Sponsorship Signs

These signs are intended to be used for a specific event or sporting season. They must meet all safety standards and local event/location restrictions imposed by the event committee, site owner, etc. Such signs intended to remain beyond the event or sporting season limitation shall be regulated as permanent signs under the appropriate definitions found in this ordinance.

j. Temporary Directional Signs

These signs shall be limited to eight in total number and shall not exceed 12 square feet per sign and must be located on private property with the property owner's permission. These signs do not have to be set back from road rights-of-way. These signs must be removed within seven days after the end of the season or after the individual event for which it was intended. Such signs do not constitute a land use unto themselves and are not considered Off-Premise Advertising Signs.

k. Vehicular Signs

Signage, no matter how attached or painted, on a currently, properly licensed vehicle (motorized or not – including trailers) used in the everyday conduct of the business that it is advertising, is allowed. Vehicles with such signage may be parked in normal designated parking places, but not on grassy areas, sidewalks, or other locations not normally available to customers or patrons of the business. Disabled or unlicensed vehicles, on which signage has been placed, shall be regulated as permanent signs under the appropriate definitions found in this ordinance.

256.50 Business Signs

256.51 Location

In Intensive Development Districts these signs must comply with the same buffering restrictions as the principal activity for which they advertise, except that they may be erected within the required setback unless other more restrictive provisions of this Ordinance apply. In Restrictive Development Districts these signs must comply with the same buffering restrictions as the principal activity for which they advertise. However, in all districts, any portion of a business sign must maintain at least a ten-foot setback from all property lines and the existing road right-of-way, unless otherwise specifically stated in this Ordinance. If the distance from the edge of the road to the right-of-way is greater than 20 feet, the ten-foot setback from the road right-of-way shall not apply. No sign shall be allowed to violate any of the requirements of Section 22.10, Driveway and Street Restrictions.

256.52 Maximum Display Area, Height, and Number of Signs

Individual businesses and commercial centers may have one freestanding business sign per 500 feet of street frontage or portion thereof. These signs shall comply with the following height and display area requirements:

Location	Maximum Static Display Area per Sign	Maximum Changeable Copy or Moving Electronic Message Board	Maximum Height
Restrictive Development Districts	75 square feet	40 square feet	15 feet
Intensive Development Districts	100 square feet	60 square feet	20 feet
Commercial Centers	300 square feet	80 square feet	35 feet

Both the maximum static display area and the maximum changeable copy/moving ~~electronic~~ message board area may be utilized as part of each allowed individual or commercial center sign. However, the maximum display area per sign shall not be increased with any exchange or substitution of the allowable area for changeable copy or moving ~~electronic~~ message.

A parcel with frontage on different streets shall have the frontages regulated independently as to number of signs allowed.

Multiple signs allowed on the same frontage of the same parcel must be located at least 500 feet apart. The maximum display area allowed for commercial centers includes any directory signs. In addition, each business within a commercial center may erect one wall, projecting, or marquee sign; and, each individual business not within a commercial center may erect one wall, projecting, or marquee sign per street frontage.

~~Changeable Copy Signs. Signs on which message copy is changed manually through the utilization of attachable letters, numbers, symbols, and other similar characters or changeable pictorial panels. Poster panels and printed boards are not considered changeable copy signs.~~

~~Commercial Center. A commercial complex consisting of more than one retail, commercial, or office establishment grouped together, usually developed under one ownership or management, and generally sharing parking areas and vehicular entrances and exits.~~

~~Directory Sign. Any sign listing only the names, uses, or locations of more than one business, activity, firm, professional office, or tenant within a building, group of buildings, or commercial center.~~

250.53 Specialty Signs

~~Canopy Signs are any signs, which are erected on a separate, freestanding roof like covering. Only business logos or names are allowed as canopy signs, with a maximum of one logo or name on each canopy face. A logo is the symbol or trademark of a company. No portion of a canopy sign shall be permitted above the top of the roof of the covering to which it is attached, or permitted to be lower than eight feet above ground level. An owner of a business with a canopy connected to a building has the option of using either canopy or marquee signage, but not both.~~

~~Driveway Signs indicating the direction of travel are required on all one-way driveways. These signs must be aboveground signs, with a maximum height of two and one-half feet, and located at the edge of the existing road right-of-way.~~

~~Marquee Signs are any signs erected, stenciled, engraved on, attached to, or suspended from a marquee. A marquee is defined as any hood, awning, or roof like structure of permanent construction, which is supported from a wall of a building and projects beyond the building wall, and is generally designed and constructed to provide protection against the weather. Such a sign shall not exceed 15% of the area of the wall of the first story of the building or business to which it is attached. No portion of a marquee sign shall be permitted above the top of the roof of the building to which it is attached, or permitted to be lower than eight feet above ground level. The marquee sign information may be dispersed anywhere on the marquee as long as the total display area of all information does not exceed the 15% requirement.~~

~~Public~~ Information Signs are signs containing no message, copy, announcement, or decoration other than instructions or directions to the public except for subordinate identity. Such signs include, but are not limited to, identifying the following: restrooms, public telephones, walkways, entrance and exit drives, freight entrances, and traffic directions. Information signs shall be permitted ~~permitted~~ allowed on business lots provided that no such sign shall exceed six square feet in display area. Information signs shall not count toward the maximum number of signs allowable nor the maximum display area of signs allowable.

~~Projecting Signs~~ are any signs, which are erected on a building wall or structure and extend beyond the wall of the building more than twelve inches. Such a sign shall not exceed 15% of the area of the wall of the first story of the building or business to which it is attached. No portion of a projecting sign shall be permitted above the top of the roof of the building to which it is attached, or permitted to be lower than eight feet above ground level.

~~Residential/Commercial/Industrial Subdivision and Residential Development Signs~~ are permanent signs displaying no information other than the name of the subdivision, group housing development, apartment/condominium complex, or mobile home park. Such signs may be either single signs or gateway signs (paired signs on each side of an entrance). These signs shall not exceed 100 square feet each in display area, and shall not exceed a height of six feet. However, the display area and height restrictions are not intended to apply to the entire decorative structure on which the sign is displayed. Within the same project, a single sign or pair of gateway signs must be at least 300 feet from another single sign or pair of gateway signs. Such signs shall also be exempt from the ten-foot setback restriction of Section 25.51, but still must comply with the engineering criteria found in the Lexington County Development Guidelines and the Driveway Restrictions found in Section 22.10 of this Ordinance. A sign can be located in a road right-of-way median if such sign complies with all engineering criteria found in the Lexington County Development Guidelines.

~~Wall Signs~~ are signs attached to the exterior wall of a building or structure, which do not extend beyond the building wall more than 12 inches. Such a sign shall not exceed 15% of the area of the wall of the first story of the building or business to which it is attached. No portion of a wall sign shall be permitted to project above the wall of the building to which it is attached except in the case of signs mounted to the roof in which case no portion shall project above the top of the roof. The wall sign information may be dispersed anywhere on the wall as long as the total display area of all information does not exceed the 15% requirement. A "mural" is a painting applied to a wall containing no advertisement for any business product or activity. A mural, as defined, will not be considered a wall sign.

~~25.54~~ **High Rise Buildings**

Buildings, which exceed five stories in height, shall be permitted to erect one wall sign per wall at the top story of the building. Such signs shall only identify the name of the building ~~or the major tenant~~. The display area of such signs shall not exceed 2% of the area of the wall to which it is attached. Such signs shall be permitted in addition to the requirements of this chapter.

~~25.55~~ **Businesses on Scenic Corridors and/or in Restricted Development Districts**

Illuminated signs for individual businesses and commercial centers located on scenic corridors, as defined in the Lexington County Landscaping Ordinance, or in Restrictive Development Districts, as defined in the Lexington County Zoning Ordinance, shall meet one of the following conditions:

Internally Illuminated signs must be constructed so that only letters, numbers, and/or logos are illuminated; shall not have light reflecting backgrounds or letters; and shall have a matte finish.

Externally illuminated signs shall have a steady stationary light source that is shielded and directed solely at the sign; shall have white light sources; and shall not have light reflecting backgrounds or letters.

256.60 Advertising Signs

256.61 Location

Advertising signs are identified as principal activities in this article and are therefore subject to all other provisions of this Ordinance. They shall be permitted only in the zoning districts where they are allowed, and provided they meet the street access requirements of this Ordinance. Regardless of the street access restrictions, advertising signs are allowed to locate on interstate highways, expressways, and frontage roads (except when classified RL4, RL5, or RL6) where their right-of-way is contiguous to an interstate highway or expressway; these signs, however, must be located within 200 feet of the right-of-way of the interstate or frontage road, if applicable. No advertising sign shall be allowed on Scenic Corridors, as defined in the Lexington County Landscape Ordinance, or within 1000 feet of the banks of the Saluda, Congaree, or Edisto Rivers.

All portions of advertising signs must maintain at least a ten-foot setback from all property lines and the existing road right-of-way. If the distance from the edge of the road to the right-of-way is greater than 20 feet, the ten-foot setback from the road right-of-way shall not apply. In some locations, the required minimum setbacks may be greater than this. Such signs shall also comply with all provisions of Section 22.10, Driveway and Street Restrictions.

To minimize the opportunity for visual distraction during vehicular merge operations, advertising signs will be restricted within the vicinity of interstate interchanges and rest areas. No advertising sign located along an interstate may be erected within 500 feet of an interchange or rest area. The interchange or rest area is considered to begin or end at the point where the pavement widens for an entrance or exit ramp/lane. When the entrance or exit ramp/lane is not on the same side of the road as the proposed advertising sign, the point of measurement shall be determined by identifying the location of the relative pavement widening and applying it to an identical point on the side of the road where the advertising sign is proposed to be located.

256.62 Maximum Display Area

The maximum display area for any advertising sign located along an interstate shall be 672 square feet plus a 10% allowance for copy extensions. A copy extension is the part of the copy which extends beyond the edge or border of the sign, sometimes called a "cut-out" or "drop-out."

The maximum display area of advertising signs on any other highway shall be 288 square feet plus 10% allowance for copy extensions, except for portions of Arterial (A) streets that have at least four lanes, which may have a maximum display area of 378 square feet plus 10% allowance for copy extensions. Those designated portions must have the appropriate zoning district to support advertising signs.

256.63 Minimum Spacing

No advertising sign located along an interstate shall be permitted to locate within 2000 feet of another sign on the same side of the roadway. For non-interstate highways no advertising signs shall be permitted to locate within a 1000-foot radius of another advertising sign.

256.64 Maximum Height

Advertising signs along interstates shall be permitted to a height of 110 feet above the elevation of the highest travel lane at the location of the sign. The maximum height of advertising signs along other roadways shall not exceed 45 feet above the elevation of the roadway.

256.65 Minimum Height

There shall be no minimum height of the display surface for advertising signs located along interstates.

The minimum height of the display surface of advertising signs on Arterial Roads shall be 25 feet above the elevation of the roadway, unless the display area does not exceed 200 square feet and placement of the sign does not block visibility of an existing business sign.

256.66 Small Advertising Signs

Small advertising signs are not required to meet the spacing and height provisions of Sections 25.63, 25.64, and 25.65, provided they have less than 72 square feet of display area, conform to the location requirements for advertising signs, stay 20 feet from any adjoining business signs, 500 feet from other small advertising signs, and 300 feet* from advertising signs on the same side of the highway; and do not exceed 15 feet in height.

* As this is a state requirement, variances cannot be granted by the Board of Zoning Appeals.

256.67 South Carolina Code of Laws

The sign regulations contained in this Ordinance are supplemented by the requirements of The State of South Carolina Department of Transportation, which regulates off-premise advertising signs on interstate and federal aid road systems. A permit from the State of South Carolina may contain some restrictions, which are in addition to the requirements of this Ordinance. Issuance of a Lexington County Zoning Permit does not imply approval of, or constitute a privilege to violate, any other applicable state or local ordinances, codes, laws, or private restrictive covenants.

DRAFT

Original Draft Date:	July 23, 2004
Revision 1:	August 6, 2004
Revision 2:	October 1, 2004
Revision 3:	October 8, 2004
Revision 4:	April 1, 2005
Revision 5:	April 8, 2005
Revision 6:	May 11, 2005
Revision 7:	May 20, 2005



County of Lexington

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

MEMORANDUM

To: Art Brooks
From: George Bistany
Date: May 19, 2005
Subject: Urban County Qualification FY 2006-2008



Art,

Every three years we are required to inform HUD of our interest in re-qualifying as an Urban County eligible to receive an annual allocation of Community Development Block Grant (CDBG) funds. This re-qualification process is subject to the provisions outlined in the attached notice (CPD-05-01) and includes informing HUD of any units of local government in the County that will be participating in our program. We were given a copy of the notice when we delivered our Consolidated Plan to HUD on May 12th. You may notice that some of the dates in the notice had already passed by the time we received a copy of it.

We have previously not invited any of our local governments to participate in our CDBG program. I met with Brad Evatt, our HUD representative, recently and this was one of the items we discussed. He said we are not required to invite and most Urban Counties do not include the local governments. If we did enter into an agreement with any of them it would increase the total amount of our allocation. However, each participating local government would receive a percentage of the allocation and the overall amount that could be used in unincorporated areas would be less than what we currently receive. The amount each local government would receive would probably be small given low total populations. There are also concerns about capacity since most of our Cities and Towns do not have grants administration staff and would have to rely either on Central Midlands COG or our staff to implement the projects.

For these reasons and since each of our local governments is eligible to participate in the State CDBG program which receives approximately \$28M annually, I recommend we inform HUD that we will continue to operate the program in the unincorporated areas only. Did you want to review any of this with Council? Please note that **July 8th** is the deadline for submitting all documentation to HUD. If you think we can proceed, I went ahead and drafted the attached letter for your review. Also attached for your reference are copies of the previous letters sent to HUD informing them of this.

Let me know if you would like to get together and discuss or if you need any more information.

Thanks.



DRAFT

County of Lexington

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

May 19, 2005

Mr. Louis E. Bradley, Director
Office of Community Planning and Development
United States Department of Housing and Urban Development
Strom Thurmond Federal Building
1835 Assembly Street, Suite 1300
Columbia, South Carolina 29201-2480

Subject: Urban County Re-Qualification (FY 2006-2008)

Dear Mr. Bradley:

Lexington County respectfully requests re-qualification as an Urban County to participate in the Community Development Block Grant (CDBG) program for FY 2006-2008. We have reviewed CPD Notice 05-01 and have decided to continue administering our program in the unincorporated areas of the County only.

In deciding not to enter into agreements with our local governments, we considered their eligibility to secure funds from the State CDBG program, grants administration capacity, and the potential effect on funds for the unincorporated areas. We also discussed these issues with Mr. Brad Evatt of your staff.

We appreciate receiving CDBG funds from HUD for the past five years and look forward to continued work with you and your staff in addressing the community development needs of low and moderate income persons in Lexington County. If there are any further actions needed in the re-qualification process, please contact our Community Development Administrator, George Bistany, at 785-8600.

Sincerely,

William A. Brooks
County Administrator

cc: George Bistany
Brad Evatt, CPD Representative, HUD



County of Lexington

County Administrator
212 South Lake Drive
Lexington, South Carolina 29072
Telephone (803) 359-8100 Fax (803) 359-8101

July 12, 2002

Mr. Louis E. Bradley, Director
Office of Community Planning and Development
U.S. Department of Housing and Urban Development
South Carolina State Office
Strom Thurmond Federal Building
1835 Assembly Street
Columbia, SC 29201-2480

**RE: Re-qualification for FY 2003-2005
Community Development Block Grant Program**

Dear Mr. Bradley:

The County of Lexington has just completed its first two years as an Urban County Entitlement under HUD's Community Development Block Grant Program. We have enjoyed being part of this program and are beginning to see the successful implementation of various projects to help our communities.

Lexington County Council has agreed to pursue re-qualification as an Urban County for the Fiscal Years 2003 - 2005, as outlined in Notice CPD-02-05. The Council also agreed to continue its present status without any participating municipalities. We know of several who are actively pursuing separate grants through the state CDBG program and don't want to hinder their opportunity for funding under that program. In the meantime, there continue to be significant needs in the unincorporated area for which the County's award could be used to address.

We have enjoyed working with you and your staff these past two years and look forward to many more within the program. Please contact Tammy Coghill, Director of Community and Economic Development at 359-8389 if you need any further information.

Sincerely,

William A. Brooks
County Administrator

cc: Tammy Coghill
Brad Evatt, CPD Representative, HUD



County of Lexington

County Administrator

212 South Lake Drive

Lexington, South Carolina 29072

Telephone (803) 359-8100 Fax (803) 359-8101

August 30, 1999

Mr. Louis E. Bradley, Director
Office of Community Planning & Development
U. S. Department of Housing and Urban Development
South Carolina State Office
Strom Thurmond Federal Building
1835 Assembly Street
Columbia, SC 29201-2480

RE: FY 2000 CDBG Urban County Entitlement for Lexington County

Dear Mr. Bradley:

The County of Lexington is pleased to have the opportunity to qualify as an Urban County under the HUD Community Development Program. After discussions, the Lexington County Council determined that we would like to qualify as an urban county and acquire funding through fiscal year 2000 Appropriations. This will enable us to begin the program year on July 1, 2000.

We understood that the first step in this process was to decide whether to include or exclude the municipalities in Lexington County. To include the municipalities would have disqualified them from applying to the State of South Carolina HUD Community Development Program. After staff discussions with some of the larger municipalities, Lexington County Council voted to exclude the municipalities for at least the first year.

Obtaining urban county status will enable the County of Lexington to significantly improve the quality of life for a greater number of its citizens. This status will enable us to further meet the goals and objectives of the community development program and provide economic opportunities for low to moderate income residents.

Please advise as to what further actions are required to achieve urban county status. If additional information is required, please feel free to contact Evelyn Babbitt, Grants Administrator at 359-8111.

We look forward to a mutually beneficial, long term relationship.

Sincerely yours,

William A. Brooks

William A. Brooks
County Administrator

RECEIVED

SEP 02 1999

CPD DIVISION



U.S. Department of Housing and Urban Development
Community Planning and Development

Special Attention of:

All Secretary's Representatives
All State/Area Coordinators
All CPD Division Directors

Notice: CPD-05-01

Issued: April 6, 2005
Expires: April 6, 2006

Supersedes: CPD Notice 04-04

SUBJECT: Instructions for Urban County Qualification for Participation in the Community Development Block Grant (CDBG) Program for Fiscal Years (FYs) 2006-2008

INTRODUCTION

This Notice establishes requirements, procedures and deadlines to be followed in the urban county qualification process for FYs 2006-2008. Information concerning specific considerations and responsibilities for urban counties is also provided. HUD Field Offices and urban counties are expected to adhere to the deadlines in this Notice.

The President's budget for Fiscal Year 2006 does not include funding for the CDBG program. Rather, under the President's budget proposal, CDBG would be one of 18 programs consolidated into the Strengthening America's Communities Initiative at the Department of Commerce. However, the Housing and Community Development Act of 1974, as amended, which authorizes the CDBG program, provides for an iterative process that each qualified county must complete every three years. This process, which involves counties working with thousands of units of general local government eligible to participate, typically takes from April until mid-August to complete and it may not be known until after that time whether Congress will appropriate funds for CDBG for FY 2006. In addition, jurisdictions that are eligible for a formula allocation under the HOME program include units of general local government that, as of the end of the previous fiscal year, are urban counties under the CDBG program. Therefore, for administrative purposes, HUD is proceeding with the CDBG urban county qualification/requalification process at this time.

This Notice provides guidance for counties wishing to qualify or requalify for entitlement status as urban counties, as well as for existing urban counties that wish to include previously nonparticipating communities. **Please send copies of this Notice to all presently qualified urban counties, to each county that can qualify for the first time or requalify for FYs 2006-2008, and to each state administering the State CDBG program which includes a potentially eligible urban county. If you are notified of one or more new potential urban counties, each should be provided a copy of this Notice.** This Notice includes five

attachments which contain listings of: Attachment A, all currently qualified urban counties; Attachment B, counties that can potentially qualify for the first time or requalify this qualification period; Attachment C, counties scheduled to qualify or requalify in FY 2006 for FY 2007-2009; Attachment D, counties scheduled to qualify or requalify in FY 2007 for FY 2008-2010; and Attachment E, currently qualified urban counties that can add nonparticipating units of government for the remaining one or two years of their qualification period. Additions to Attachment B may be provided separately.

The schedule for qualifying urban counties is coordinated with qualifying HOME consortia in order to be able to operate both the CDBG and HOME programs using the same urban county configurations. The CDBG urban county qualification process for the FY 2006-2008 qualification period will start April 22, 2005, and run through September 9, 2005. This will provide HUD sufficient time before the September 30 deadline for FY 2006 funding under the HOME Program to notify counties that they qualify as urban counties under the CDBG Program. Urban county worksheets will be accessible via CPD's Grants Management Process (GMP) system. The CPD Systems Development and Evaluation Division will provide guidance on completing, submitting and verifying urban county qualification data in GMP.

Please note changes made last year in the Notice in Section V, Cooperation Agreements, paragraphs B and G, and in Section IX, Determination of Essential Powers, paragraph B.1, to delete the use of the phrase "specifically urban renewal and publicly assisted housing." This language was deleted because it does not appear in the text of the Housing and Community Development Act of 1974, as amended (the Act). Although not in the Act, the House Committee Report which accompanied the CDBG legislation made specific reference to the term "renewal" and indicates that Congress intended eligible urban counties to be able to carry out all aspects of the urban renewal program (which was subsequently) consolidated by the CDBG program. Activities that may be accepted as essential community development and housing assistance activities might include, but are not limited to, (1) acquisition of property for disposition for private reuse, especially for low- and moderate-income housing, (2) direct rehabilitation of or financial assistance to housing, (3) low rent housing activities, (4) disposition of land to private developers for appropriate redevelopment, and (5) condemnation of property for low income housing.

Questions from Field Offices related to this Notice should be directed to the Entitlement Communities Division at (202) 708-1577 or to the Systems Development and Evaluation Division at (202) 708-0790. Requests for deadline extensions should be directed to the Entitlement Communities Division. The TTY number for both divisions is (202) 708-2565. These are not toll-free numbers.

The information collection requirements contained in this notice have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520) and assigned OMB control number 2506-0170. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number.

OMB Information Collection Number: 2506-0170

Expiration Date:

9/30/2005

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COMMUNITY DEVELOPMENT BLOCK GRANT
URBAN COUNTY QUALIFICATION
Fiscal Years 2006-2008

In accordance with 24 CFR 570.307(a) of the Community Development Block Grant (CDBG) regulations, the information below establishes HUD's process for qualifying and requalifying urban counties for purposes of the CDBG program.

I. GENERAL REQUIREMENTS

A. Threshold

In order to be entitled to receive Community Development Block Grant (CDBG) funds as an urban county, the county must qualify as an urban county under one of the following thresholds:

1. Have a total combined population of 200,000 or more (excluding metropolitan cities) from the unincorporated areas and participating incorporated areas; or
2. Have a total combined population of at least 100,000 but less than 200,000 from the unincorporated areas and participating incorporated areas, provided that, in the aggregate, those areas include the majority of persons of low and moderate income that reside in the county (outside of any metropolitan cities). Under this provision the county itself must still have a potential combined population of 200,000 (excluding metropolitan cities); or
3. Meet specific requirements of Sec. 102(a)(6)(C) or (D) of Title I of the Housing and Community Development Act of 1974, as amended.

HUD must make a review to determine that an urban county possesses essential community development and housing assistance powers in any unincorporated areas that are not units of general local government. HUD must review all of the units of general local government within the county to determine those, if any, in which the county lacks such powers. The county would have to enter into cooperation agreements with any such units of government that are to become part of the urban county. Such agreements would bind the unit of general local government to cooperate in the use of its powers in the carrying out of the essential activities in accordance with the urban county's program. See Section IX for additional information on Determinations of Essential Powers.

B. Consolidated Plan Requirements

In order to receive an Entitlement Grant in Fiscal Year (FY) 2006, an urban county must have an approved Consolidated Plan (pursuant to 24 CFR Part 91). This includes

urban counties newly qualifying during this qualification period; urban counties that continue to include the same communities previously included in the urban county; and those urban counties that are amending their urban county configurations to add communities that chose not to participate previously. Where an urban county enters into a joint agreement with a metropolitan city for CDBG purposes, a Consolidated Plan is submitted by the urban county to cover both governmental entities.

Pursuant to 24 CFR Part 91, submission of a jurisdiction's Consolidated Plan may occur no earlier than November 15, and no later than August 16, of the Program Year for which CDBG, HOME, Emergency Shelter Grant (ESG) and Housing Opportunities for Persons with Aids (HOPWA) funds are appropriated to cover the Federal fiscal period of October 1, 2005, through September 30, 2006. An urban county's failure to submit its Consolidated Plan by August 16, 2006, will automatically result in a loss of CDBG funds for the 2006 program year. The Consolidated Plan must meet all requirements of 24 CFR Part 91, including all required certifications.

C. Consolidated Plan Requirements Where the Urban County is in a HOME Consortium

Where units of general local government form a "consortium" to receive HOME funding, the consortium submits the Consolidated Plan for the entire geographic area encompassed by the consortium. Therefore, if an urban county is a member of a HOME consortium, the consortium submits the Consolidated Plan, and the urban county, like all other CDBG entitlement grantees in the consortium, is only required to submit its own non-housing Community Development plan (§91.215(e)), an Action Plan (§91.220) and the required Certifications (§91.225 (a) and (b)), as part of the consortium's Consolidated Plan. If an urban county has a CDBG joint agreement with a metropolitan city, they must form a HOME consortium to become one entity for HOME purposes.

D. Synchronization of Urban County and HOME Qualification Periods

The urban county's and HOME consortium's qualification periods are for three successive years. If a member urban county's CDBG three-year cycle is not the same as the HOME consortium's, the consortium may elect a shorter qualification period than three years to get in sync with the urban county's CDBG three-year qualification cycle, as permitted in 24 CFR 92.101(e).

II. QUALIFICATION SCHEDULE

The following schedule will govern the procedure for urban county qualification for the three-year qualification cycle of FYs 2006-2008. Unless noted otherwise, deadlines may only be extended by prior written authorization from Headquarters. Deadlines in paragraphs D, E, G, and I may be extended by the Field Office as specified below. However, no extension may be granted by the Field Office if it would have the effect of extending a subsequent deadline that the Field Office is not authorized to extend.

- A. By April 22, 2005, the HUD Field Office shall notify counties that may seek to qualify or requalify as an urban county of HUD's Determination of Essential Powers (see Section IX) as certified by the Field Office Counsel (see Attachment B, Counties Scheduled to Qualify or Requalify in 2005 for the 2006-2008 Qualification Period).
- B. By April 29, 2005, counties must notify split places of their options for exclusion from or participation in the urban county (see Attachment B and Section III, paragraph D, for an explanation of split places).
- C. By April 29, 2005, counties must notify each included unit of general local government, where the county is authorized to undertake essential community development and housing assistance activities without the consent of the governing body of the locality, of its right to elect to be excluded from the urban county, and the date by which it must make such election (see Attachment B and paragraph E, below). Included units of government must also be notified that they are not eligible to apply for grants under the HUD-Administered Small Cities or State CDBG programs while they are part of the urban county, and that, in becoming a part of the urban county, they automatically participate in the HOME program if the urban county receives HOME funding. While they may only receive a formula allocation under the HOME Program as part of the urban county, this does not preclude the urban county or a unit of government participating with the urban county from applying for State HOME funds.

A county that is already qualified as an urban county in FY 2006 (see Attachment E, Counties Qualified through 2006 or 2007 that Contain Nonparticipating Communities) may elect to notify nonparticipating units of government that they now have an opportunity to join the urban county for the remainder of the urban county's qualification period (see paragraph H, below).

- D. By April 29, 2005, any county which has executed cooperation agreements with no specified end date is required to notify affected participating units of government in writing that the agreement will automatically be renewed unless the unit of government notifies the county in writing by May 27, 2005 (see paragraph F, below) of its intent to terminate the agreement at the end of the current qualification period (see Attachment B). Any extension of this deadline must be authorized in writing by the Field Office. An extension of more than seven days requires notification of Headquarters by telephone.
- E. By May 27, 2005, any included unit of general local government, where the county does not need the consent of its governing body to undertake essential community development and housing assistance activities, that elects to be excluded from an urban county must notify the county and HUD, in writing, that it elects to be excluded. Any extension of this deadline must be authorized in writing by the Field Office. An extension of more than seven days requires notification of Headquarters by telephone.

- F. By May 27, 2005, any unit of government that has entered into a cooperation agreement with no specified end date with the county and elects not to continue participating with the county during the FY 2006-2008 qualification period must notify the county and HUD in writing that it is terminating the agreement at the end of the current period. The county may allow additional time provided any such extension does not interfere with the county's ability to meet the deadline in paragraph J, below.
- G. By May 27, 2005, any unit of general local government that meets "metropolitan city" status for the first time and wishes to defer such status and remain part of the county, or to accept such status and become a joint recipient with the urban county, must notify the county and the HUD Field Office in writing that it elects to defer its metropolitan city status or to accept its status and join with the urban county in a joint agreement. Any metropolitan city that had deferred its status previously or had accepted its status and entered into a joint agreement with the urban county, and wishes to maintain the same relationship with the county for this next qualification period, must notify the county and the HUD Field Office in writing by this date. A potential metropolitan city that chooses to accept its entitlement status, but chooses not to enter into a joint agreement with the urban county, or a current metropolitan city that chooses not to maintain a joint agreement with the urban county, must also notify the urban county and the HUD Field Office by this date. Any extension of this deadline must be authorized in writing by the Field Office. An extension of more than seven days requires notification of Headquarters by telephone.
- H. By May 27, 2005, any unit of general local government that is not currently participating in an urban county and chooses to participate for the remaining second or third year of the county's qualification period must notify the county and HUD in writing that it elects to be included. The county may allow additional time provided any such extension does not interfere with the county's ability to meet the deadline in paragraph J, below.
- I. By June 30, 2005, HUD field offices must notify CPD's Systems Development and Evaluation Division (SDE) via e:mail whether a potential new metropolitan city elects to defer or accept its status (as discussed in paragraph G, above).
- J. By July 8, 2005, any county seeking to qualify as an urban county (see Attachment B) or to include any previously nonparticipating units of general local government into its configuration (see Attachment E) must submit to the appropriate HUD Field Office all qualification documentation described in Section IV, Documents to be Submitted to HUD by County. Any extension of this deadline must be authorized in writing by the Field Office and should not interfere with the Field Office's ability to meet the deadline in paragraph K. Headquarters should be notified by telephone if an extension of more than seven days is needed.
- K. By July 29, 2005, Field Office Counsel should complete the reviews of all cooperation agreements and related authorizations and certify that each cooperating agreement

meets the requirements of Section V, Cooperation Agreements. Any delay in completion of the review must not interfere with the Field Office's ability to meet the deadline in paragraph M. Headquarters should be notified by telephone of any delay in the Field Counsel's review. **Note: If a county is using renewable agreements and has submitted a legal opinion that the terms and conditions of the agreement continue to be authorized (see Section IV, paragraph E), review of such opinion by Field Office Counsel is optional.**

- L. During mid to late June, Headquarters will post the urban county worksheets for each qualifying and requalifying urban county (listed on Attachment B) on the CPD Grants Management Process (GMP) system. All information on included units of government must be completed via GMP. Specific instructions for completing these electronic worksheets will be provided by the CPD SDE Division at the time they are posted on GMP.
- M. By August 12, 2005, Field Offices shall update and complete the form electronically for each qualifying or requalifying county. The revised worksheet must be sent to the appropriate county for verification of data (either via FAX, email, or regular mail). The SDE Division will have access to the completed worksheets in GMP. Field Offices shall also concurrently make available to the SDE Division (and each affected urban county) a memorandum that identifies any urban county already qualified for FY 2006 that is adding any new units of government, together with the names of the newly included units of government (see Attachment E). THIS DEADLINE MAY NOT BE EXTENDED WITHOUT PRIOR WRITTEN AUTHORIZATION FROM HEADQUARTERS.
- N. By September 2, 2005 (or soon thereafter), Headquarters will complete its review of the urban county status worksheets and memoranda for those urban counties adding new units of government. The Field Offices will have access to the updated worksheets and, where necessary, an indication of any apparent discrepancies, problems or questions – all in GMP. The Field Office is to verify the data and notify the SDE Division (on the website) within seven days if any problems exist. If there are no problems, Field Offices will notify each county seeking to qualify as an urban county of its urban county status for FY 2006-2008 by September 9, 2005.

III. QUALIFICATION ACTIONS TO BE TAKEN BY COUNTY

The following actions are to be taken by the urban county:

A. Cooperation Agreements/Amendments

Urban counties that must enter into cooperation agreements or amendments, as appropriate, with the units of general local government located in whole or in part within the county, must submit to HUD executed cooperation agreements, together with evidence of authorization by the governing bodies of both parties

(county and included unit) executed by the proper officials in sufficient time to meet the deadline for submission indicated in the schedule (see Section V, Cooperation Agreements, paragraph A). Cooperation agreements must meet the standards in Section V of this Notice.

B. Notification of Opportunity to be Excluded

Units of general local government in which counties have authority to carry out essential community development and housing activities without the consent of the local governing body are automatically included in the urban county unless they elect to be excluded at the time of qualification or requalification. Any county that has such units of general local government must notify each such unit that it may elect to be excluded from the urban county. The unit of government must be notified:

1. That if it chooses to remain with the urban county, it is ineligible to apply for grants under the HUD-Administered Small Cities or State CDBG programs while it is part of the urban county;
2. That if it chooses to remain with the urban county, it is also a participant in the HOME program if the urban county receives HOME funding and may only receive a formula allocation under the HOME Program as a part of the urban county, although this does not preclude the urban county or a unit of government within the urban county from applying for State HOME funds; and
3. That if it chooses to be excluded from the urban county, it must notify both the county and HUD of its election to be excluded by the date specified in Section II, Qualification Schedule, paragraph E.

Such election to be excluded will be effective for the entire three-year period for which the urban county qualifies, unless the excluded unit specifically elects to be included in a subsequent year for the remainder of the urban county's three-year qualification period.

C. Notification of Opportunity to be Included

If a currently qualified urban county has one or more nonparticipating units of general local government (see Attachment E), the county may notify, in writing, any such unit of local government during the second or third year of the qualification period that the local government has the opportunity to be included for the remaining period of urban county qualification. This written notification must include the deadline for such election, and must state that the unit of general local government must notify the county and HUD, in writing, of its official decision to be included. If cooperation agreements are necessary, the unit electing to be included in the county for the remainder of the qualification period

must also execute, with the county, a cooperation agreement meeting the standards in Section V, Cooperation Agreements. The agreement must be received by HUD by the date specified in Section II, Qualification Schedule, paragraph J.

D. Notification of Split Places

Counties seeking qualification as urban counties and having units of general local government with any population located only partly within the county must notify these units of their rights by the date provided in Section II, Qualification Schedule, paragraph B. Specifically, the county must provide the following notifications:

1. Where a split place is partly located within only one urban county, one of the following rules applies:
 - a. If it is a split place in which the county has essential powers, the entire area of the split place will be included in the urban county for the urban county qualification period unless the split place has opted out; or
 - b. If the split place can only be included in the county upon the execution of a cooperation agreement, the entire area of the split place will be included in the urban county for the urban county qualification period upon execution of such an agreement.
2. Where the split place is partially located within two or more urban counties, the split place may elect one of the following:
 - a. to be excluded from all urban counties;
 - b. to be entirely included in one urban county and excluded from all other such counties; or
 - c. to participate as a part of more than one of the urban counties in which it is partially located provided that a single portion of the split place cannot be included in more than one entitled urban county at a time, and all parts of the split place are included in the urban counties.

E. Notification of Opportunity to Terminate Agreement

Urban counties that have agreements that will be automatically renewed at the end of the current qualification period unless action is taken by the unit of government to terminate the agreement, must, by the date provided in Section II, Qualification Schedule, paragraph D, notify such units that they can terminate the agreement and not participate during the 2006-2008 qualification period.

IV. DOCUMENTS TO BE SUBMITTED TO HUD

Any county seeking to qualify as an urban county for FY 2006-2008 or that wishes to exercise its option to include units of government that are not currently in the urban county's CDBG program must submit to the responsible HUD Field Office:

- A. A copy of the letter that notified applicable units of general local government (and a list of applicable units of government) of their right to decide to be excluded from the urban county along with a copy of letters submitted to the county from any such units of general local government requesting exclusion (see Section III, Qualification Actions to Be Taken by County, paragraph B). This does not apply to an already qualified urban county adding communities.
- B. A copy of the letter from any unit of general local government joining an already qualified county that officially notifies the county of its election to be included (see Section III, paragraph C).
- C. Where applicable, a copy of the letter from
 - 1. Any city that may newly qualify as a metropolitan city but that seeks to defer that status, or
 - 2. Any city currently deferring metropolitan city status that seeks to continue to defer such status.(See Section II, Qualification Schedule, paragraph G.)
- D. For a county that has cooperation agreements in effect that provide for automatic renewal, a copy of the letter sent by the county that notified affected units of government that the agreement will be renewed unless the county is notified by the unit of government to terminate the agreement, and a copy of any such letter from any unit(s) of government requesting termination (see Section III, paragraph E).
- E. Where applicable, copies of fully executed cooperation agreements or amended agreements between the county and its included units of general local government, including any cooperation agreements from applicable units of general local government covered under Section III, Qualification Actions to be Taken by County, paragraph C, and the opinions of county counsel and governing body authorizations required in Section V, Cooperation Agreements, paragraphs B and C.

For a county that has cooperation agreements in effect that provide for automatic renewal of the urban county qualification period as provided under Section V,

Cooperation Agreements, paragraph E, at the time of such automatic renewal, the documents to be submitted are: a legal opinion from the county's counsel that the terms and provisions continue to be authorized under state and local law and that the agreement continues to provide full legal authority for the county; copies of any executed amendments to automatically renewed cooperation agreement (if any); and, if locally required, governing body authorizations.

- F. Any joint request(s) for inclusion of a metropolitan city as a part of the urban county as permitted by Section VIII, paragraph A, Metropolitan City/Urban County Joint Recipients, along with a copy of the required cooperation agreement(s). If either the urban county or the metropolitan city fall under the "exception criteria" at 24 CFR 570.208(a)(1)(ii) for activities that benefit low- and moderate-income residents of an area, the urban county must notify, in writing, the metropolitan city of the potential effects of such joint agreements on such activities. See Section VIII, paragraph A, for further clarification.

V. COOPERATION AGREEMENTS

All cooperation agreements must meet the following standards in order to be found acceptable:

- A. The governing body of the county and the governing body of the cooperating unit of general local government shall authorize the agreement and the chief executive officer of each body shall execute the agreement.
- B. The agreement must contain, or be accompanied by, a legal opinion from the county's counsel that the terms and provisions of the agreement are fully authorized under State and local law and that the agreement provides full legal authority for the county. Where the county does not have such authority, the legal opinion must state that the participating jurisdiction has the authority to undertake, or assist in undertaking, essential community renewal and lower income housing assistance activities. A mere certification by the county's counsel that the agreement is approved as to form is insufficient and unacceptable.
- C. The agreement must state that the agreement covers the CDBG Entitlement program and, where applicable, the HOME Investment Partnership Program (i.e., where the urban county receives funding under the HOME program as an urban county or as a member of a HOME consortium).
- D. The agreement must state that, by executing the CDBG cooperation agreement, the included unit of general local government understands that it:
 - 1. May not apply for grants from appropriations under the Small Cities or State CDBG Programs for fiscal years during the period in which it participates in the urban county's CDBG program; and

2. May receive a formula allocation under the HOME Program only through the urban county. Thus, even if the urban county does not receive a HOME formula allocation, the participating unit of local government cannot form a HOME consortium with other local governments. (Note: This does not preclude the urban county or a unit of government participating with the urban county from applying for State HOME funds. An existing renewable agreement need not be amended to add this Note. It is included here only for purposes of clarification.)
- E. The agreement must specify the three years covered by the urban county qualification period (e.g., Federal FYs 2006-2008), for which the urban county is to qualify to receive CDBG entitlement funding or, where applicable, specify the remaining one or two years of an existing urban county's qualification period. At the option of the county, the agreement may provide that it will automatically be renewed for participation in successive three-year qualification periods, unless the county or the participating unit of general local government provides written notice it elects not to participate in a new qualification period. A copy of that notice must be sent to the HUD Field Office.

Where such agreements are used, the agreement must state that, by the date specified in HUD's urban county qualification notice for the next qualification period, the urban county will notify the participating unit of general local government in writing of its right not to participate. A copy of the county's notification to the jurisdiction must be sent to the HUD Field Office by the date specified in the urban county qualification schedule in Section II.

Cooperation agreements with automatic renewal provisions must include a stipulation that requires each party to adopt any amendment to the agreement incorporating changes necessary to meet the requirements for cooperation agreements set forth in an Urban County Qualification Notice applicable for a subsequent three-year urban county qualification period, and to submit such amendment to HUD as provided in the urban county qualification notice (see Section IV, Documents to be Submitted to HUD, paragraph E), and that such failure to comply will void the automatic renewal for such qualification period.

- F. The agreement must provide that it remains in effect until the CDBG (and HOME, where applicable) funds and program income received with respect to activities carried out during the three-year qualification period (and any successive qualification periods under agreements that provide for automatic renewals) are expended and the funded activities completed, and that the county and participating unit of general local government cannot terminate or withdraw from the cooperation agreement while it remains in effect.
- G. The agreement must expressly state that the county and the cooperating unit of

general local government agree to "cooperate to undertake, or assist in undertaking, community renewal and lower income housing assistance activities."

If the county does not have such powers, the agreement must expressly state that the cooperating unit of general local government agrees to "undertake, or assist in undertaking, community renewal and lower income housing assistance activities."

As an alternative to this wording, the cooperation agreement may reference State legislation authorizing such activities, but only with the approval of the specific alternative wording by HUD Field Counsel.

- H. The agreement must contain a provision obligating the county and the cooperating unit of general local government to take all actions necessary to assure compliance with the urban county's certification required by section 104(b) of Title I of the Housing and Community Development Act of 1974, as amended, including Title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 109 of Title I of the Housing and Community Development Act of 1974, and other applicable laws. The agreements shall also contain a provision prohibiting urban county funding for activities in, or in support of, any cooperating unit of general local government that does not affirmatively further fair housing within its own jurisdiction or that impedes the county's actions to comply with the county's fair housing certification. This provision is required because noncompliance by a unit of general local government included in an urban county may constitute noncompliance by the grantee (i.e., the entire urban county) that can, in turn, provide cause for funding sanctions or other remedial actions by the Department.
- I. The agreement must expressly state "that the cooperating unit of general local government has adopted and is enforcing:
 - 1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
 - 2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within jurisdictions."
- J. The agreement may not contain a provision for veto or other restriction that would allow any party to the agreement to obstruct the implementation of the approved Consolidated Plan during the period covered by the agreement. The county has final responsibility for selecting CDBG (and HOME, where applicable) activities and submitting the Consolidated Plan to HUD, although if the county is a member of a HOME consortium, the consortium submits the Plan developed by the county (see Section I, General Requirements, paragraph C).
- K. The agreement must contain language specifying that, pursuant to 24 CFR

570.501(b), the unit of local government is subject to the same requirements applicable to subrecipients, including the requirement of a written agreement as described in 24 CFR 570.503 (see Section VIII, Special Considerations, paragraph B).

- L. A county may also include in the cooperation agreement any provisions authorized by State and local laws that legally obligate the cooperating units to undertake the necessary actions, as determined by the county, to carry out a community development program and the approved Consolidated Plan and/or meet other requirements of the CDBG (and HOME, where applicable) program and other applicable laws.

VI. PERIOD OF QUALIFICATION

A. General

Any county that qualifies as an urban county will be entitled to receive funds as an urban county for three consecutive fiscal years regardless of changes in its population or boundary or population changes in any communities contained within the urban county during that period, provided funds are appropriated by Congress. However, during the period of qualification, no included unit of general local government may withdraw from the urban county unless the urban county does not receive a grant for any year during such period.

The urban county's grant amount is calculated annually and will reflect the addition of any new units of general local government during the second and third years of the period of qualification.

Any unincorporated portion of the county that incorporates during the urban county qualification period will remain part of the urban county through the end of the three-year period.

Any unit of general local government that is part of an urban county will continue to be included in the urban county for that county's qualification period, even if it meets the criteria to be considered a "metropolitan city" during that period. Such an included unit of general local government cannot become eligible for a separate entitlement grant as a metropolitan city while participating as a part of an urban county (see Section VIII, paragraph E).

B. Retaining Urban County Classification

Any county classified as an urban county in FY 1999 may, at the option of the county, remain classified as an urban county.

Any county that has been classified as an urban county after FY 1999 and is so

classified for at least two years will retain its classification as an urban county, unless the urban county qualified under section 102(a)(6)(A) of Title I of the Housing and Community Development Act of 1974, as amended, and fails to requalify under that section due to the election of a currently participating non-entitlement community to opt out or not to renew a cooperation agreement (for reasons other than becoming an eligible metropolitan city.)

VII. URBAN COUNTY PROGRAM RESPONSIBILITIES

The county, as the CDBG grant recipient, either for the urban county or a joint recipient (see Section VIII, paragraph A, Metropolitan City/Urban County Joint Recipients) has full responsibility for the execution of the community development program, for following its Consolidated Plan, and for meeting the requirements of other applicable laws (e.g., National Environmental Policy Act, Uniform Relocation Act, Fair Housing Act, Title VI of the Civil Rights Act of 1964, Sec. 504 of the Rehabilitation Act of 1973, Sec. 109 of Title I of the Housing and Community Development Act of 1974, the Americans with Disabilities Act of 1990, and for affirmatively furthering fair housing). The county's responsibility must include these functions even where, as a matter of administrative convenience or State law, the county permits the participating units of general local government to carry out essential community development and housing assistance activities. The county will be held accountable for the accomplishment of the community development program, for following the Consolidated Plan, and for ensuring that actions necessary for such accomplishment are taken by cooperating units of general local government.

VIII. SPECIAL CONSIDERATIONS

A. Metropolitan City/Urban County Joint Recipients

Any urban county and any metropolitan city located in whole or in part within that county can ask HUD to approve the inclusion of the metropolitan city as a part of the urban county for purposes of planning and implementing a joint community development and housing assistance program. HUD will consider approving a joint request only if it is signed by the Chief Executive Officers of both entities and is submitted at the time the county is seeking its qualification as an urban county. A joint request will be deemed approved unless HUD notifies the city and the county otherwise within 30 days following submission of the joint request and an executed cooperation agreement meeting the requirements specified under Section V, Cooperation Agreements. An urban county may be joined by more than one metropolitan city, but a metropolitan city located in more than one urban county may be a joint recipient with only one urban county at a time.

Upon urban county qualification and HUD approval of the joint request and cooperation agreement, the metropolitan city becomes a part of the urban county

for purposes of program planning and implementation for the entire period of the urban county qualification, and for the CDBG program, will be treated by HUD as any other unit of general local government that is a part of the urban county. When a metropolitan city joins an urban county in this manner, the grant amount is the sum of the amounts authorized for the individual metropolitan city and urban county. The urban county becomes the grant recipient.

Counties and metropolitan cities considering a joint request should be aware that significant effects could occur where either the urban county or the metropolitan city would otherwise fall under the "exception rule" criteria for activities that benefit low- and moderate-income residents on an area basis (see 24 CFR 570.208(a)(1)(ii)). Joint agreements result in a modification to an urban county's configuration, and a change in the mix of census block groups in an urban county is likely to change the relative ranking of specific block groups by quartile, thus affecting the minimum concentration of low- and moderate-income persons under the "exception rule." HUD will make a rank-ordering computer run available to counties and metropolitan cities considering joint participation to assist them in determining the possible effects of inclusion and how such an agreement may impact their respective programs.

B. Subrecipient Agreements

The execution of cooperation agreements meeting the requirements of Section V, Cooperation Agreements, herein between an urban county and its participating units of local government does not in itself satisfy the requirement for a written subrecipient agreement required by the regulations at 24 CFR 570.503. Where a participating unit of general local government carries out an eligible activity funded by the urban county, the urban county is responsible, prior to disbursing any CDBG funds for any such activity or project, for executing a written subrecipient agreement with the unit of government containing the minimum requirements found at 24 CFR 570.503. The subrecipient agreement must remain in effect during any period that the unit of local government has control over CDBG funds, including program income.

C. Ineligibility for State and Small Cities CDBG Program

An urban county's included units of general local government are ineligible to apply for grants from appropriations under the HUD-Administered Small Cities or State CDBG Programs for fiscal years during the period in which they are participating in the Entitlement CDBG program with the urban county.

D. Eligibility for a HOME Consortium

When included units of local government become part of an urban county for the

CDBG Program, they are part of the urban county for the HOME Program and may receive a formula allocation under the HOME Program only as part of the urban county. Thus, even if the urban county does not receive a HOME formula allocation, the participating unit of local government cannot form a HOME consortium with other local governments. However, this does not preclude the urban county or a unit of government within an urban county from applying for State HOME funds.

E. Counties with Potential Metropolitan Cities

If a county includes one or more communities that believe their population meets the statutory threshold to enable them to receive CDBG entitlement funds as a metropolitan city directly, HUD has identified two options a county may use to address such situations:

1. The county and community can negotiate a schedule that will provide the community additional time to receive notification from HUD of its eligibility as a potential new metropolitan city and, if the community does not reach metropolitan city status (or becomes eligible and elects to defer its status), execute a cooperation agreement and still meet the deadlines identified in this Notice; or
2. If a county believes delaying the execution of a cooperation agreement until HUD provides such notification will prohibit it from meeting the submission deadlines in this Notice, the county may want to include a clause in the agreement that provides that the agreement will be voided if the community is advised by HUD, prior to the completion of the requalification process for FY 2006-2008, that it is eligible to become a metropolitan city and the community elects to take its entitlement status. If such a clause is used, it must state that if the agreement is not voided on the basis of the community's eligibility as a metropolitan city prior to July 8, 2005 (or a later date if approved in writing by HUD), the community must remain a part of the county for the entire three-year period of the county's qualification.

Option 1 is preferred. Option 2 is available if a county wishes to use it, although there is concern that a community may believe that the use of a clause that may void the agreement will enable it to "opt out" later in the three-year period of qualification if it reaches the population during that time to be a metropolitan city. Therefore, any such clause must be clear that it applies only for a limited period of time.

IX. DETERMINATIONS OF ESSENTIAL POWERS

- A. For new urban counties, HUD Field Office Counsel must determine whether each county within its jurisdiction that is eligible to qualify as an urban county has powers to carry out essential community renewal and lower income housing

assistance activities. In making the required determinations, Field Office Counsel must consider both the county's authority and, where applicable, the authority of its designated agency or agencies. Field Office Counsel shall make such determinations as identified below and concur in notifications to the county(ies) about these issues.

- B. The notification by the Field Office required under Section II, paragraph A, must include the following determinations:
1. Whether the county is authorized to undertake essential community development and housing assistance activities in its unincorporated areas, if any, which are not units of general local government. For these purposes, the term "essential community development and housing assistance activities" means community renewal and lower-income housing assistance activities;
 2. In which of the county's units of general local government the county is authorized to undertake essential community development and housing assistance activities without the consent of the governing body of the locality. The population of these units of local government will be counted towards qualification of the urban county unless they specifically elect to be excluded from the county for purposes of the CDBG program and so notify both the county and HUD in writing by May 27, 2005 (see Section II, paragraph E); and,
 3. In which of the county's units of general local government the county is either (a) not authorized to undertake essential community development and housing assistance activities or (b) may do so only with the consent of the governing body of the locality. The population of these units of local government will only be counted if they have signed cooperation agreements with the county that meet the standards set forth in Section V of this Notice.

Attachments

Memorandum

June 7, 2005

To: Art Brooks
County Administrator

For: County Council

From: Charlie Compton, Director 
Department of Planning and GIS

Reference: Solid Waste Disposal Changes

Attached are the latest copies of the following:

Ordinance #05-05 – Proposed changes to the Solid Waste Ordinance
Zoning Text Amendment #T05-04 – Proposed changes to the Zoning Ordinance

As a review, listed below are the summaries of these ordinance proposals that were part of the public hearing on May 24th. The Zoning Text Amendment has received two readings and the Solid Waste changes have received one reading. The Planning Commission briefly reviewed both on May 19th but will be making a formal recommendation on June 16th.

In the Zoning Ordinance the proposed changes do the following:

- Clearly define that the very intense recycling activities are to be regulated as part of Article 9 which covers Landfill Operations.
- Put in place very stringent regulations with respect to the location and operation of activities that include the on-site processing of construction, demolition, and /or land-clearing debris for recycling. There is one blank involving quantities that needs to be completed here.
- Allow Lexington County to regulate as a mine any activity that moves substantial quantities of material from a development site over long periods of time. This could be a commercial development, a subdivision, etc.
- Clearly show that Lexington County can regulate any solid waste activity to include those exempt in any way from SCDHEC requirements.
- Ensure that deceleration and acceleration lanes will be installed where needed at all mining and landfill operations.

In the Solid Waste Ordinance the proposed changes do the following:

- Add several definitions that provide important links to the County Zoning Ordinance.
- Add an entire new Division to the Ordinance that will allow Council to have the final say on the location of all solid waste related activities that involve yard trash or construction, demolition, and/or land clearing debris.
- Add a bonding requirement to ensure that unprocessed solid waste material could not be abandoned without a financial means for disposal.

Since last month, in the Zoning Ordinance we have drafted sections in the Mining Article covering reclamation plans and bonding requirements where needed. In the Solid Waste Ordinance we have made sure Council's review includes all activities involving yard trash or construction, demolition, and/or land clearing debris, to include mining that uses those materials as part of a reclamation plan. We have also drafted more detailed information with regard to the process involved in Council's review of these activities.

Enclosures:

Ordinance #05-05 – Proposed changes to the Lexington County Solid Waste Ordinance
Zoning Text Amendment #T05-04 – Proposed changes to the Lexington County Zoning Ordinance

Ordinance #05-05

An Ordinance amending the Lexington County Solid Waste Ordinance to address additional definitions and regulations for recycling/processing centers, mining operations, and land clearing debris landfills

{Add these additional definitions to Sec. 54-31 – Definitions found in Division 1 of Article II – Collection and Disposal}

Section 54-31. Definitions.

A *Landfill* is any such activity as defined in the Lexington County Zoning Ordinance. It may include solid waste activities exempt from review by the South Carolina Department of Health and Environmental Control (SCDHEC).

~~*Land-Clearing Debris and Yard Trash* is (this needs a solid definition to cover what is exempt from SCDHEC rules)~~

A *Mining Operation* is any mining activity defined as such in the Lexington County Zoning Ordinance.

{Add this additional line to the end of Division 2. Franchised Collectors}

Sections 54-65 – 54-80. Reserved.

{Add this additional Division to Article II – Collection and Disposal}

DIVISION 3. ADDITIONAL DISPOSAL REQUIREMENTS

Section 54-81. Location requirements of certain solid waste disposal activities.

The following solid waste disposal activities have unique characteristics that require a thorough review prior to specific site approval and require careful on-going oversight of the day-to-day operations:

- a. The on-site processing of ~~yard trash or~~ construction, demolition, and/or land-clearing debris for recycling.
- b. Landfills intended to be used for ~~yard trash or construction, demolition, and/or~~ land-clearing debris ~~and yard trash~~.
- c. Any mining operations that include a ~~Yard Trash or Construction, Demolition, and/or~~ Land-Clearing Debris Landfill as a part of their reclamation plan.

Each proposed activity must first be reviewed as to its ability to meet the regulations contained in the Lexington County Zoning Ordinance. A report of that review must then be forwarded to the Lexington County Council as a part of their determination as to the suitability of the proposed location for the activity. As a part of their analysis of the proposed activity Council will establish application and review procedures that will contain the following minimum requirements:

1. The application for the activity will appear on Council agendas at least three times. The first time will be for the purpose of an early notification to the public of the existence of the application and will include the time, date and place of the public hearing. The second time will be the public hearing and the third will be for the purpose of voting on the application.
2. At least 15 days prior to the public hearing, notice shall be given in a newspaper of general circulation in Lexington County.
3. At least 15 days prior to the public hearing, the adjacent property owners shall be notified of the proposed application and the time, date and place of the public hearing.
4. The application will include a fee sufficient to cover the cost of the public hearing advertisement and the notification to all adjacent property owners.

If there are aspects of the activity and its proposed location that are of concern to the Council, those concerns will be forwarded to the applicant. If they cannot be are not addressed satisfactorily, the proposed activity will not be permitted approved for that location.

Section 54-82. Bonding of recycling/processing activities.

The on-site processing of construction, demolition, and/or land-clearing debris for recycling has several unique characteristics since the material used for this operation is normally destined for an approved landfill. In preparation for processing it is generally stored above-ground in large piles. If for any reason the recycling operation is abandoned, the unprocessed material must be transported to an approved landfill. Therefore, Lexington County requires that a bond with surety and conditions satisfactory to it be filed and accepted prior to the permitting of such an operation. The nature of the surety and the bonding procedures shall be as determined by the County Council to ensure that, in the event of a default by the applicant, funds will be available to dispose of the unprocessed solid waste material. The amount of the bond at all times must be equal to the cost of such disposal.

This Ordinance shall take effect _____, 2005.

Enacted this _____ day of _____, 2005.

Bruce E. Rucker, Chairman

ATTEST:

Diana W. Burnett, Clerk of Council

First Reading: _____
Second Reading: _____
Public Hearing: _____
Third & Final Reading: _____
Filed w/Clerk of Court: _____



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 # T05-04

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

Article 2, Chapter 1, Section 21.10; Article 8; and Article 9

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

To amend the Lexington County Zoning Ordinance to address additional definitions and regulations for recycling/processing centers, mining operations, and landfills

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

Date 4/28/05

Signature [Handwritten Signature]

Name(print) Charlie Compton, Planning Director

Lexington County Department of Planning and GIS

Address 212 South Lake Drive

Lexington, South Carolina 29072

Telephone # 785-8121

- 1. 04 / 28 / 05 Application Received
- 2. ___ / ___ / ___ Fee Received
- 3. ___ / ___ / ___ Newspaper Advertisement

___ / ___ / ___ Planning Commission Recommendation: _____

04/26/05 First Reading 05/24/05 Public Hearing 05/03/05 Second Reading ___ / ___ / ___ Third Reading

Results: _____

Mining (Extensive) includes all other mining activities not included within the definition of Mining (Limited) or Mining (Intermediate). This activity category permits on-site mineral processing, chemical leaching, and blasting.

Mini-Parks are recreational areas with no more than playground equipment and picnic facilities.

Mini-Warehouses include the operation of warehousing and storage wherein the storage capacity of individual units is less than 1,000 square feet of floor area and individual keys are provided to lock each unit during the term of a rental agreement.

Mobile Home activities, including manufactured homes, are transportable dwellings intended for permanent residential occupancy. They may be contained in either one unit or multiple units designed to be joined together into one integral unit, arrive at a site complete and ready for occupancy except for minor and incidental assembly operations, and are constructed so that they may be used without a permanent foundation. This activity shall not include modular residential construction, as defined within the South Carolina Modular Buildings Construction Act of 1976. Modular residential construction shall be included in the Residential Detached or Residential Attached activity types, as appropriate.

Mobile Home Parks (Limited) Three or more mobile homes, exclusive of a mobile home occupied by the property owner, that are operated as a single entity and located within the vicinity of one another. The park may be located on a single parcel, or multiple parcels in the same or different ownership. The minimum size of an individual mobile home space in this type of development is 20,000 square feet.

Mobile Home Parks (Extensive) Three or more mobile homes, exclusive of a mobile home occupied by the property owner, that are operated as a single entity and located within the vicinity of one another. The park may be located on a single parcel, or multiple parcels in the same or different ownership. The minimum size of an individual mobile home space in this type of development is 6,000 square feet.

Natural Reserves and undeveloped open spaces include parks with minimum equipment, botanical gardens and arboretums, golf courses (except for the buildings which are to be assigned specific activity types based on use), and the like.

Non-Assembly Cultural activities include public, parochial and private museums, art galleries, libraries, and observatories.

Nursing Homes include convalescent homes, convalescent hospitals and clinics. Skilled care is typically provided to residents/patients. (See also "Retirement Centers".)

Personal Convenience Services include barbering, laundromats, beauty care, dry cleaning, and the repair of personal apparel, and similar items, but not including motor vehicles, structures, or engines.

Plant Nurseries include the cultivation, for sale, of horticultural specialties such as flowers, shrubs, trees, and bushes intended for ornamental or landscaping purposes.

Power Plants (non-atomic).

Professional Services include those performed by recognized professionals such as lawyers, architects, engineers, CPA's, private instructors with less than 30 students at one time, real estate brokers, and the like.

Radioactive Materials Handling includes the use, in any way, of significant amounts of radioactive or atomic material, to include atomic power plants or radioactive waste treatment or storage. Incidental amounts of such material incorporated into activities of scientific measurement or diagnostic practice shall not be included in this classification.

Railroad terminals and yards (freight and passenger).

Recycling Centers include the processing and storage of consumer goods/materials to be sold for the purpose of creating post-consumer use products. This activity does not include the recycling of construction, demolition, and/or land-clearing debris. Such recycling operations shall be regulated as landfills in accordance the provisions of Article 9.

ARTICLE 8 - MINING OPERATIONS

Chapter 1. General Provisions

81.00 Purpose

The purpose of this article is to address the unique needs of Mining Operations in order that these activities function in a manner that is compatible with the surrounding area.

81.10 Jurisdiction

The regulations set forth herein shall apply to any property located within the jurisdiction of this Ordinance that is now or is proposed to be developed as a Mining Operation.

81.20 Definitions

Minerals are solids, liquids, or gases found in natural deposits on or in the earth, including, but not limited to, soil, sand, clay, gravel, stone, rock, coal, phosphate, metallic ore, petroleum, or natural gas.

Mining Area is the area of land from which overburden or minerals have been removed, or upon which overburden has been deposited, including the location of on-site mineral processing, stockpiles, settling ponds, mining vehicle operation, and active reclamation areas. The mining area does not include land which has been reclaimed, the access road or overburden deposits and earthen berms which are part of County approved screening.

Mining includes the extraction or removal of minerals for sale, processing, or consumption even if the mining activity is not required to obtain a mining permit from the South Carolina Department of Health and Environmental Control (SCDHEC). It does not include grading, backfilling, plowing, or excavating areas for agriculture or on-site construction, unless the extraction or removal of minerals exceeds 25,000 cubic yards or the activity continues for longer than six months, nor does it include exploratory mining as defined by SCDHEC.

Mining (Limited) includes all mining operations where the mining area does not exceed five(5) acres. This activity category does not permit on-site mineral processing, including, but not limited to, milling, crushing, screening, washing, flotation, or refining. This activity category does not include chemical leaching of minerals, hard rock quarrying, or blasting.

Mining (Intermediate) includes all mining operations where the mining area does not exceed twenty-five(25) acres. This activity category permits on-site mineral processing, chemical leaching of minerals, hard rock quarrying, or blasting, provided that the blasting or chemical leaching of minerals meets the buffering restrictions of the Mining (Extensive) category.

Mining (Extensive) includes all other mining activities not included within the definition of Mining (Limited) or Mining (Intermediate). This activity category permits on-site mineral processing, chemical leaching, and blasting.

81.30 Application of Regulations

Upon the effective date of these regulations, Mining Operations can be developed or expanded only in accordance with the applicable restrictions contained herein. Legally nonconforming Mining Operations are subject to the provisions found in Article 11.

81.40 Zoning Permit

It shall be the sole responsibility of a Mining Operation owner to establish and operate a Mining Operation in accordance with the regulations as set forth in this article. The zoning permit shall be issued on the basis of compliance with all applicable state and local regulations.

Chapter 2. Mining Regulations

82.10 Adherence to Other Regulations

The Mining Operation regulations contained herein are in addition to any applicable regulations from the South Carolina Department of Health and Environmental Control (SCDHEC) and any other state or federal agencies. ~~After meeting zoning requirements, If a Mining Operation is regulated by SCDHEC it shall be issued a zoning permit after meeting all zoning requirements and after upon receiving a mining permit from SCDHEC that agency. There may be Mining Operations that are governed only by this ordinance and other regulations of Lexington County.~~

82.20 Buffering Restrictions

Each Mining Operation shall adhere to the Buffering Restrictions covering height regulations, buffers, setbacks and screening as outlined in Chapter 3 of Article 2.

82.21 Buffers

In the event that an encroachment appears to be within the buffer area, and/or the buffer area is likely to be encroached unintentionally, the designated are may be required to be clearly delineated by a material approved by the Zoning Administrator.

82.22 Setbacks

While accessory activities such as driveways and parking and reclamation thereof can occur within the designated setback, mining operations may not encroach on any part of the setback area. Sites with natural vegetation may qualify for a reduction as stated in Section 82.23, paragraph 1 below.

82.23 Screening

1. All Mining operations must use natural or landscaped vegetation for screening. The screening shall include the use of earthen berms and does not exclude the use of fencing for safety reasons. A setback reduction of 25% may be obtained if existing natural vegetation meeting the partial screening requirement, as determined by the Zoning Administrator, is left undisturbed.
2. Total road frontage screening is required in all districts.

82.30 Access

A Mining (Intermediate) activity is allowed access by a local road provided that road is paved, and a Mining (Extensive) activity is allowed access by a collector road provided that road is paved.

82.40 Driveways

Driveway access to a paved road must consist of an asphalt apron 100 feet in length. Driveway access to an unpaved road must be stabilized in a manner to reduce excessive fugitive dust. ~~Those driveways may also be required to have deceleration and/or acceleration lanes as a part of an encroachment permit from either Lexington County or the South Carolina Department of Transportation.~~

82.50 Hours of Operation

The following hours of operation restrictions shall apply:

Mining(Limited):	7am to 7pm, Monday through Friday
Mining(Intermediate):	7am to 7pm, Monday through Saturday
Mining(Extensive):	No restriction for hours of operation

82.60 Performance Standards

Each Mining Operation shall adhere to the Performance Standards as outlined in Chapter 4 of Article 2.

82.70 Reclamation

After reclamation of a mining area, the exposed, finished, unconsolidated grade must not exceed a 3 to 1 slope. An applicant for a mine not regulated by the SCDHEC shall submit a proposed Reclamation Plan with his application for a permit. The Plan must include as a minimum the following information:

- proposed practices to protect adjacent surface resources;
- specifications for surface gradient restoration to a surface suitable for the proposed use of the land after reclamation is completed, which must not exceed a 3 to 1 slope;
- manner and type of revegetation or other surface treatment of the affected areas;
- method of compliance with Lexington County's Stormwater Management and Sediment Control Ordinance;
- method of rehabilitation of settling ponds;
- method of restoration or establishment of stream channels and stream banks to a condition minimizing erosion, siltation, and other pollution;

To the extent feasible the Reclamation Plan must be conducted simultaneously with mining operations and be initiated at the earliest practicable time after completion or termination of mining on a segment of the permitted land. The Plan must provide that reclamation activities will be completed within six months after completion or termination of mining on each segment of the area for which a permit is requested.

82.80 Bonding

Each applicant for a zoning permit for a mine that is not regulated by the SCDHEC shall file with the Zoning Administrator, upon approval of the application, and maintain in force a performance bond to ensure the satisfactory completion of the Reclamation Plan. All bonds must be in favor of Lexington County with surety and procedures as determined by the County Council. The amount of each bond must be based upon the area of affected land to be reclaimed under the approved Plan to which it pertains, less any area whose reclamation has been completed and released from coverage by the County.

ARTICLE 9 - LANDFILL OPERATIONS

Chapter 1. General Provisions

91.00 Purpose

The purpose of this article is to address the unique needs of Landfill Operations in order that these activities function in a manner that is compatible with the surrounding area.

91.10 Jurisdiction

The regulations set forth herein shall apply to any property located within the jurisdiction of this Ordinance that is now or is proposed to be developed as a Landfill Operation.

91.20 Definitions

Landfills include all of the following activities as defined by the South Carolina Department of Health and Environmental Control (SCDHEC) now or in the future. These SCDHEC definitions are published for reference only and are not a part of this ordinance. Within this ordinance landfills are classified as either limited, intermediate, or extensive and may include solid waste activities exempt from review by SCDHEC. Recycling activities which involve construction, demolition and/or land-clearing debris are regulated in the same manner as the landfill classification within which they are listed, even if there is no landfill at the location of the recycling activity.

DHEC Landfill Categories

Municipal Solid Waste Landfills

Construction, Demolition, and Land-Clearing (C&D) Debris Landfills

Short-Term C&D Landfills (Part I).

Land-Clearing Debris and Yard Trash Landfills (Part II).

Permanent Industrial C&D Landfills (Part III).

Long-Term C&D Landfills (Part IV).

Industrial Solid Waste Landfills

Landfills (Limited) shall have a landfill area which does not exceed four acres and is operational for less than two years. This activity category does not include a Municipal or Industrial Solid Waste Landfill, or the disposal of hazardous materials, or the on-site processing of construction, demolition, and/or land-clearing debris for recycling.

Landfills (Intermediate) shall have a landfill area which does not exceed twelve acres. This activity category does not include the disposal of hazardous materials, but may include the on-site processing of construction, demolition, and/or land-clearing debris for recycling provided the amount of unprocessed material stored above ground does not exceed _____ cubic yards.

Landfills (Extensive) include all other landfills not included within the definition of Landfill (Limited) or Landfill (Intermediate). This activity category also includes the on-site processing of construction, demolition, and/or land-clearing debris for recycling.

91.30 Application of Regulations

Upon the effective date of these regulations, Landfill Operations can be developed or expanded only in accordance with the applicable restrictions contained herein. Legally nonconforming Landfill Operations are subject to the provisions found in Article 11, Nonconformity.

91.40 Zoning Permit

It shall be the sole responsibility of a Landfill Operation owner to establish and operate a Landfill Operation in accordance with the regulations as set forth in this article. The zoning permit shall be issued on the basis of compliance with all applicable state and local regulations.

Chapter 2. Regulations

92.10 Adherence to Other Regulations

The Landfill Operation regulations contained herein are in addition to any applicable regulations from the South Carolina Department of Health and Environmental Control (SCDHEC) and any other state or federal agencies. ~~After meeting zoning requirements, a~~ A Landfill Operation shall be issued a zoning permit only after receiving ~~a permit from SCDHEC and an Letter of Consistency approval~~ from Lexington County as to its compliance with ~~the all~~ County Solid Waste ~~Regulations Management Plan~~.

92.20 Buffering Restrictions

Each Landfill Operation shall adhere to the Buffering Restrictions covering height regulations, buffers, setbacks, and screening as outlined in Chapter 3 of Article 2.

92.21 Buffers

In the event that an encroachment appears to be within the buffer area, and/or the buffer area is likely to be encroached unintentionally, the designated buffer area may be required to be clearly delineated by a material approved by the Zoning Administrator.

92.22 Setbacks

While accessory activities such as driveways and parking can occur within the designated setback, landfill operations may not encroach on any part of the setback area. Sites with natural vegetation may qualify for a reduction as stated in section 92.23, paragraph 2 below.

92.23 Screening

1. Landfill (Limited) operations may install vegetative or man-made screening materials. However, man-made screening materials must be removed within 60 days of the closure of the site.
2. Landfill (Intermediate & Extensive) operations must use natural or landscaped vegetation for screening. This screening may include the use of earthen berms and does not exclude the use of fencing for safety reasons. A setback reduction of 25% may be obtained if existing natural vegetation meeting the partial screening requirement, as determined by the Zoning Administrator, is left undisturbed.
3. Total road frontage screening is required in all districts.

92.30 Access

The chart contained in Section 22.02 designates the street classification necessary to access Landfill Operations. The following additional requirements must be met:

1. A Landfill (Intermediate) operation is allowed access by a local street provided that road is paved.
2. A Landfill (Extensive) operation is allowed access by a collector street provided that road is paved.

The appropriate street access shall not be an issue if all of the vehicular activity associated with the landfill is self-contained on the site, as in a Permanent Industrial C&D Landfill (Part III).

92.40 Driveways

Driveway access to a paved road must consist of an asphalt apron at least 100 feet in length. Driveway access to an unpaved road must be stabilized in a manner to reduce excessive fugitive dust. ~~Those driveways may also be required to have deceleration and/or acceleration lanes as a part of an encroachment permit from either Lexington County or the South Carolina Department of Transportation.~~

92.50 Hours of Operation

The following hours of operation restrictions shall apply:

Landfill (Limited)	7:00 a.m. to 7:00 p.m., Monday through Friday
Landfill (Intermediate)	7:00 a.m. to 7:00 p.m., Monday through Saturday
Landfill (Extensive)	No restriction for hours of operation

92.60 Limits on Traffic

The following operational limits shall apply in order to restrict the truck traffic in certain circumstances:

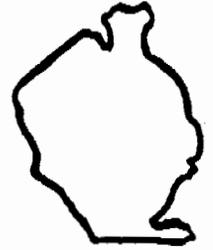
		Average Rate for the Day (Trucks per Hour)	Actual Count per Hour (Trucks per Hour)
Landfill (Limited):	Local Street (unpaved)	one	three
	Local Street (paved)	three	six
	Collector Street (unpaved)	three	six
	Collector Street (paved)	no limit	no limit
	Arterial	no limit	no limit
Landfill (Intermediate):	Local Street (unpaved)	no access is allowed	
	Local Street (paved)	three	six
	Collector Street (unpaved)	three	six
	Collector Street (paved)	no limit	no limit
	Arterial	no limit	no limit
Landfill (Extensive):	Local Street (unpaved)	no access is allowed	
	Local Street (paved)	no access is allowed	
	Collector Street (unpaved)	no access is allowed	
	Collector Street (paved)	no limit	no limit
	Arterial	no limit	no limit

92.70 Performance Standards

Each Landfill Operation shall adhere to the Performance Standards as outlined in Chapter 4 of Article 2. It should be noted that one of those standards that requires extra attention during the design of a landfill operation are the limits placed on noise. Earthen berms are one of the few methods that will contain the noise on-site at a level that meets the standards contained in this ordinance.



COUNTY OF LEXINGTON
PUBLIC WORKS DEPARTMENT
ENGINEERING



MEMORANDUM

DATE: May 16, 2005

TO: Art Brooks, County Administrator

FROM: John Fechtel, Public Works Director
Asst. County Administrator 

RE: Irmo Request – Matching Funds

The Town of Irmo has requested \$86,051 in "C" Funds (see attached) to provide their twenty-percent (20%) match for an SCDOT Enhancement Grant. This project is primarily for sidewalks on Finsbury Road, Deptford Drive and Fork Avenue. This project has been approved by SCDOT and the total project costs are \$333,270.

It has been our policy to fund the twenty-percent (20%) match for municipalities with the budgeted Special Projects account, 2700-121302-539900. I recommend County Council approve this request since funds are available. Once approved, we will reimburse the Town as the project construction begins.

Attachment

/lh



March 16, 2005

Mr. John Fechtel
Director, Public Works
County of Lexington
440 Ball Park Road
Lexington, SC 29072

Re: Transportation Enhancement Project (TEA-21)

Dear Mr. Fechtel,

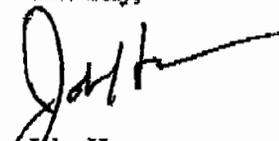
The Town of Irmo would like to request \$ 86,051 from Lexington County "C" Funds. As you know the Town developed a sidewalk plan some years back to help define the Irmo identity. We are preparing to begin work on a TEA-21 Grant that was recently approved by SCDOT for FY05. SCDOT approved funding in the amount of \$ 247,219 towards this project.

The project involves sidewalk construction totaling 1.228 miles, site grading & drainage, 1,760 SF of gravity retaining wall, 550 LF curb & gutter and 3,400 SY of sidewalk construction & erosion controls. Project location is Finsbury Road, Deptford Drive and Fork Avenue; please see enclosed maps. These concrete sidewalks will be built to ADA, AASHTO and FHWA standards.

The total project is \$333,270 and broken down as an 80/20 grant with SCDOT (80% = \$247,219) and Irmo (20% = \$86,051). The project is a continuation of the goals outlined in our strategic plan. The Town of Irmo is committed to improving the infrastructure for our Lexington County residents.

Thank you for any assistance you can provide in procuring these funds. If you have any questions or require more specific information, please contact Bob Brown or me at (803) 781-7050.

Sincerely,

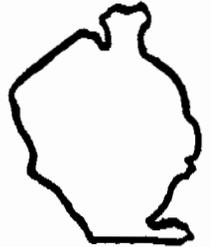


John Hanson
Town Administrator

cc: Bob Brown, Project Coordinator, Town of Irmo



COUNTY OF LEXINGTON
PUBLIC WORKS DEPARTMENT
ENGINEERING



MEMORANDUM

DATE: May 16, 2005

TO: Art Brooks, County Administrator

FROM: John Fechtel, Public Works Director *JF*
Assistant County Administrator

RE: Legal Closing of a Portion of Tarragon Drive

Attached is a request from Ms. Vicki Quattlebaum for legally closing a portion of Tarragon Drive. This dirt section of road is approximately eight-hundred (800) linear feet long. The attached request indicates the reasons for this closure (illegal dumping, four-wheelers, etc.) and also to enhance future development of this twenty-eight (28) acre tract. We have notified the various Public Safety departments about this potential closing but we do not feel it would cause a problem due to the network of roads around this area.

Please present this request to County Council for their consideration. The road will be posted for thirty (30) days to notify people of the proposed closing per our policy.

Attachment

/lh

Vicki L. Quattlebaum
1303 Church St.
Gaston, SC. 29053

May 11, 2005

Paul Dorroh
County of Lexington
Department of Public Works
440 Ball Park Road.
Lexington, SC. 29072

Re: Closing dirt portion of Tarragon Road

Dear Paul,

As previously discussed I have a strong interest in the closing of Tarragon Road. This section of road at one time was owned by my father, M.F. Quattlebaum. At that time it was not a road and my father had it cleared as a "fire break" and deeded it to Lexington County. It has been a problem over the years due to speeding drivers, four wheelers racing to and from my property. It has also been used for a dumping ground for mattresses, washers, dryers and household garbage.

I am currently developing Phase 1 of a subdivision (Cunningham Park) on the north side of Tarragon. In the future I will be developing the other side and I feel that closing Tarragon and making it inclusive with my other property would enhance the vision for the development. I am aware that I can not build on this portion of the property but it could be a potential improvement between my properties.

Please take this matter into consideration as it is very important to me and could be very beneficial to the future of Cunningham Park.

Sincerely,

Vicki L. Quattlebaum

Dirt portion of Tarragon Drive 805'



Located in Council District 4



COUNTY OF LEXINGTON
PUBLIC WORKS DEPARTMENT
ENGINEERING



May 5, 2005

RE: Closing of dirt portion of Tarragon Drive

Dear John Fechtel,

TMS #: 004499-03-016

This letter is to inform you that Vicki Quattlebaum has requested that the dirt portion of Tarragon Dr. be closed. She and two other property owners have agreed to the road closing and I have attached copies of the sign letters along with a location map.

Sincerely,

Paul Dorroh
Engineering Associate
Lexington County Public Works



COUNTY OF LEXINGTON
PUBLIC WORKS DEPARTMENT
ENGINEERING



April 21, 2005

RE: Closing of dirt portion of Tarragon Drive

Vicki Quattlebaum
1303 Church Street
Gaston, SC 29053

TMs #: 004499-03-016

Dear Residents:

A request has been made to Lexington County Public Works to close the dirt portion of Tarragon Drive. Before the County may proceed with this action, all property owners on the dirt portion of this road must grant permission. This letter is an attempt to ensure all persons owning property along the road have an opportunity to agree prior to the County bringing any action to close the road. If one or more property owners are not in favor of the road closing, Lexington County will discontinue the procedure for closing.

Please indicate your response by checking the appropriate box and signing. Please return the signed letter in the envelope provided.

If you have any questions or comment please call me at 785-8201

Sincerely,

Paul Dorroh
Engineering Associate

- [X] I do agree with the closing of Tarragon Drive
[] I don't agree with the closing of Tarragon Drive

Print Name Vicki L. Quattlebaum

Signature Vicki Quattlebaum Date 4-29-05



COUNTY OF LEXINGTON
PUBLIC WORKS DEPARTMENT
ENGINEERING



April 21, 2005

RE: Closing of dirt portion of Tarragon Drive

Vernon Elders
1718 Old Barnwell Rd
Lexington, SC 29073

TMs #: 004419-01-012

Dear Residents:

A request has been made to Lexington County Public Works to close the dirt portion of Tarragon Drive. Before the County may proceed with this action, all property owners on the dirt portion of this road must grant permission. This letter is an attempt to ensure all persons owning property along the road have an opportunity to agree prior to the County bringing any action to close the road. If one or more property owners are not in favor of the road closing, Lexington County will discontinue the procedure for closing.

Please indicate your response by checking the appropriate box and signing. Please return the signed letter in the envelope provided.

If you have any questions or comment please call me at 785-8201

Sincerely,

Paul Dorroh
Engineering Associate

- I do agree with the closing of Tarragon Drive
- I don't agree with the closing of Tarragon Drive

Print Name VERNON E Elders

Signature Vernon Elders Date 4/28/05



COUNTY OF LEXINGTON
PUBLIC WORKS DEPARTMENT
ENGINEERING



April 21, 2005

RE: Closing of dirt portion of Tarragon Drive

Jimmy R. and Mari Thornton
223 Tarragon Drive
Lexington, SC 29072

TMs #: 004419-07-001

Dear Residents:

A request has been made to Lexington County Public Works to close the dirt portion of Tarragon Drive. Before the County may proceed with this action, all property owners on the dirt portion of this road must grant permission. This letter is an attempt to ensure all persons owning property along the road have an opportunity to agree prior to the County bringing any action to close the road. If one or more property owners are not in favor of the road closing, Lexington County will discontinue the procedure for closing.

Please indicate your response by checking the appropriate box and signing. Please return the signed letter in the envelope provided.

If you have any questions or comment please call me at 785-8201

Sincerely,

Paul Dorroh
Engineering Associate

I do agree with the closing of Tarragon Drive

I don't agree with the closing of Tarragon Drive

Print Name

Jimmy Thornton

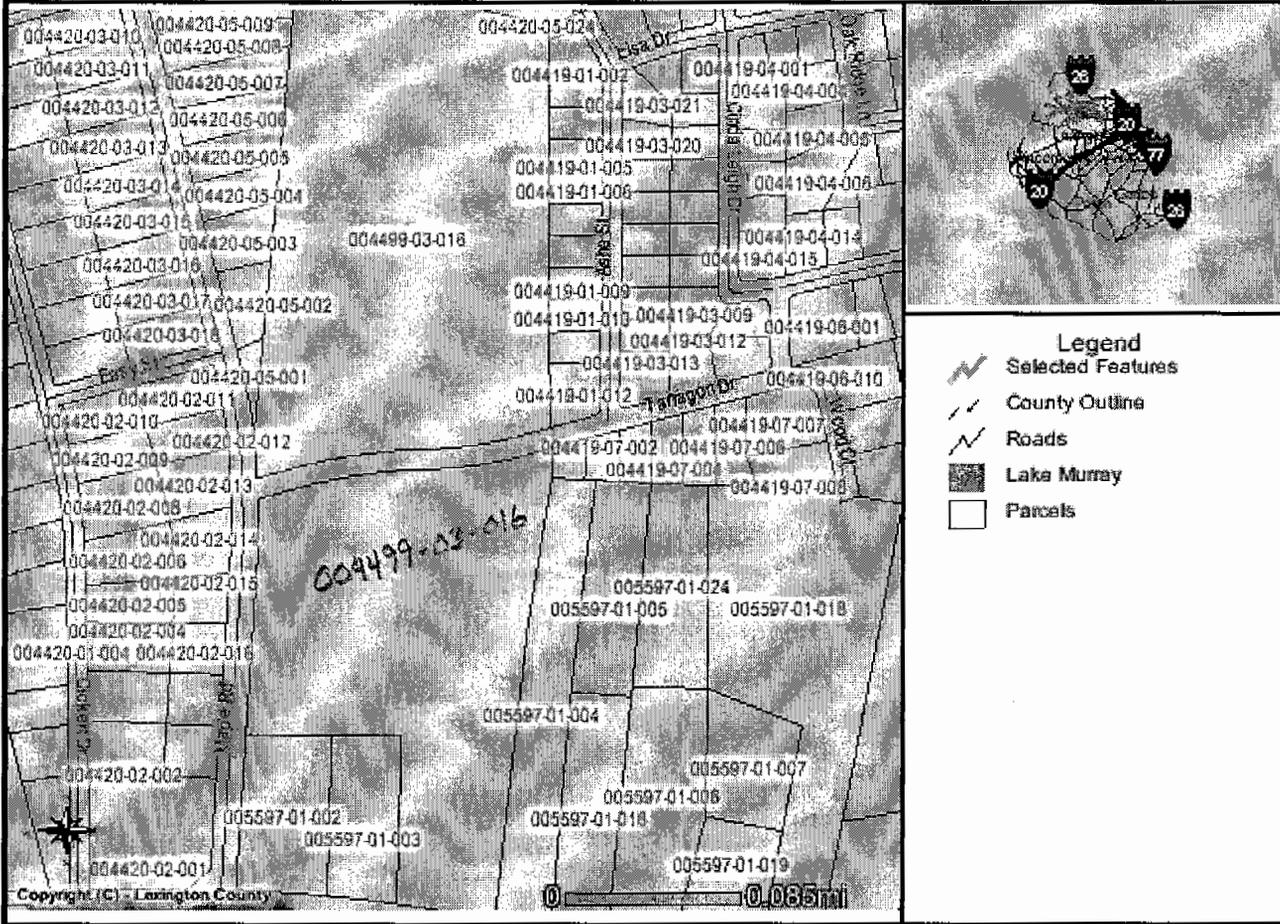
Signature

[Handwritten Signature]

Date

4-26-05

ArcIMS HTML Viewer Map



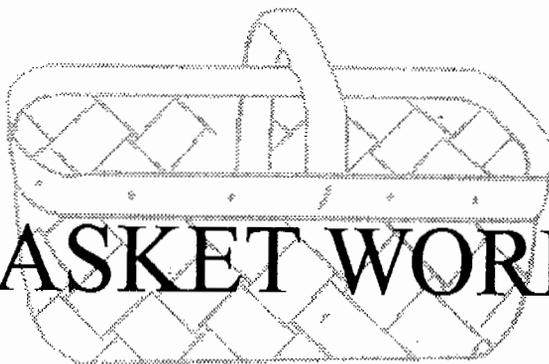
Hi-Lited section has been pursued for closing
at the request of Vicki Quattlebaum
CD 4

Dirt portion of Tarragon Drive 805'



Located in Council District 4

cc: Council 5/17/05



ROOF BASKET WORKS, INC.

1514 Pisgah Church Road; Lexington, S. C. 29072
1-800-368-8425 Phone (803) 359-6808 Fax 803-359-5661

Lexington County Council
County Administration Building
212 South Lake Drive
Lexington, SC 29072



May 16, 2005

We in the basket business are fighting for our very existence. When our parents started in 1946 there were over four hundred basket manufacturers in the United States. Now there are less than ten that we aware of in the basket manufacturing business. We are trying to keep our business in Lexington County alive and operating. We like other businesses in America are facing higher prices on almost everything we need to be productive. This does not include the fixed cost of insurance, taxes and benefits for over fifty employees with a payroll of 1.2 million per year. We need relief.

We desperately need warehouse space in order to fill the needs of our customers. We now rent warehouses in Leesville and Gaffney, but the cost of handling is making that more and more expensive. We need warehouse space at our facility. Going through the procedure to build we find that the county requirements make this a very expensive proposition.

We are asking assistance in whatever form available on the installation of a fire hydrant at 1514 Pisgah Church Road, Lexington SC, our manufacturing facility. The new fire hydrant would be at our new warehouse so in the event of a fire at this facility the fire could be contained. This is necessary for the safety of the business and neighbors.

We have been at this location for fifty nine years and have not asked for assistance from anyone. After observing and reading about what the county does for new businesses locating here and only staying for a few years we feel that we are a pretty good investment.

While our proposed warehouse will not add any jobs at this time it may allow us to add jobs in our manufacturing facility later because we will have the additional space to warehouse our product.

Thank you for your time and consideration. I am available to take your calls at anytime at 359-6808.

Sincerely,
Terry C. Roof
Terry C. Roof



May 12, 2005

MEMORANDUM

To: Steve Mann
JMWSC

Fr: Guy Schmoltze, P.E.
JMWSC

Re: Roof Basket Works
Fire Protection

As requested, I met with Richard Roof concerning the expansion of their facility and the possible need of a fire line to be extended onto their property. Mr. Roof has a hearing with the County with regards to fire sprinkler system being installed in the proposed building. He also expressed that he would not build the building should the County require it to be equipped with a fire sprinkler system. From the information he presented to me, it appears that a fire hydrant will have to be installed near the southwest corner of their existing building. This will require the installation of approximately 600 linear feet of six inch water main as well as a backflow prevention device. From construction pricing we have experienced in the past few months, it is my opinion that this extension may cost as much as \$40,000. It should be noted that this figure does not include the Commission's tap fee of \$5,460.

Should you have any further questions, please give me a call at 359-8373.





COUNTY OF LEXINGTON, SOUTH CAROLINA

RESOLUTION

THE COUNCIL FOR THE COUNTY OF LEXINGTON, SOUTH CAROLINA, MEETING IN GENERAL SESSION THE 14TH DAY OF JUNE, TWO THOUSAND AND FIVE ADOPTED THE FOLLOWING:

WHEREAS, Homeland Security Directive (HSPD)-5, establishes the National Incident Management System (NIMS) to provide a consistent nationwide approach for agencies at all levels to efficiently prevent, prepare for, respond to, and recover from domestic incidents regardless of cause, size or complexity; and

WHEREAS, emergency response to critical incidents whether natural or manmade, requires integrated professional management; and

WHEREAS, NIMS has been identified by the Federal Government as being the requisite emergency management system for all political subdivisions; and

WHEREAS, NIMS will enhance county readiness, streamline incident management and maintain first responder safety; and

WHEREAS, the Incident Command System components of NIMS are already an integral part of incident management and training operations throughout Lexington County; and

WHEREAS, adoption of NIMS is a requisite to receive federal funding to reimburse Lexington County for costs expended during and after a declared emergency or disaster and for training and preparation for such disasters or emergencies.

NOW, THEREFORE, BE IT RESOLVED by the Lexington County Council, that Lexington County adopts the NIMS concept of emergency planning and unified command. It shall further be the policy of the County to train public officials responsible for emergency management.

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

ATTEST:

Diana W. Burnett, Clerk

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

June 14, 2005

DISTRICT 1 - VACANT

Library Board - D. Joanne Clark - Term expires 9/26/05 - Eligible for reappointment

BILLY DERRICK

Library Board - Frances "Susie" Hendrix - Term expires 9/26/05 - Eligible for reappointment

Planning Commission - Michael N. Shealy - Term expires 8/26/05 - Eligible for reappointment

DEBBIE SUMMERS

Assessment Appeals Board - Linda S. Ham - Term expires 9/21/05 - Eligible for reappointment

Planning Commission - L. Todd Sease - Term expires 8/26/05 - 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

Library Board - Donna J. Bower - Term expires 9/26/05 - Eligible for reappointment

JOHN CARRIGG

Accommodations Tax Board - Kathy Rabune (to replace Angela Ecton) - Term expires 12/31/06

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

Assessment Appeals Board - Paige Hicks - Term expires 9/21/05 - Eligible for reappointment

Children's Shelter - James E. Murray - Term expires 6/30/05 - Eligible for reappointment

Library Board - William L. Coleman, Jr. - Term expires 9/26/05 - Eligible for reappointment

TODD CULLUM

Accommodations Tax Board - David S. Murray (to fill vacancy) - 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

Engineering - Todd F. Swygert - Term expires 8/13/05 - Eligible for reappointment

Architect - John Derrick - Term expires 8/13/05 - Not eligible for reappointment

Contractor - Robert F. Murray - Term expires 8/13/05 - Eligible for reappointment

REGIONAL TRANSIT AUTHORITY

At-Large Appointment (no term limit)

Andrew R. Gambrell (Resigned)

Lowell C. Spires, Jr.

LEXINGTON COUNTY COUNCIL
BOARD/COMMISSION NOMINATION FORM

Name of Board/Commission: Accommodations Tax Advisory Board
 Nominee: Kathy Rabune
 Address: 221 Conrad Circle (Hm) Coln 29212
 Employed by: IMIC Hotels
 Address: PO Box 21427 (wk) Coln SC 29221-1427
 Home Telephone: 781-4237 Business Telephone: 772-2629
 Mobile Phone: _____ Beeper Number: _____
 Fax Number: 750-8478

Is nominee aware of board/commission activities and responsibilities: Yes

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

I am employed with IMIC Hotels and have been with the company for 19 years. I graduated from Irmo High School and the University of South Carolina where I majored in Marketing and Management with a double major in Hotel, Restaurant, and Tourism. Our company has participated with the United Way Campaign, American Cancer Society, American Heart Association, Diabetes Foundation and others over the years. I have served on the Greater Columbia Chamber of Commerce Board, Committee of 100 Board which is part of the Central Carolina Economic Development Alliance, and the American Red Cross Board. I have also participated on various committees organizations.

Submitted by: Kathy P. Rabun
 Date: 5/25/05

Lexington County Council
 Telephone 803-785-8103
 FAX - 803-785-8101

Post-it* Fax Note	7671	Date	3/2/05
To	DAVID MURRAY	From	DA BLACK

**LEXINGTON COUNTY COUNCIL
BOARD/COMMISSION NOMINATION FORM**

Name of Board/Commission: Accommodations Tax Board

Nominee: DAVID S. MURRAY JR.

Address: 1065 TARRYTOWN LN. SPRINGDALE S.C. 29170

Employed by: MURRAY'S NEIGHBORHOOD GRILL & BAR "OWNER OPERATOR"

Address: 2433 CHARLESTON HWY. CAYCE S.C. 29033

Home Telephone: 794-4217 Business Telephone: 926-1809

Mobile Phone: 315-9137 Beeper Number: NONE

Fax Number: 926-8344 "Non-dedicated"

Is nominee aware of board/commission activities and responsibilities: YES

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

GRADUATE B.C.H.S. 1968 - 2 YRS USC COLN. S.C. "ACCOUNTING"

THREE RIVERS ALLIANCE "BOARD MEMBER" 1998 THROUGH 2003

ZONING BOARD OF APPEALS - CAYCE - 1997 TO PRESENT "BOARD MEMBER"

LEXINGTON COUNTY SHERIFF'S ADVISORY COUNCIL - 2001 TO PRESENT "BOARD MEMBER"

C.E.R.T. COMMITTEE - CHAIRMAN - LEX. COUNTY - OCT 04 TO PRESENT

Submitted by: David S. Murray Jr. Pm Todd Callum

Date: 3-2-2005

Lexington County Council

FAX - 359-8101

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

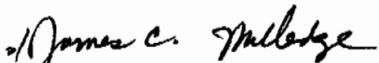
Ms. Juanice Aaron
4465 Highway 321, SC-7,
Gaston, South Carolina 29053

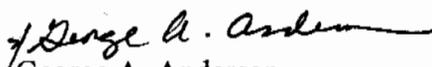
Area Representing

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, Chairman


George A. Anderson
Executive Director



PROGRAM AREAS:

CENTRAL OFFICES LOCATED AT
291 BEAUFORT STREET, NE

INDIRECT COST • WORKFORCE INVESTMENT ACT • COMMUNITY SERVICES BLOCK GRANT
WEATHERIZATION • HEAD START • RETIRED SENIOR & VOLUNTEER • ENERGY ASSISTANCE
WELFARE TO WORK • FOSTER GRANDPARENT



COUNTY OF LEXINGTON
Procurement Services

MEMORANDUM

(O) 785-8319

(F) 785-2240

DATE: June 3, 2005

TO: Art Brooks, County Administrator

THROUGH: Sheila R. Fulmer, CPPB
Procurement Manager



FROM: Donna J. Harris, CPPB
Procurement Officer



SUBJECT: Type III Barricades - Sheriff's Department
Bid No. B05034-04/07/05H

Invitations for Bids were advertised and solicited from qualified vendors for ninety-two (92) Type III Barricades for the Sheriff's Department. The barricades are being purchased with Homeland Security Grant funds and require no matching funds from the County. This equipment will be used to block off areas from the public during disasters or terrorism events. We received nine (9) bids and three (3) no bids (see attached bid tab).

Bids were evaluated by Neil Ellis, Emergency Management Coordinator and Donna J. Harris, Procurement Officer. The grant procedures have been approved by the South Carolina Law Enforcement Division (SLED). It is our recommendation to award the barricades to Safety Plus, Incorporated as being the lowest responsible bidder. The total bid for this procurement is \$27,461.63 which includes shipping and applicable sales tax.

Funds are appropriated in the following account:

#2476-151200-5A5241
Barricades & Cones

State Homeland Security Grant
\$27,461.63

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 June 14, 2005.

Attachment

copy: Larry Porth, Director of Finance / Assistant County Administrator
Bruce E. Rucker, Assistant Sheriff / Director of Public Safety and Homeland Security
Chief Keith R. Kirchner, Assistant Sheriff
Neil Ellis, Emergency Management Coordinator
Major Scott Prill, Sheriff's Department
Sylvia Dillon, Sheriff's Department

COUNTY OF LEXINGTON

BID TABULATION SHEET

BID: B05034-04/07/05H

DATE: June 3, 2005

PROJECT: Type III Barricades - Sheriff's Department

Bidder	92 Each Type III Barricades	Taxes	Total Price
Custom Products Corporation	\$ 25,624.76	\$ 1,537.49	\$ 27,162.25
Safety Plus, Incorporated	\$ 25,907.20	\$ 1,554.43	\$ 27,461.63
Flasher Flare South East, Incorporated	\$ 26,588.00	\$ 1,595.28	\$ 28,183.28
B. C. Cannon Company, Incorporated	\$ 29,702.20	\$ 1,782.13	\$ 31,484.33
Richland Industrial, Incorporated	\$ 31,537.60	\$ 1,892.26	\$ 33,429.86
MTS Safety Products	\$ 31,887.20	\$ 1,913.23	\$ 33,800.43
Hall Signs, Incorporated	\$ 32,879.92	\$ 1,972.80	\$ 34,852.72
Safety Zone Specialists, Incorporated	\$ 33,184.40	\$ 1,991.06	\$ 35,175.46
Safety Products, Incorporated	\$ 33,513.36	\$ 2,010.80	\$ 35,524.16

Low bid response received from Custom Products Corporation does not meet our specifications.

No bid response was received from Grainger, Incorporated; Dillon Supply and Protective Services stating that they are unable to meet specifications.

Recommend award to Safety Plus, Incorporated as the lowest responsible bidder.

Bids Opened: April 07, 2005 at 3:00 p.m.



Donna J. Harris, CPPB
Procurement Officer



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

Chairman

ATTEST:

Diana W. Burnett, Clerk

First Reading:

Second Reading:

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 of Charlie Compton]

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

5 / 19 / 05 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.

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.

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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~~-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.

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: _____

ORDINANCE 05-04
AN ORDINANCE ADOPTING AN ANNUAL BUDGET FOR
FISCAL YEAR 2005-06

WHEREAS, South Carolina Code § 4-9-120 and § 4-9-130 require that County Council shall adopt an annual budget; and

WHEREAS, the annual budget shall be based upon estimated revenues and shall provide appropriations for County operations and debt service for all County departments and agencies.

NOW, THEREFORE, be it ordained and enacted by the Lexington County Council as follows:

SECTION 1 - GENERAL

The fiscal year 2005-06 County budget for Lexington County, South Carolina, a copy of which is attached hereto and incorporated herein by way of reference, is hereby adopted.

SECTION 2 - COUNTY OPERATIONS TAX LEVY

There shall be levied, for County operations on all taxable property in Lexington County, sufficient taxes to fund the referenced budget in the number of mills allowed in Code Section 6-1-320.

SECTION 3 - DEBT SERVICE TAX LEVY

The County Auditor is hereby authorized and directed to levy millages for all county and special district debt service funds in amounts sufficient to retire their respective debts.

SECTION 4 - MILLAGE AGENCY TAX LEVY

There shall be levied, for millage agencies (Lexington County Recreation and Aging Commission, Irmo-Chapin Recreation Commission, Midlands Technical College, Riverbanks Park, Irmo Fire District) on all taxable property in their respective districts, sufficient taxes to fund their respective budgets in the number of mills, allowed in Code Section 6-1-320.

SECTION 5 - BUDGETARY ESTIMATES

Anticipated revenues are stated as estimates and the respective appropriations are maximum and conditional. Should actual funding sources for any such fund be less than projected, the Administrator shall reduce budgeted expenditures attributable to said fund.

SECTION 6 - BUDGETARY CONTROL

Departments and/or other organizational units are bound to the appropriated expenditures incorporated herein. Upon the written request of the department head, the County Administrator, or his designated representative, is hereby authorized to effect transfers between line items.

Any departments which overspend their spending levels for two consecutive months shall have sufficient personnel in their department removed from the County payroll to fully compensate, prior to June 30, 2006, the impending overrun.

SECTION 7 - LINE ITEM CARRYOVERS

Any line items previously appropriated and/or properly encumbered as of June 30, 2005, shall be carried forward as an appropriation of fiscal year 2005-06 upon the recommendation of the County Administrator, and by passage of a budgetary amendment resolution by County Council.

SECTION 8 - NEW GRANTS

Grant funds applied for or received after the budget year, and therefore not stated in this budget ordinance, shall, by passage of a budgetary amendment resolution by County Council authorizing the acceptance of the grant and its appropriations, be accounted for in appropriate special revenues funds. The specific grant provisions shall direct the manner of expenditure of these funds.

SECTION 9 - OTHER MISCELLANEOUS RECEIPTS

Revenues other than those originally budgeted may be expended as directed by their respective revenue source after they are accepted and appropriated by the County Council by passage of the budgetary amendment resolution. Such funds include, but are not limited to, contributions, donations, special events, insurance and similar recoveries. These funds may be appropriated for any costs or overruns or new projects upon approval of County Council.

SECTION 10 - LINE OF CREDIT AUTHORIZATION

From time to time it may be necessary for the administration of the County (or any other agency for which the county levies taxes) to borrow in anticipation of tax revenues to guarantee continuity in regular operations. To provide for such contingencies, the administration of the county (or the respective agencies) is hereby authorized to borrow in anticipation of ad valorem tax collections. Such authorization may only be exercised upon certification of need by both the County Treasurer and the Finance Director (or the CEO of the agency and the Chief Financial Officer) and any amount borrowed must be obtained at the lowest possible interest rate and repaid as quickly as practical.

SECTION 11 - SEVERABILITY

If for any reason any provision of this Ordinance shall be declared invalid or unconstitutional, such shall not affect the remaining provisions of this Ordinance.

This Ordinance shall become effective July 1, 2005.

Enacted this _____ day of _____, 2005.

M. Todd Cullum, Vice Chairman

ATTEST:

Diana W. Burnett, Clerk

First Reading:

Second Reading:

Public Hearing:

Third & Final Reading:

Filed w/Clerk of Court:

A RESOLUTION

ORDERING A PUBLIC HEARING TO BE HELD FOR THE PURPOSE OF DETERMINING WHETHER IT MAY BE IN THE INTEREST OF THE LEXINGTON COUNTY RECREATION DISTRICT FOR THE COUNTY COUNCIL OF LEXINGTON COUNTY TO AUTHORIZE THE LEXINGTON COUNTY RECREATION DISTRICT TO ISSUE GENERAL OBLIGATION BONDS IN AN AMOUNT NOT EXCEEDING \$17,000,000 AND GENERAL OBLIGATION REFUNDING BONDS IN AN AMOUNT NOT EXCEEDING \$17,000,000; PROVIDING FOR NOTICE OF A PUBLIC HEARING; AND OTHER MATTERS RELATING THERETO.

BE IT RESOLVED BY THE COUNTY COUNCIL OF LEXINGTON COUNTY, SOUTH CAROLINA, AS FOLLOWS:

SECTION 1. The Lexington County Recreation and Aging Commission (the "Commission") on behalf of the Lexington County Recreation District (the "District"), has filed a petition, dated May 4, 2005 (the "Petition") with the County Council of Lexington County, South Carolina (the "County Council") requesting the County Council:

- (a) accept the filing of the Petition;
- (b) find that it is in the interest of the District for the County Council to authorize the Commission to issue not exceeding \$17,000,000 general obligation bonds (the "General Obligation Bonds") and not exceeding \$17,000,000 general obligation refunding bonds (the "General Obligation Refunding Bonds," together with General Obligation Bonds hereinafter referred to collectively as the "Bonds").
- (c) order a public hearing upon the question of the issuance of the Bonds; and
- (d) enact an ordinance authorizing the Commission on behalf of the District to:
 - (1) issue the General Obligation Bonds in the principal amount of not exceeding \$17,000,000 without the necessity of an election upon the question of the issuance of such general obligation bonds in anticipation of improvements and enlargements to the District pursuant to the provisions of Title 6, Chapter 11, Article 5, Code of Laws of South Carolina, 1976, as amended.
 - (2) issue the General Obligation Refunding Bonds without the necessity of an election upon the question of the issuance of such refunding bonds, for the purpose of refunding the Series 1997 Bonds and certain maturities of the Series 1999 Bonds of the District (the "Refunded Bonds"), pursuant to the provisions of Title 6, Chapter 11, Article 5,

Code of Laws of South Carolina, 1976, as amended, and Sections 11-21-10 to 11-21-80 of the Code of Laws of South Carolina, 1976, as amended, which empowers the District to utilize Title 11, Chapter 15, Article 5 (the "Refunding Act") to effect the refunding of the Refunded Bonds; and

SECTION 2. The County Council hereby accepts the filing of the Petition, attached hereto as Exhibit A, and its provisions are incorporated herein by reference.

SECTION 3. The County Council hereby finds and determines that it may be in the interest of the District to issue the General Obligation Bonds in anticipation of improvements and enlargements to the District providing such issuance can be repaid from debt service millage which shall not exceed 1.5 mills. The County Council hereby finds and determines that it may be in the interest of the District to refund the Refunded Bonds, to take advantage of prevailing market conditions and the tax-exempt low interest rates available through the issuance of the General Obligation Refunding Bonds at such time as market conditions would from time to time effect a substantial savings.

As required by Section 6-11-830, the County Council hereby orders a public hearing to be held upon the question of the issuance of the Bonds in Council Chambers, 212 S. Lake Drive, Lexington, South Carolina, at 6:00 p.m. South Carolina time on July 12, 2005, or such other date and time as shall be set.

SECTION 4. Notice of such public hearing shall be published once a week for three (3) successive weeks in a newspaper of general circulation in Lexington County, South Carolina.

The Notice of Public Hearing shall be in substantially the following form:

(FORM OF NOTICE OF PUBLIC HEARING)

NOTICE OF PUBLIC HEARING
COUNTY COUNCIL OF LEXINGTON COUNTY
LEXINGTON, SOUTH CAROLINA

Notice is hereby given that a public hearing will be held by the County Council of Lexington County, South Carolina (the "County Council"), in Council Chambers, 212 S. Lake Drive, Lexington, South Carolina, at 6:00 p.m. South Carolina time on July 12, 2005.

The purpose of such public hearing is to make a finding as to whether it may be in the interest of the Lexington County Rural Recreation District (the "District") to authorize the District to issue general bonds of the District in the principal amount of not exceeding \$17,000,000 (the "General Obligation Bonds") and to issue general obligation refunding bonds in the principal amount of not exceeding \$17,000,000 (the "General Obligation Refunding Bonds") (hereinafter referred to, collectively, as the "Bonds"). The General Obligation Bonds are to be issued in anticipation of improvements and enlargements to the District. The General Obligation Refunding Bonds are to be

issued to refund the Series 1997 Bonds and certain maturities of the 1999 Bonds (referred to hereinafter as the "Refunded Bonds") at such time as market conditions would effect a substantial savings on the interest to be paid on the Refunded Bonds through the competitive sale of the General Obligation Refunding Bonds taking advantage of the present low interest rate tax-exempt market conditions.

For the payment of the principal and interest on the Bonds, as they respectively mature, and for the creation of such sinking fund as may be necessary to provide for the prompt payment thereof, the full faith, credit, taxing power and resources of the District shall be irrevocably pledged, and there shall be levied annually by the Auditor of Lexington County and collected by the Treasurer of Lexington County, in the same manner as county taxes are levied and collected, a tax without limit on all taxable property of the District sufficient to pay the principal and interest on the Bonds as they respectively mature and to create such sinking fund as may be necessary therefor.

Both proponents and opponents of the proposed action shall be given full opportunity to be heard.

s/ _____
Clerk, County Council of Lexington County,
South Carolina

SECTION 5. Following the aforesaid public hearing, the County Council shall make a finding as to whether and to what extent Bonds of the District should be issued and may thereupon authorize the Commission to issue the Bonds to the extent the County Council shall find necessary.

SECTION 6. The Clerk of County Council shall thereupon cause notice of the action of County Council to be published for three successive weeks in a newspaper of general circulation in Lexington County which shall state (a) the results of the County Council's action, (b) the extent to which Bonds are to be issued and the method to be provided for their payment and (c) whether or not an election shall be ordered in the District upon the question of the issuance of the Bonds.

SECTION 7. Done this _____ day of _____, 2005.

COUNTY COUNCIL OF LEXINGTON COUNTY,
SOUTH CAROLINA

Chairperson

(SEAL)

ATTEST:

Clerk

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)

)
TO: COUNTY COUNCIL OF)
LEXINGTON COUNTY,)
SOUTH CAROLINA)

)

PETITION

This Petition of the Lexington County Recreation and Aging Commission (the "Commission"), on behalf of the Lexington County Rural Recreation District (the "District"), pursuant to Title 6, Chapter 11, Article 5, Code of Laws of South Carolina, 1976, as amended (the "Code"), respectfully shows:

1. The District is a special purpose district created pursuant to the provisions of Act. No. 1201 of the Acts and Joint Resolutions of the General Assembly of the State of South Carolina, Regular Session of 1968, as amended by subsequent acts of the General Assembly (the "Act").

2. The corporate powers and responsibilities of the District are performed by the Commission and as such the Commission is the governing body of the District.

3. The Act committed to the District the power to acquire, by gift, purchase, or through the exercise of eminent domain, lands or interest thereon whereupon to establish physical education and recreation facilities.

4. Article X, Section 14 of the Constitution of the State of South Carolina, 1895, as amended, provides that special purpose districts shall have the power to issue bonded indebtedness only for a purpose which is a public purpose and a corporate purpose in an amount not exceeding eight percent (8%) of the assessed value of all taxable property therein upon such terms and conditions as the General Assembly shall prescribe by general law.

5. Pursuant to the aforesaid provisions of the Code, the county boards of all counties of the State of South Carolina wherein special purpose districts exist are empowered to authorize the governing body of such special purpose district to issue bonds whose proceeds shall be used in furtherance of any power of the special purpose district.

6. The County Council of Lexington County (the "County Council") constitutes a "county board;" the District constitutes a "special purpose district;" the Commission constitutes a "Commission;" the not exceeding \$17,000,000 general obligation bonds (the "General Obligation Bonds") and the not exceeding \$17,000,000 general obligation refunding bonds (the "Refunding Bonds," together with the General Obligation Bonds hereinafter referred to collectively as the "Bonds") constitute "Bonds" as such quoted words are defined in the aforesaid provisions of the Code.

7. In order to provide funds in anticipation of improvements and enlargements to the District, the Commission, on behalf of the District, proposes to issue not exceeding \$17,000,000 General Obligation Bonds of the District.

8. The Commission has determined that it is in the best interest of the District to issue not exceeding \$17,000,000 general obligation bonds in anticipation of improvements and enlargements to the District.

9. Pursuant to such constitutional and statutory authorizations, the Commission on behalf of the District, issued \$7,350,000 General Obligation and General Obligation Refunding Bonds, Series 1997 dated February 1, 1997 (the "Series 1997 Bonds") of which \$3,995,000 is currently outstanding.

10. Pursuant to such constitutional and statutory authorizations, the Commission on behalf of the District, issued \$9,900,000 General Obligation Bonds, Series 1999 dated October 1, 1999 (the "Series 1999 Bonds") of which \$9,755,000 is currently outstanding.

11. Sections 11-21-10 to 11-21-80 of the Code of Laws of South Carolina, 1976, as amended, empower any "public agency" (defined therein to include special purpose districts) to utilize the provisions of Article 5, Chapter 15, Title 11 (the "Refunding Act") of the Code of Laws of South Carolina, 1976, as amended, to effect the refunding of any outstanding general obligation bonds.

12. The District has been advised that from time to time under prevailing market conditions a substantial savings in debt service will result if the Series 1997 Bonds and certain maturities of the Series 1999 Bonds are refunded.

13. In order to refund the Series 1997 Bonds and certain maturities of the 1999 Bonds, the Commission, on behalf of the District, proposes to issue not exceeding \$17,000,000 General Obligation Refunding Bonds of the District.

14. The Commission has determined that it is in the best interest of the District to issue not exceeding \$17,000,000 General Obligation Refunding Bonds of the District to effect the refunding of the Series 1997 Bonds and certain maturities of the Series 1999 Bonds, at such time as market conditions would effect a substantial savings.

Upon the basis of the foregoing, the Commission respectfully requests that the County Council:

- (a) accept the filing of this Petition;
- (b) after due consideration find that it is in the best interest of the District to authorize the Commission to issue the General Obligation Bonds and General Obligation Refunding Bonds;
- (c) order a public hearing upon the question of the issuance of the General Obligation Bonds and General Obligation Refunding Bonds;

(d) enact an ordinance authorizing the Commission on behalf of the District to issue the Bonds without the necessity of an election in the District upon the question of the issuance of such Bonds pursuant to the Code.

Respectfully submitted,

LEXINGTON COUNTY RURAL RECREATION
DISTRICT

By: s/Larry Mack
Chairman, Lexington County Recreation
and Aging Commission

(SEAL)

ATTEST:

Secretary, Lexington County
Recreation and Aging Commission

Dated: May 4, 2005

ORDINANCE NO. 05-06

AUTHORIZING THE LEXINGTON COUNTY RECREATION AND AGING COMMISSION ON BEHALF OF THE LEXINGTON COUNTY RURAL RECREATION DISTRICT TO ISSUE GENERAL OBLIGATION BONDS IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$17,000,000 AND GENERAL OBLIGATION REFUNDING BONDS IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$17,000,000; AND OTHER MATTERS RELATING THERETO.

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

SECTION 1. The County Council (the "County Council") of Lexington County, South Carolina (the "County"), hereby finds and determines:

(a) The Lexington County Recreation and Aging Commission (the "Commission") is the governing body of the Lexington County Rural Recreation District (the "District") and has submitted a petition dated May 4, 2005 to the County Council requesting authorization to issue not exceeding \$17,000,000 principal amount general obligation bonds of the District (the "General Obligation Bonds") and not exceeding \$17,000,000 general obligation refunding bonds of the District (the "General Obligation Refunding Bonds," together with the General Obligation Bonds referred to herein collectively as the "Bonds").

(b) The District was established pursuant to Act No. 1201 of the Acts and Joint Resolutions of the General Assembly of the State of South Carolina, Regular Session of 1968, as amended (the "Act").

(c) The corporate powers and responsibilities of the District are performed by the Commission and as such the Commission is the governing body of the District. The Act committed to the Commission the power to acquire, by gift, purchase or through the exercise of eminent domain, lands, or interest thereon whereon to establish physical education and recreation facilities.

(d) Article X, Section 14 of the Constitution of the State of South Carolina, 1895, as amended, provides that special purpose districts shall have the power to issue bonded indebtedness only for a purpose which is a public purpose and a corporate purpose in an amount not exceeding eight percent (8%) of the assessed value of all taxable property therein upon such terms and conditions as the General Assembly shall prescribe by general law.

(e) The Council constitutes the "county board" of the County and the District constitutes a "special purpose district," as such quoted terms are defined in the Code.

(f) Pursuant to Title 6, Chapter 11, Article 5, Code of Laws of South Carolina, 1976, as amended (the "Code"), the county boards of all counties of the State of South Carolina wherein special purpose districts exist are empowered to authorize the governing body of such special purpose district to issue bonds of the special purpose district whose proceeds shall be used in furtherance of any power of the special purpose district.

(g) Pursuant to the Code the County Council is empowered to authorize the Commission of the District to issue bonds of the District whose proceeds shall be used in furtherance of any power of the District.

(h) The assessed value of all taxable property of the District as of June 30, 2004 is \$515,574,570.00. Eight percent of such assessed value is \$46,045,965.60. The general obligation debt outstanding of the District for computation purposes under Article X, Section 14, of the Constitution of the State of South Carolina, 1895, as amended, is \$13,750,000. No portion of this amount is excluded from the District's present constitutional debt limitation as being incurred prior to the date of the effective date of Article X of the Constitution (November 30, 1977). In determining the District's Constitutional debt limitation \$13,750,000 is considered. Thus, the District may incur \$32,295,965.60 of general obligation debt within its applicable debt limitation.

(i) It is now in the best interest of the District for the Commission to provide for the issuance and sale of the General Obligation Bonds of the District pursuant to the aforesaid provisions of the Constitution and laws of the State of South Carolina in the principal amount of not exceeding \$17,000,000, the proceeds of which will be used for improvements and enlargements to the District and costs of issuance of the General Obligation Bonds.

(j) Pursuant to such constitutional and statutory authorizations, the Commission on behalf of the District, issued \$7,350,000 General Obligation and General Obligation Refunding Bonds, Series 1997 dated February 1, 1997 (the "Series 1997 Bonds") of which \$3,995,000 is currently outstanding.

(k) Pursuant to such constitutional and statutory authorizations, the Commission on behalf of the District, issued \$9,900,000 General Obligation Bonds, Series 1999 dated October 1, 1999 (the "Series 1999 Bonds") of which \$9,755,000 is currently outstanding.

(l) Sections 11-21-10 to 11-21-80 of the Code empower any "public agency" (defined herein to include the District) to utilize the provisions of Title 11, Chapter 15, Article 5 (the "Refunding Act") of the Code to effect the advanced refunding of any outstanding general obligation bonds.

(m) The Series 1997 Bonds maturing on or after February 1, 2006 are subject to redemption, at the option of the District on and after February 1, 2005 at any time as a whole or in part in such order of maturity as the District may determine, at a redemption price of 102% together with interest accrued thereon to the date fixed for redemption.

(n) The Series 1999 Bonds maturing on or after August 1, 2009 are subject to redemption, at the option of the District on and after August 1, 2008, at any time as a whole or in part in such order of maturity as the District may determine, at a redemption price of 101% together with interest accrued thereon to the date fixed for redemption.

(o) The District has been advised that from time to time under prevailing market conditions a substantial savings in debt service will result if the Series 1997 Bonds and certain maturities of the 1999 Bonds are refunded. Because the Refunding Act requires that refunding bonds be sold at public sale there can be no assurance that market conditions at the date of sale will be similar to the market conditions and prevailing rates at the time of enactment of this Ordinance. If the rates of interest submitted at competitive sale for the refunding bonds authorized by this Ordinance do not result in satisfactory debt service savings, the Commission can and will be empowered to reject bids for the purchase of the General Obligation Refunding Bonds.

(p) Prior to the enactment of this Ordinance, County Council shall hold a public hearing on the question of the issuance of the Bonds as required by Section 6-11-830, Code of Laws of South Carolina 1976 as amended.

(q) It is now in the best interest of the District for the Commission to provide for the issuance and sale of the General Obligation Refunding Bonds of the District pursuant to the aforesaid provisions of the Constitution and laws of the State of South Carolina in the principal amount of not exceeding \$17,000,000 to effect the refunding of the Series 1997 Bonds and certain maturities of the Series 1999 Bonds at such time as market conditions would effect a substantial savings.

SECTION 2. Pursuant to the aforementioned constitutional and statutory provisions, the Commission, on behalf of the District, is hereby authorized to issue (1) General Obligation Bonds of the District in anticipation of improvements and enlargements of the District and (2) General Obligation Refunding Bonds of the District for the purpose of refunding the Series 1997 Bonds and certain maturities of the 1999 Bonds. The General Obligation Bonds and the General Obligation Refunding Bonds shall be dated, shall mature, shall be in such denomination, shall bear such interest, shall be subject to redemption, shall be executed and shall contain such other provisions as the Commission shall determine.

SECTION 3. No election shall be held as a condition to the issuance of the General Obligation Bonds and the General Obligation Refunding Bonds.

SECTION 4. For the payment of the principal and interest on the Bonds as they respectively mature, and for the creation of such sinking fund as may be necessary to provide for the prompt payment thereof, the full faith, credit, taxing power and resources of the District shall be irrevocably pledged, and there shall be levied annually by the Auditor of Lexington County and collected by the Treasurer of Lexington County, in the same manner as county taxes are levied and collected, a tax without limit on all taxable property of the District sufficient to pay the principal and interest on the Bonds as they respectively mature and to create such sinking fund as may be necessary therefor.

SECTION 5. The Commission is authorized to do all things necessary or convenient in accordance with applicable law to effect the issuance of the General Obligation Bonds and the General Obligation Refunding Bonds at such times as it deems necessary and in the interest of the District.

SECTION 6. Following the enactment of this Ordinance, a Notice in substantially the form attached as Exhibit A shall be published in a newspaper of general circulation in the County for three successive weeks.

SECTION 7. All orders, resolutions, ordinances and parts thereof, procedural or otherwise, in conflict herewith or the proceedings authorizing the issuance of the General Obligation Bond and the General Obligation Refunding Bonds are, to the extent of such conflict, hereby repealed and this Ordinance shall take effect and be in full force from and after its passage and approval.

SECTION 8. This Ordinance shall become effective upon its enactment.

Enacted this ____ day of _____, 2005.

COUNTY COUNCIL OF LEXINGTON COUNTY,
SOUTH CAROLINA

Chairperson

(SEAL)

ATTEST:

Clerk

Approved:

County Attorney

Date of First Reading:
Date of Second Reading:
Date of Public Hearing:
Date of Third Reading:

FORM OF
NOTICE PURSUANT TO
SECTION 6-11-870, CODE OF LAWS
OF SOUTH CAROLINA, 1976, AS AMENDED,
OF APPROVAL BY THE COUNTY COUNCIL
OF LEXINGTON COUNTY, SOUTH CAROLINA
OF THE ISSUANCE OF
NOT EXCEEDING \$17,000,000 GENERAL OBLIGATION BONDS
AND NOT EXCEEDING \$17,000,000 GENERAL OBLIGATION REFUNDING BONDS
OF THE LEXINGTON COUNTY RURAL RECREATION DISTRICT

On May 4, 2005, the Lexington County Recreation and Aging Commission (the "Commission") on behalf of the Lexington County Rural Recreation District (the "District") petitioned the County Council of Lexington County, South Carolina (the "County Council") requesting that County Council (a) accept the filing of a Petition; (b) make a finding that it is in the best interest of the District for County Council to authorize the Commission to issue not exceeding \$17,000,000 general obligation refunding bonds (the "General Obligation Bonds") and not exceeding \$17,000,000 general obligation refunding bonds (the "General Obligation Refunding Bonds," together with the General Obligation Bonds hereinafter referred to herein, collectively, as the "Bonds"), (c) order a public hearing upon the question of the issuance of the Bonds of the District; and (d) enact an ordinance authorizing the Commission on behalf of the District to issue Bonds of the District without the necessity of an election in the District upon the question of the issuance of such Bonds.

The County Council caused the required notice to be published in a newspaper of general circulation in Lexington County and on _____ held a public hearing in Council Chambers, Lexington County Administration Building, 212 South Lake Drive, Lexington, South Carolina, on the question of the issuance of the Bonds. The hearing was conducted publicly and both proponents and opponents were given full opportunity to be heard.

The Bonds will be issued at such time as the Commission determines. For the payment of the principal and interest on the Bonds as they respectively mature and for the creation of such sinking fund as may be necessary to provide for the prompt payment thereof, the full faith, credit, taxing power and resources of the District shall be irrevocably pledged, and there shall be levied and collected annually upon all taxable property of the District a tax, without limitation as to rate or amount, sufficient for such purposes.

County Council determined that no election shall be ordered in the District upon the question of the issuance of the Bonds.

Any person affected by the action of the County Council may, by action de novo instituted in the Court of Common Pleas for Lexington County, within twenty (20) days following the last publication of this notice, but not afterwards, challenge the action of the County Council.

Chairman, County Council of Lexington County,

South Carolina