

AGENDA
LEXINGTON COUNTY COUNCIL
Committee Meetings
Tuesday, August 22, 2006
Second Floor - County Administration Building
212 South Lake Drive, Lexington, SC 29072
Telephone - 803-785-8103 -- FAX 803-785-8101

12:20 p.m. - 12:40 p.m. - Public Works

- (1) Legal Closing of a Portion of Clover Road - Public Works - John Fechtel, Director **A**
- (2) New Stormwater Ordinance - Ordinance 06-10 - Public Works - John Fechtel, Director **B**
- (3) Through Truck Prohibition - Calvary Church Road - Public Works - John Fechtel, Director **C**
- (4) Approval of Minutes - Meeting of July 25, 2006 **D**
- (5) Old Business/New Business
- (6) Adjournment

12:40 p.m. - 1:10 p.m. - Solid Waste Landfill

- (1) Strategic Planning - Solid Waste Management - Joe Mergo, Director
- (2) Old Business/New Business
- (3) Adjournment

1:10 p.m. - 1:40 p.m. - Planning and Administration

- (1) Community Development Block Grant (CDBG) Program - Amendment to 2006 Action Plan - Community Development - Ronald Scott, Director **E**
- (2) CDBG Community Advisory Committee - Community Development - Ronald Scott, Director . . **F**
- (3) Community Development Block Grant (CDBG) Program - Consolidated Annual Performance and Evaluation Report (CAPER) - Program Year 2005 (July 1, 2005 - June 30, 2006) - Community Development - George Bistany - Community Development Administrator **G**
- (4) CDBG Minor Housing Repair Program Policies - Community Development - George Bistany - Community Development Administrator **H**
- (5) Approval of Minutes - Meeting of July 25, 2006 **I**
- (6) Old Business/New Business - Midlands Commission on Homelessness
- (7) Adjournment

1:40 p.m. - 1:50 p.m. - Justice

- (1) False Alarm Ordinance - Mr. Bob Brandi, 279 Cedarcrest Drive, Lexington, SC 29072
- (2) Approval of Minutes - Meeting of July 25, 2006 **J**
- (3) Old Business/New Business
- (4) Adjournment

1:50 p.m. - 1:55 p.m. - Health & Human Services

- (1) Grant-in-Aid Program Fiscal Year 2007 - Public Safety/EMS - Brian Hood,
EMS Coordinator **K**
- (2) Approval of Minutes - Meeting of July 25, 2006 **L**
- (3) Old Business/New Business
- (4) Adjournment

1:55 p.m. - 3:25 p.m. - Economic Development

- (1) Project First Park - Inducement Resolution - Economic Development - Al Burns, Director **M**
- (2) Ordinance 06-05 - County General Obligation Bond - Not to Exceed \$13 Million -
Al Burns, Director **N**
- (3) Project Coyote - Economic Development - Al Burns, Director
- (4) Project Herb - Economic Development - Al Burns, Director
- (5) Project Law - Economic Development - Al Burns, Director
- (6) Ordinance 06-11 - An Ordinance to Develop a Joint Industrial/Business Park in Conjunction
with Saluda County - Economic Development - Al Burns, Director **O**
- (7) Approval of Minutes - Meeting of July 25, 2006 **P**
- (8) Old Business/New Business
- (9) Adjournment

3:25 p.m. - 4:15 p.m. - Committee of the Whole

- (1) Resolution in Support of Goodwill Industries of Upper South Carolina, Inc. - JEDA Bonds -
Haynsworth, Sinkler Boyd, P.A. - Robert Galloway, Esq. **Q**
- (2) Joint Resolution Approving the Application of the Town of South Congaree to Join the
Lexington County Joint Municipal Water and Sewer Commission - Mr. William Bull,
Manager and The Honorable Larry Jackson, Mayor, Town of South Congaree **R**
- (3) Requested Change to the 208 Water Quality Management Plan (Sewer) for the Central
Midlands Region - Mr. William Bull, Manager and Mr. Steve Mann, Assistant General
Manager **S**
- (4) Approval of Minutes - Meeting of June 20, 2006 **T**
- (5) Old Business/New Business
- (6) Adjournment

Public Works

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

Solid Waste Landfill

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

Planning & Administration

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

Justice

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

Health & Human Services

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

Economic Development

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

Committee of the Whole

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

REVISED A G E N D A
LEXINGTON COUNTY COUNCIL

Tuesday, August 22, 2006

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

Employee Recognition - Katherine Doucett, County Administrator

Presentation of Resolution

- (1) Gilbert Baseball Team Presented by Councilman Derrick
- (2) Samuel J. Tenenbaum Presented by Councilman Davis and Councilwoman Summers

Appointments **U**

Bids/Purchases/RFPs

- (1) Dell Poweredge Server with Linux Operating System - Clerk of Court **V**
- (2) Fleet Vehicle Replacement - Public Safety/EMS **W**
- (3) Fleet Vehicle Replacements - Public Safety/Fire Service **X**
- (4) Roadway Improvements Roscoe Road - "C" Funds - Public Works **Y**
- (5) New 2007 Chevrolet Tahoe - Sheriff's Department **Z**
- (6) Accurate Compactors - Sole Source Procurement - Solid Waste Management **1**
- (7) Pyramat Matting - Sole Source Procurement - Solid Waste Management **2**
- (8) Construction of South Region Service Center - Public Safety **13**

Chairman's Report

Administrator's Report

Approval of Minutes - Meeting of July 25, 2006 **3**

Zoning Amendments

- (1) Zoning Text Amendment T05-11 - Article 2 - Application of Regulations; Chapter 3, Buffering Restrictions - (Height Regulations) - 3rd and Final Reading 4
- (2) Zoning Text Amendment T06-04 - Article 2 - Application of Regulations; Buffering Restrictions (Golf Courses) - 3rd and Final Reading 5
- (3) Zoning Map Amendment M06-12 - West Side of Charter Oak Road Between US 1 and US 378 - Announcement of 1st Reading 6

Ordinances

- (1) Ordinance 06-05 - County General Obligation Bond - Not to Exceed \$13 Million - 3rd and Final Reading - **Tab N**
- (2) Ordinance 06-09 - An Ordinance to Impose the Provisions as Allowed by South Carolina Code Section 12-37-670 so as to Allow Improvements that are Completed on or Before June 30th to be Taxable for the Period for July 1st to December 31st of That Property Year - 1st Reading 7
- (3) Ordinance 06-06 - Amend the Multi-County Industrial Park with Calhoun County to add Loxcren Property - 3rd and Final Reading 14
- (4) Ordinance 06-07 - Approving the Agreement Between the County of Lexington and Ribeau Entertainment, LLC Regarding Relocation of Hockey Team and Construction of Arena - 3rd and Final Reading 15

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- (1) Lexington County Recreation Request 8
- (2) Legal Closing of a Portion of Clover Road - Public Works - **Tab A**
- (3) Ordinance 06-10 - Stormwater Management Ordinance - 1st Reading - **Tab B**

Planning & Administration, J. Owens, Chairman

- (1) Community Development Block Grant (CDBG) Program - Amendment to 2006 Action Plan - Community Development - **Tab E**
- (2) CDBG Community Advisory Committee - Community Development - **Tab F**
- (3) CDBG Minor Housing Repair Program Policies - Community Development - **Tab H**

Health & Human Services, J. Carrigg, Jr., Chairman

- (1) Grant-in-Aid Program Fiscal Year 2007 - Public Safety/EMS - **Tab K**

Economic Development, J. Jeffcoat, Chairman

- (1) Project First Park - Adoption of Inducement Resolution - **Tab M**
- (2) Ordinance 06-11 - An Ordinance to Develop a Joint Industrial/Business Park in Conjunction with Saluda County - 1st Reading - **Tab O**

Committee of the Whole, T. Cullum, Chairman

- (1) Joint Resolution Approving the Application of the Town of South Congaree to Join the Lexington County Joint Municipal Water and Sewer Commission - **Tab R**

5:30 P.M. - Presentation of Plaque - Dedication of the Dorothy K. Black Council Chambers

6:00 P.M. - Public Hearings

- (1) Zoning Map Amendment M06-06 - Road Classification of Indian River Drive from Local (L) to Residential Local Four (RL4) Road **9**
- (2) Zoning Text Amendment T06-05 - Article 2 - Application of Regulations; Schedule of Permitted Uses, General Requirements, Buffering Restrictions (Kennels) **10**
- (3) Zoning Text Amendment T06-09 - Section 21.10 (Description of Principal Activities) of Article 2, Application of Regulations, and Section 71.20 (Definitions) of Article 7, Mobile Home Parks **11**
- (4) Ordinance 06-04 - Authorizing the Acceptance of the Transfer of Authority for Conducting Municipal Elections in Municipalities within the County of Lexington to the Lexington County Voter Registration and Election Commission **12**

Budget Amendment Resolutions

OLD BUSINESS/NEW BUSINESS

EXECUTIVE SESSION/LEGAL BRIEFING

MATTERS REQUIRING A VOTE AS A RESULT OF EXECUTIVE SESSION

ADJOURNMENT

GUIDELINES FOR PUBLIC HEARINGS

The purpose of the Public Hearing is to obtain comments from proponents and opponents regarding specific subject matter. The floor will be opened by the Chairman who will ask each speaker to provide his/her name, mailing address, including street, city, state, and zip code.

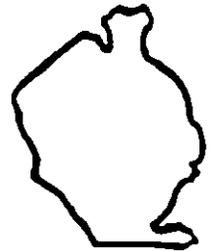
Each speaker is limited to three minutes, unless additional time is granted by the Chairman.

Those in attendance are asked to refrain from disrupting the meeting by making noise of any kind (such as clapping); anyone who disrupts the proceedings will be asked to leave. There shall be no standing head counts of proponents or opponents; County Council is interested in gathering the facts on the particular subject matter.

Everyone is asked to abide by these guidelines, so that the Public Hearing process can proceed smoothly and all who wish to speak have the opportunity to do so.



COUNTY OF LEXINGTON
PUBLIC WORKS DEPARTMENT
ENGINEERING



M E M O R A N D U M

DATE: August 14, 2006

TO: Katherine Doucett
County Administrator

FROM: John Fechtel, Public Works Director
Assistant County Administrator

RE: Legal Closing of a Portion of Clover Road

A "Petition for Closing of Road" was filed to legally close a portion of Clover Road. The attached maps show the general location and a more specific location. Please note the road on Mr. Rodgers' property is a pond-dam road. We have had minor maintenance issues here in the past

Mr. and Mrs. Rodgers, the petitioners, have hired an attorney (see attached) to pursue this legal closure at no cost to Lexington County. Their request is to legally close the portion of the road between Saber Drive and Little Creek Drive, approximately 969 feet in length. We are working with them to establish drainage easements needed for the remainder of the road.

We have also notified Bruce Rucker, Asst. Sheriff and Director of Public Safety, for input from Public Safety. The attached letter indicates Chief Rucker does not object to the partial closing.

We are placing signs on Clover Road to notify the public about the proposed closure this week.

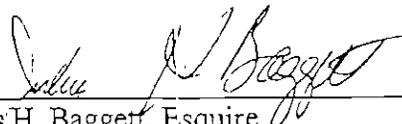
Please place this on the Public Works Committee agenda to be reported out to County Council the same day.

4. That the only other abutting property owner is Mrs. Ann H. Bouknight and a copy of the Petition and Notice have been sent to her by Certified Mail, Return Receipt Requested.

5. That there is no substantial public interest to be served by continuing this road as a public way, and to the contrary, it constitutes a danger in its present state and perhaps imposes an unneeded liability upon the property of the Petitioners.

6. That notice of intention to file this Petition has been published in the Twin City News, a newspaper published in Lexington County, wherein the road is situated.

WHEREFORE, Petitioners pray that the Court order that the foregoing portion of Clover Road be closed and that the title of the property within said roadway be determined by the Court.



Julius H. Baggett, Esquire
P. O. Box 3070
Batesburg-Leesville, SC 29070
(803) 532-4100

Attorney for Petitioners
Phillip Dean Rodgers and
Barbara N. Rodgers

June 12, 2006.

Batesburg-Leesville, South Carolina



County of Lexington
Department of Public Safety



Assistant Sheriff Director of Public Safety

July 21, 2006

Mr. John Fechtel
Director of Public Works
440 Ball Park Rd.
Lexington, SC 29071

Dear Mr. Fechtel:

We received the information in reference to the closing of Clover Rd. After discussion with Sheriff Metts and the Public Safety Department heads, we concur that this is a reasonable request and we have no disputes with closing the named section of Clover Rd. If I can be of further assistance in future endeavors please contact me.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Bruce E. Rucker".

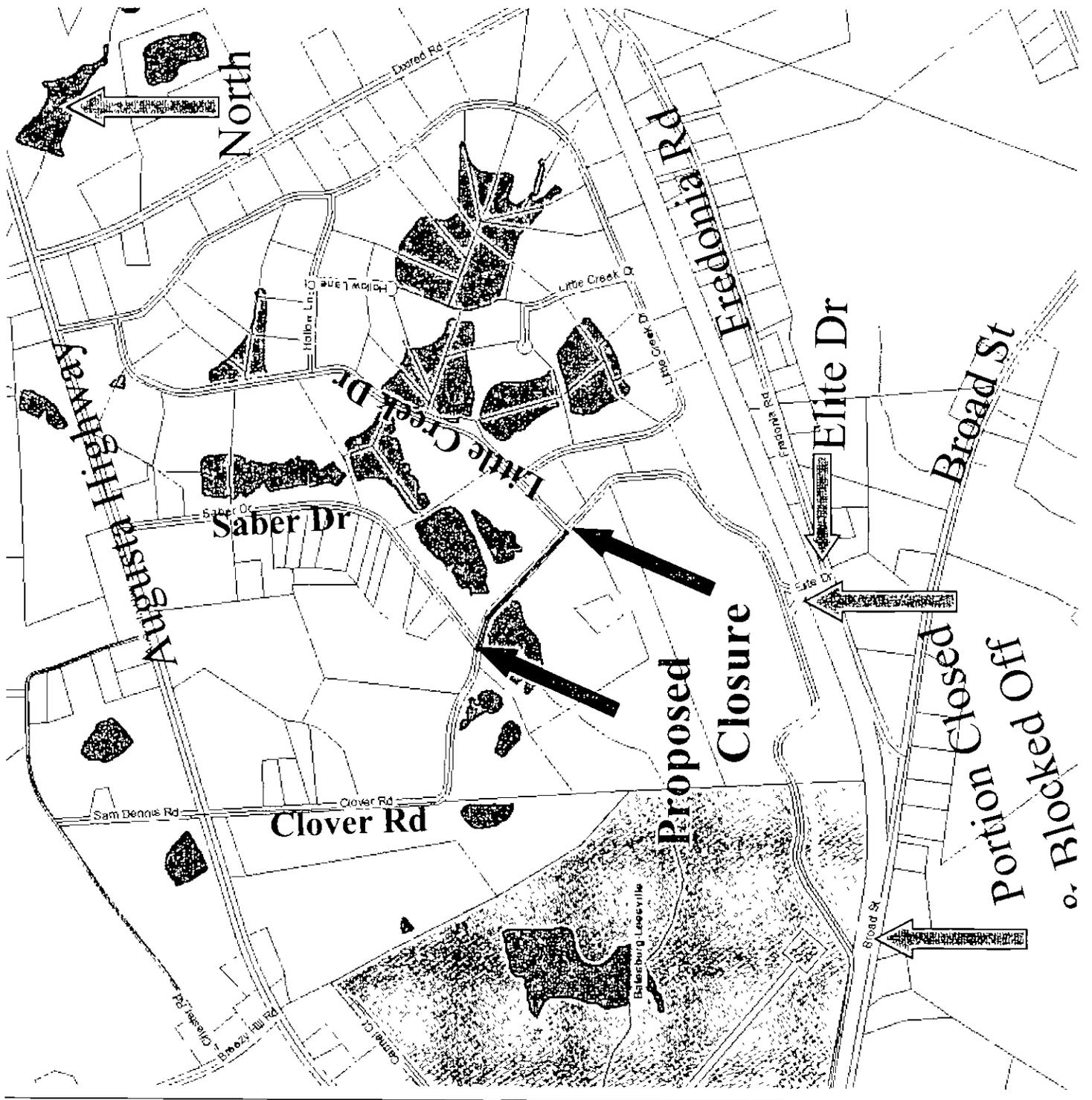
Chief Bruce E. Rucker 549
Lexington County
Assistant Sheriff
Director of Public Safety

212 South Lake Drive • Lexington • South Carolina • 29072
Phone (803) 785-8683 Fax (803) 785-8627
E-Mail lcems@lex-co.com

RECEIVED

JUL 25 2006

LEXINGTON COUNTY
ENGINEERING DEPARTMENT



North

Augusta Highway

Saber Dr

Clover Rd

Proposed Closure

Portion Closed
or Blocked Off

Frederick Rd

Elite Dr

Broad St

Balsburg Leesville

Duxford Rd

Hollow Lane Ct

Little Creek Ct

Sam Dennis Rd

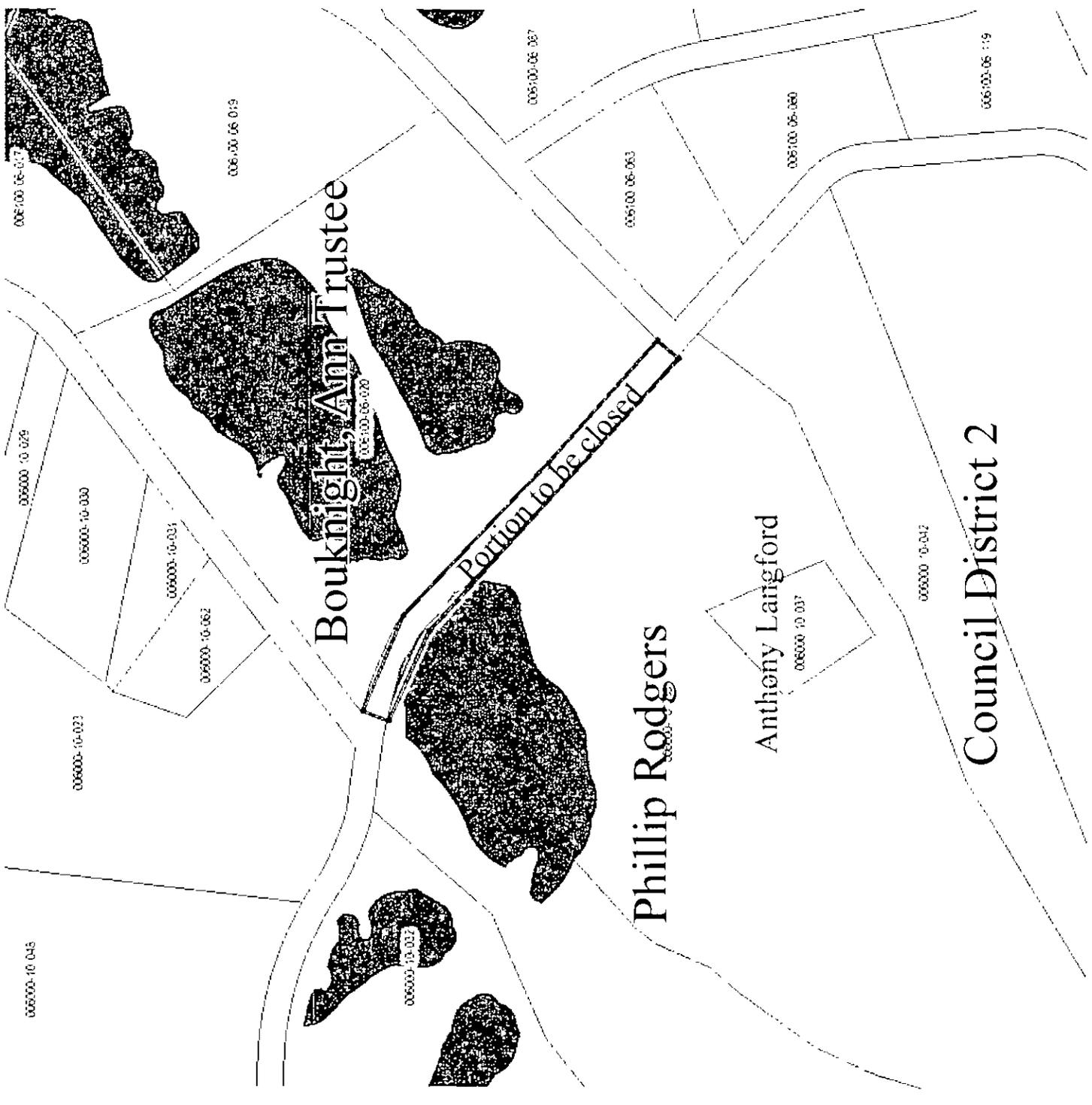
Clover Rd

Classy Rd

Bloody Hill Rd

Carroll Ct

Broad St



Bouknight, Ann Trustee

Phillip Rodgers

Anthony Langford

Council District 2

Portion to be closed

006000-06-017

006000-06-019

006000-06-067

006000-06-063

006000-06-060

006000-06-119

006000-10-029

006000-10-030

006000-10-031

006000-10-062

006000-10-023

006000-06-020

006000-10-045

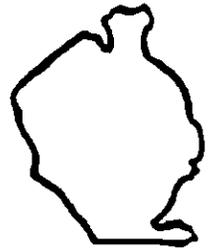
006000-10-027

006000-10-037

006000-10-042



COUNTY OF LEXINGTON
PUBLIC WORKS DEPARTMENT
ENGINEERING



MEMORANDUM

DATE: August 14, 2006
TO: Katherine Doucett
County Administrator
FROM: John Fechtel, Public Works Director
Assistant County Administrator 
RE: New Stormwater Ordinance

Attached is the **draft** of the new Stormwater Ordinance and the existing Stormwater Ordinance. We request first reading on the new draft ordinance at the next County Council meeting on August 22nd.

Developers, engineers and contractors are in the process of reviewing the new draft Stormwater Ordinance to assist us in working through this process.

The new ordinance should satisfy the new NPDES (National Pollution Discharge Elimination System) requirements needed for our Phase II permit and has also been submitted to all of our municipalities for their consideration in our Delegated Review discussions.

/lh

Attachments

ORDINANCE
06-10

Lexington County

Stormwater Management Ordinance

DRAFT

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Criminal Penalties
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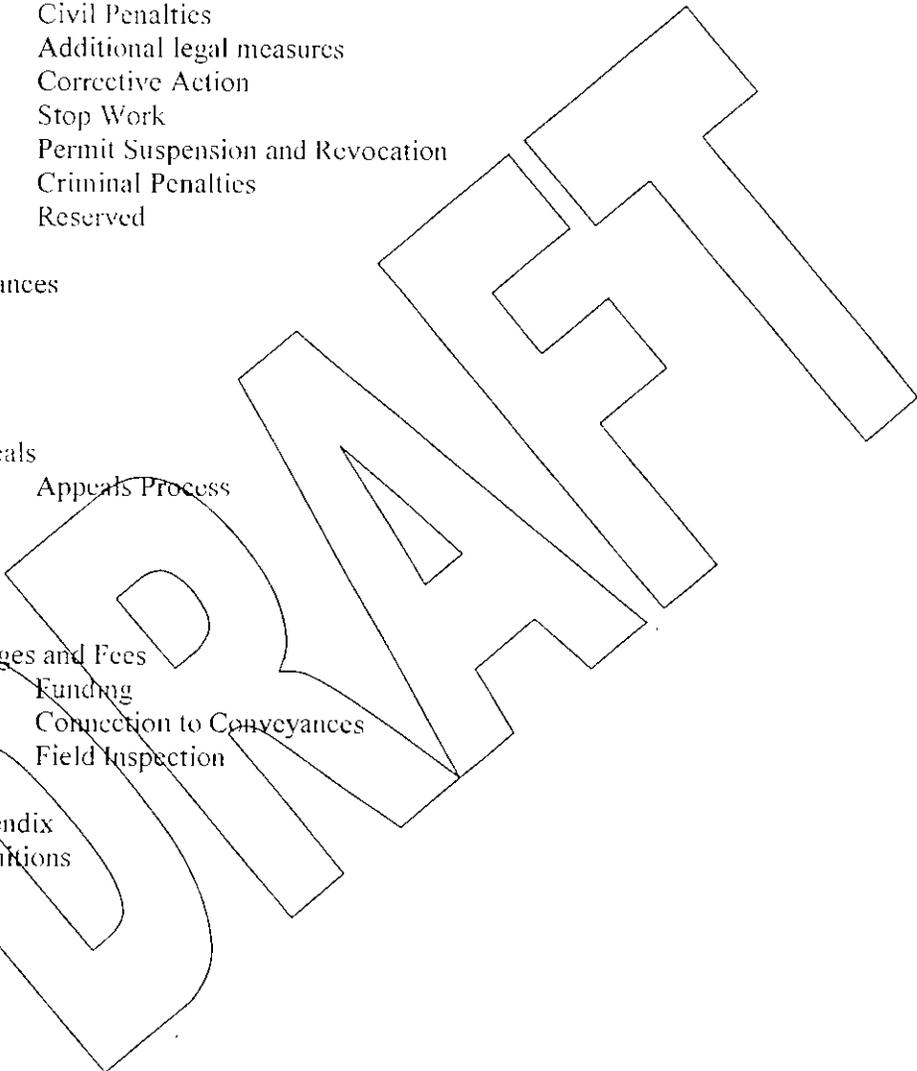
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Division # Appendix
Definitions



DIVISION # – GENERAL PROVISIONS

Sec. #. Title.

This ordinance shall be known as the "Stormwater Management Ordinance of Lexington County, South Carolina

Sec. #. Authority.

This ordinance is adopted pursuant to the authority conferred upon Lexington County by the South Carolina Constitution, Act No. 194 of the Acts and Joint Resolutions of 1971 enacted by the General Assembly of the State of South Carolina, approved April 23, 1971, in 1976 South Carolina Code of Laws Sections 4-9-30, 4-9-40 and Chapter 14, Title 48, as amended, and in compliance with the requirements imposed upon Lexington County by the National Pollutant Discharge Elimination System ("NPDES") Permit No. SCS0000000 issued in accordance with the federal Clean Water Act, the South Carolina Pollution Control Act and regulations promulgated there under

Sec. #. Jurisdiction.

The provisions of this Ordinance shall apply to all lands within the jurisdiction of Lexington County, and those municipalities which, by approval of SCDHEC and by written agreement executed with Lexington County, contract to have these provisions administered within their corporate limits. All lands under the jurisdiction of another entity with the power of eminent domain are exempt from the provisions of this Ordinance, however, such lands are regulated by the SC Department of Health and Environmental Control (SCDHEC), 1976 SC Code of Laws Title 48-18-70 and Code of Regulations 72-300 et seq.

Sec. #. Findings.

The Lexington County Council makes the following findings:

- (a) Uncontrolled stormwater runoff may have significant, adverse impact on the health, safety and general welfare of Lexington County and the quality of life of its citizens. The potential impacts of uncontrolled stormwater can lead to the degradation of water quality and general riverine ecosystem through excessive or illegal pollutant discharges, erosion, and flooding thereby limiting or removing its designated and potential uses.
- (b) Lexington County is required by federal law [33 USC 1342(p) and 40 CFR 122.26] to obtain a National Pollutant Discharge Elimination System permit from the South Carolina Department of Health and Environmental Control ("SCDHEC") for stormwater discharges from the Lexington County Stormwater system. The NPDES permit requires Lexington County to impose controls to reduce the discharge of pollutants in stormwater to maximum extent practicable using management practices, control techniques and system, design and engineering methods, and such other provisions which are determined to be appropriate for the control of such pollutants.
- (c) Additionally, certain facilities that discharge stormwater associated with an industrial activity, including construction activities, are required by the

South Carolina Stormwater Management and Sediment Reduction Act [S.C. Code 48-14-10 et seq.] to obtain NPDES permits for land-disturbances

Sec. #. Purpose.

- (a) It is the purpose of this ordinance to protect, maintain, and enhance water quality and the environment of Lexington County and the short-term and long-term public health, safety, and general welfare of the citizens of Lexington County by establishing requirements and procedures to control the potential adverse effects of increased stormwater runoff and related pollutant loads associated with both future development and existing developed land. Proper management of stormwater runoff will and further the purpose of this Ordinance to minimize damage to public and private property, insure a functional drainage system, reduce the effects of development on land and stream channel erosion, attain and maintain water quality standards, enhance the local environment associated with the drainage system, reduce local flooding, maintain to the predeveloped runoff characteristics of the area in terms of flow rate, volume and pollutant concentration, and facilitate economic development while mitigating associated pollutant, flooding, erosion, and drainage impacts.
- (b) It is further the purpose of this ordinance to comply with the Federal and corresponding state stormwater discharge (NPDES) regulations (40 CFR 122.26 and SC Regulation 61-9 122.26) developed pursuant to the Clean Water Act and to assure Lexington County the authority to take any action required by such regulations to obtain and comply with its NPDES permit for stormwater discharges. Among other things, these regulations require Lexington County to establish legal authority which authorizes or enables Lexington County at a minimum to:
 - (1) Prohibit illicit discharges to the Lexington County MS4 and receiving waters,
 - (2) Control the discharge to the Lexington County MS4 and receiving waters of spills, dumping, or disposal of materials other than stormwater,
 - (3) Address specific categories of non-stormwater discharges and similar other incidental non-stormwater discharges listed in the Stormwater Management Program (SWMP),
 - (4) Require erosion and sediment controls to protect water quality on all new and re-development projects,
 - (5) Require stormwater discharge rate and volume control during and following development, re-development, or construction so as to replicate existing or natural conditions hydrology on all new and re-development projects,
 - (6) Define procedures for and carry out such procedures of site plan review and site inspection of all construction projects within Lexington County,
 - (7) Control the discharge to the Lexington County MS4 and receiving waters of pollutants in such

quantity that water quality standards are not being met or to otherwise address post-construction, long-term water quality. This includes all necessary means needed to comply with State and Federal regulations regarding stormwater management quantity and quality.

- (8) Define procedures for addressing citizen complaints within the Lexington County,
 - (9) Ensure adequate long term operation and maintenance of Best Management Practices (BMP's), and
 - (10) Carry out all inspection, surveillance and monitoring procedures necessary to determine compliance and noncompliance with permit conditions including the prohibition on illicit discharges to the Lexington County storm sewer system and receiving waters,
 - (11) Allow the use of Low Impact Development strategies to control the release of runoff and associated pollutants to mimic predeveloped hydrology.
 - (12) Require or otherwise allow for the creation of stream buffers and open spaces to provide areas that could be used for flood storage, stormwater treatment and control, and recreation, and
 - (13) Develop, implement and enforce action plans to address pollutant load reduction to comply with Total Maximum Daily Loads (TMDL) adopted by the State of South Carolina or to otherwise meet water quality standards set by SCDHEC
 - (14) Enable enforcement of all said authorizations.
- (c) It is still further the purpose of this ordinance to establish delegated review authority from SCDHEC to the Lexington County Public Works Department for issuing Land Disturbance permits for construction projects
- (d) The application of this Ordinance and the provisions and references expressed herein shall be the minimum stormwater management requirements and shall not be deemed a limitation or repeal of any other powers granted by statute. In addition, if site characteristics on new development, redevelopment, and existing developments indicate that complying with these minimum requirements will not provide adequate designs or protection for local property, residents, or the environment, it is the property owner, lessee or person responsible for land disturbing activities to exceed management practices control techniques and system, design and engineering methods and such other programs and controls as are required by the Lexington County NPDES permit
- (e) This Ordinance is to be construed to further its purpose of controlling and reducing pollutant discharges, runoff volumes and runoff rates to the Lexington County MS4 and to the waters of the State to assure the obligations under its NPDES permit issued by the SCDHEC as required by 33 USC 1342 and 40 CFR 122.26

Sec. #. Construction and Scope

- (a) The provisions of this Ordinance shall apply throughout the unincorporated areas of Lexington County
- (b) The ~~Public Works Department~~ Director of Public Works or his designee shall be primarily responsible for the coordination and enforcement of the provisions of this Ordinance, the SWMP, and Lexington County's NPDES Permit.

Sec. #. Severability.

Should any word, phrase, clause or provision of this ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, such declaration shall not affect this ordinance as a whole or any part hereof except that specific provision declared by such court to be invalid or unconstitutional

Sec. #. Rules of Language and Interpretation

- (a) The word "shall" is mandatory, the word "may" is permissive
- (b) The particular shall control the general.
- (c) Words used in the present tense shall include the future, and words used in the singular include the plural, and the plural the singular, unless the context clearly indicates the contrary
- (d) All public officials, bodies and agencies to which reference is made are those of Lexington County, unless otherwise indicated

Sec. #. Relationship with other laws, regulations and ordinances

Whenever the provisions of this Ordinance impose more restrictive standards than are required in or under any other law, regulation or ordinance, the requirements contained in this article shall prevail. Whenever the provisions of any other law, regulation or ordinance require more restrictive standards than are required in this article, the requirements of such law, regulation or ordinance shall prevail

Sec. #. Amendments

This Ordinance may be amended in the same manner as prescribed by law for its original adoption

Sec. #. Conflicting Ordinances Repealed

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed. This Ordinance shall prevail in any and all conflicts with guidelines, manuals, or other publications

Sec. #. Definitions.

For the purpose of this Ordinance, definitions contained in South Carolina regulations 61-9 122.2 and 72-301 are incorporated herein by reference. Where the same words are defined in both the aforementioned regulations, but are not the same, the definitions contained in R 61-9 122.2 and 72-301 shall be used for the purposes of this Ordinance. Additional terms, phrases and words shall have the meaning given in the Appendix

Secs. # Reserved.

DIVISION # – ORGANIZATION AND ADMINISTRATION

Sec. #. Regulations.

The Lexington County Council, may, in its discretion, amend or change this Ordinance or adopt additional regulations or resolutions to implement this Ordinance, comply with the NPDES permit implement the SWMP, or to otherwise further the goal of protecting the quality of the waters into which the Lexington County storm sewer system outfalls flow through the control of runoff volume and rate and pollutant concentrations and loads

Sec. #. Lexington County Stormwater Management Program.

The SWMP developed by Lexington County to comply with the NPDES Stormwater Permit serves as the basis for Lexington County's program implementation and administration. The SWMP, as amended from time to time by Lexington County, is hereby adopted for the life of Lexington County's Stormwater NPDES permit as the official operational plan. The SWMP plan shall be viewed as an extension of this Ordinance and is hereby given identical authority to see that its requirements are both complied with and enforced

Sec. #. Coordination with Other Agencies.

The Public Works Department shall coordinate Lexington County's activities with other federal, state, and local agencies, which manage and perform functions relating to the protection of receiving waters. Authority not expressly reserved for other agencies or restricted by statute is placed with the Public Works Department for the protection and preservation of receiving waters. The Public Works Department shall coordinate with State and Federal Agencies having jurisdiction

The Public Works Department will consult with the South Carolina Department of Transportation regarding litter control, the management of pesticide and herbicide use, control of runoff, and the use of BMPs along state roads and shall advise the South Carolina Department of Transportation of its recommendations for the construction, operation, and maintenance of state roads within Lexington County.

Note(DA1)

Sec. #. Cooperation with Other Governments.

Lexington County may enter into agreements with other governmental and private entities to carry out the purposes of this ordinance. These agreements may include, but are not limited to, enforcement, resolution of disputes, cooperative monitoring, cooperative management of stormwater systems, and cooperative implementation of stormwater management programs

Nothing in this Ordinance or in this Section shall be construed as limitation or repeal of any ordinances of these local governments or of the powers granted to these local governments by the South Carolina Constitution or South Carolina statutes, including, without limitation, the power to require additional or more stringent stormwater management requirements within their jurisdictional boundaries

Sec. #. Inspection during Construction

The Public Works Department shall periodically inspect the work completed under the approved Land Disturbance Permit Application. Frequency of such inspections shall be established for all land disturbing activities within the jurisdiction of Lexington County. Permit Notice of Termination (NOT) procedures shall include inspection procedures to assure that the work has been carried out in accordance with the permit and this Ordinance. The project NOT process shall include phasing so that portions of a project can be closed at various time periods and the necessary documentation. This process and documentation requirements are detailed in the Stormwater Management Design Manual

Sec. #. Right-Of-Entry

- (a) ~~The Public Works Department Director of Public Works or his designee shall have right-of-entry on or upon the property of any person subject to this Article and any permit/document issued hereunder. The Public Works Department Director of Public Works or his designee shall be provided ready access to all parts of the premises for the purposes of inspecting, monitoring, sampling, inventorying, examining and copying of records, and performing any other duties necessary to determine compliance with this Ordinance.~~
- (b) ~~Where a the property owner or lessee has security measures in force requiring proper identification and clearance before entry onto the premises, the person shall make necessary arrangements with the necessary parties so that, upon presentation of suitable identification, the Public Works Department Director of Public Works or his designee personnel will be permitted to enter without delay for the purposes of performing such responsibilities identified in (a)~~
- (c) ~~The Public Works Department shall have the right to set up on the person's property such devices as are necessary to conduct sampling and/or metering of the person's operations as they relate to stormwater management~~
- (d) ~~Any temporary or permanent obstruction to safe and easy access to the necessary areas to perform the said responsibilities shall be removed promptly by the property owner or lessee at the written or verbal request of the Public Works Department Director of Public Works or his designee. The costs of clearing such access shall be borne by the property owner or lessee~~
- (e) ~~In cases where an imminent threat to the health or safety of the general public or the environment is suspected, the Public Works Department Director of Public Works or his designee shall perform said responsibilities to determine if immediate action is necessary. Such responsibilities shall be made with or without the consent of the property owner or lessee. If such consent is refused, the Public Works Department Director of Public Works or his designee may seek issuance of an administrative search warrant or other enforcement measures authorized in this Ordinance to remove such threat~~

Secs. # Reserved.

DIVISION # – STORMWATER QUANTITY AND QUALITY MANAGEMENT REQUIREMENTS

Sec. #. Regulations.

(a) Federal regulations governing stormwater management, as specified in State Code of Laws 40 C.F.R. 122.26, and State Code of Regulations R. 61-9 et seq and R. 72.300 et seq are adopted as the minimum requirements for the management of stormwater within Lexington County as defined in the respective regulations

(b) The Public Works Department shall be responsible for day to day coordination implementation and enforcement of this Ordinance and the SWMP and well as the long-term management of the County's drainage. Without limitation, the Public Works Department shall have the following specific powers and duties

(1) To issue any permit, certification or license that may be required to comply with this Ordinance and Federal and State regulations pertaining to stormwater management. Lexington County is authorized by SCDHEC to issue such Land Disturbance permits as a recognized delegated authority

(2) To deny a facility connection to the MS4 or discharge to waters of the State if State Federal Regulations and this Ordinance are not met

(3) Create and enact the Lexington County Stormwater Management Design Manual as an extension of this Ordinance. The Design Manual shall be used to convey design and engineering standards, construction management processes and procedures, and other aspects necessary for compliance with this Ordinance

(4) To require the submittal of a Land Disturbance Permit Application for all land disturbing activities, to include a plan to control stormwater and pollutants and other components detailed in the Lexington County Stormwater Management Design Manual

(5) Provide for the protection of the natural resources of sensitive and highly susceptible areas to the impacts of excessive and polluted stormwater. This may include the creation of watershed-specific plans that will limit or otherwise direct land development activities and require the reduction of excessive and polluted stormwater from any area

(6) To require the development of a Stormwater Pollution Prevention Plan (SWPPP) for all new and re-development projects and enforcement of such SWPPP

(7) To approve land disturbing plans and to require as a condition of such approvals, structural or non-structural controls, practices, devices, operating procedures, or other mechanisms to protect public and private property from flooding and erosion and attain TMDL-mandated pollutant load reductions and water quality standards

(8) To require performance bonds of any person to secure that person's compliance with Land Disturbance Permit, permit, certificate, license or authorization issued or approved by the Public Works Department pursuant to this Ordinance, the SWMP and Federal and State laws

(9) To comply with all Federal and State regulatory requirements, promulgated or imposed pursuant to the Clean Water Act and the SC Stormwater Management and Erosion Reduction Act, applicable to the management of stormwater discharges to or from the Lexington County MS4

(10) To conduct all activities necessary to carry out the SWMP and other requirements included in the Lexington County NPDES permit, the SWMP and this Ordinance, and to pursue the necessary means and resources required to properly fulfill this responsibility

(11) To develop and implement strategic plans for complying with TMDLs. Such plans shall include an initial due diligence procedure to fully assess the problem and alternative solutions so as to proceed with cost-effective solutions

(12) To enact special cost- and credit-sharing programs that would assist land developers and the Public Works Department in meeting the water quantity and quality discharge requirements of this Ordinance and the Stormwater Management Design Manual

(13) To enter into agreements with other governmental entities or private persons or entities to provide or procure services to conduct and carry out such activities as authorized by this Ordinance

(14) To maintain the stormwater system consistent with the provisions of the Lexington County NPDES permit, the SWMP and this Ordinance

(15) To direct, review and recommend for approval by Lexington County Council, the stormwater management operating budget

(16) To direct, review and recommend for approval by Lexington County Council necessary changes to the existing stormwater management programs

(17) To determine appropriate fees, to impose penalties, and to take necessary and appropriate actions to collect any fee or enforce any penalty assessed pursuant to this Ordinance

Sec. #. Prohibitions and Exemptions

(a) No person shall (1) develop any land (2) engage in any industry or enterprise, (3) construct, operate or maintain any landfill, hazardous waste treatment, disposal or recovery facility, or any other industrial or related facility, (4) dispose of any hazardous or toxic substance or other pollutant or (5) otherwise prevent the transport of sediment and other pollutants associated with stormwater runoff beyond property boundaries without having provided for compliance with this Ordinance

(b) The following development activities are exempt from the provisions of this Ordinance

- (1) Land disturbing activities undertaken on forestland for the production and harvesting of timber and timber products and conducted in accordance with best management practices and minimum erosion protection measures established by the South Carolina Forestry Commission pursuant to Section 48-18-70 of the 1976 Code of Laws of South Carolina, as amended
- (2) Activities undertaken by persons who are otherwise regulated by the provisions of Chapter 20 of Title 48, the South Carolina Mining Act
- (3) Certain land disturbing activities undertaken by persons who are exempt from the provisions of the Stormwater Management and Sediment Reduction Act as set forth in Section 48-14-40 of the 1976 Code of Laws of South Carolina, as amended

Sec. #. SWMP

The Public Works Department shall develop and implement the necessary operations according to the Lexington County SWMP. The SWMP serves as the basis for compliance with the NPDES Stormwater Permit granted to Lexington County under the provisions of Title 33 U.S.C. 40 C.F.R. 122.26 and R. 61-9.122.26. The SWMP Plan more fully describes the actions Lexington County will employ for compliance. The NPDES Stormwater Permit defines the terms and conditions of Lexington County's authority to operate its stormwater system.

Sec. #. Design and Engineering Standards

Design and engineering standards define the desired level of quality and performance for stormwater management systems on all land disturbance projects and existing facilities in order to meet the purpose of this Ordinance. The standards establish the minimum technical requirements needed to express compliance through calculations, maps and drawings, or others as necessary.

The Public Works Department is authorized to develop and adopt policies, criteria, specifications, and standards for the proper implementation of the requirements of this Ordinance, Federal and State laws and the SWMP and to provide a sound technical basis for the achievement of stormwater management, including water quality and quantity objectives. These standards shall be presented for use in the Stormwater Management Design Manual. The standards defined in the most current version of the Manual shall serve as the requirements to meet this Ordinance.

It shall be the responsibility of the property owner, lessee or person responsible for land disturbing activities to provide adequate controls to meet the design and engineering standards.

Sec. #. Land Disturbance Permit Application Process

All land disturbing activities shall require the creation and submittal of a Land Disturbance Permit Application for review by the Public Works Department. The entire application process and requirements shall be detailed in the Stormwater Management Design Manual.

It shall be the responsibility of the applicant (property owner, lessee or person responsible for land disturbing activities) to provide a complete Land Disturbance Application Package that meets all the requirements of this Ordinance, the SWMP, and other State and Federal regulations.

Sec. #. Stormwater Management Design Manual

To establish the minimum requirements, processes and guidance on the design, evaluation and implementation of land disturbing or pollutant discharging activities and stormwater management conveyances and facilities in Lexington County, The Public Works Department is authorized to develop and adopt additional policies, criteria, processes, specifications, and standards for the proper implementation of the requirements of this Ordinance, Federal and State laws and the SWMP in a Stormwater Management Design Manual. The Manual shall include design standards, procedures and criteria for conducting hydrologic, hydraulic, pollutant load evaluations, and downstream impact for all components of the stormwater management system. Although the intention of the manual is to establish uniform design practices it neither replaces the need for engineering judgment nor precludes the use of information not presented. Other accepted engineering procedures may be used to conduct hydrologic, hydraulic and pollutant load studies if approved by the Public Works Department.

The Design Manual shall contain at a minimum the following components:

- (a) Permit application and site NOT processes,
- (b) Permit approval requirements,
- (c) Hydrologic, hydraulic, and water quality design criteria (i.e., design standards) for the purposes of control runoff rate, volume, and pollutant load. Suggested reference material shall be included for guidance in computations needed to meet the design standards,
- (d) Information and requirements for new and re-development projects in special protection areas that will be created to address TMDLs, known problem areas and other areas necessary to protect, maintain, and enhance water quality and the environment of Lexington County and the public health, safety, and general welfare of the citizens of Lexington County,
- (e) Land Disturbance Permit Application requirements,
- (f) Construction document requirements,
- (g) Required and recommended inspection and maintenance schedules and activities for all components of the stormwater management system, including construction-related BMPs.

The Manual may be updated periodically to reflect the advances in technology and experience gathered with time. The most current version shall be the used by Lexington County for conveyance and BMP design, construction and maintenance.

Sec. #. Ownership and Lexington County Participation

- (a) Property owners and Lessees are responsible for maintaining stormwater quantity and quality facilities and all conveyance structures located on their

property. Prior to the issuance of a land development permit, the property owner shall execute a legal document entitled "Covenants for Permanent Maintenance of Stormwater System", or the lessee shall execute a legal document entitled "Covenants for Maintenance of Stormwater System on Leased Property" ("the Covenants"). The property owner or the lessee, as the case may be, shall record the Covenants in the Office of the Lexington County Register of Deeds. The location of the facility, the recorded location of the Covenants document, and a note stating the property owner's or Lessee's responsibility shall be shown on a plat, or in the case of a Lessee, as an exhibit attached to the Lessee's Covenants, that is also recorded in the Office of the Lexington County Register of Deeds. In the case of a lessee, the property owner shall be named on any Covenant and be required to conduct maintenance activities upon the termination of a lease agreement.

- (b) The property owner or lessee shall grant to Lexington County a perpetual non-exclusive transferable easement from a public street that allows for public inspection and emergency repair of all components of the drainage system, including all conveyances and all water quantity and quality control facilities. At the request of the Public Works Department Director of Public Works or his designee, the property owner or lessee shall grant to Lexington County right-of-ways.
- (c) Lexington County has own and maintain all drainage system components that are constructed under or collect stormwater runoff from a County-owned road.
- (d) Stormwater quantity and quality control facilities shall be located so that required easements can be effectively used and ownership and maintenance responsibility can be clearly defined in deeds and plats.
- (e) Lexington County shall reserve the right to accept ownership and maintenance of all or part of a stormwater system.
- (f) The Covenants shall specify minimum maintenance requirements to be performed at necessary intervals by the property owner or lessee, as the case may be.
- (g) If a facility or any portion of the stormwater system is not being maintained as required, the Public Works Department Director of Public Works or his designee will notify the property owner or Lessee, as the case may be, in writing. If property owner or Lessee, as the case may be, fails to repair or maintain the facility within the allotted time, the Public Works Department may authorize the work to be performed by the County or others. In such cases, the property owner or Lessee, as the case may be, shall reimburse the County for double its direct and related expenses. If the property owner or Lessee, as the case may be, fails to reimburse the County, the County is authorized to file a lien for said costs against the property or the Lessee's leasehold interest, as the case may be, and to enforce the lien by judicial foreclosure proceedings.
- (h) A property owner or lessee may hire or contract others to perform necessary maintenance actions, but Lexington County will hold the person named in the Covenants as the responsible party should legal actions described in (g) be necessary.

(i) When the Public Works Department Director of Public Works or his designee determines that additional storage capacity or pollution reduction beyond that required by the applicant for on-site stormwater management is necessary in order to enhance or provide for the public health, safety and general welfare, to correct unacceptable or undesirable existing conditions or to provide protection in a more desirable fashion for future development, Lexington County may

- (1) require that the applicant grant any necessary easements over, through or under the applicant's property to provide access to or drainage for such a facility,
- (2) require that the applicant attempt to obtain from the owners of property over, through or under where the stormwater management facility is to be located, any easements necessary for the construction and maintenance of same (and failing the obtaining of such easement Lexington County may, at its option, assist in such matter by purchase, condemnation, dedication or otherwise, and subject to (d) below, with any cost incurred thereby to be paid by Lexington County),
- (3) To implement the provision of additional stormwater control, both Lexington County and developer must be in agreement with the proposed facility that includes the additional storage or treatment capacity.

Sec. # Maintenance, Construction, Inspection, and NOT

Maintenance of the stormwater management system is critical for the achievement of its purpose of controlling stormwater runoff quantity and quality and the short-term and long-term public health, safety, and general welfare of the citizens of Lexington County.

- (a) A permanent maintenance plan for the stormwater management system shall be included in the Land Disturbance Permit Application. As part of the maintenance plan, the property owner or lessee of such facility shall specifically agree to be responsible for permanent maintenance. In order to transfer maintenance responsibility, a letter of acceptance by the new owner(s) accepting permanent maintenance responsibility shall be filed with the Public Works Department.
- (b) As part of the Land Disturbance Permit Application, the applicant shall submit construction and BMP maintenance and inspection schedules. Required and recommended schedules for BMP maintenance and inspection are to be provided in the Stormwater Management Design Manual.
- (c) If the construction is to be phased, no stage work, related to the construction of stormwater management facilities shall proceed until the preceding stage of work is inspected and approved, unless specifically addressed in the approved Land Disturbance Permit.
- (d) The permittee shall notify the Public Works Department Director of Public Works or his designee before commencing any work to implement the

approved Land Disturbance Permit and upon completion of any phase or designated component of the site. Notification schedules shall be provided for in the Stormwater Management Design Manual. All self-inspections, maintenance actions, BMP replacements, and changes to the approved Land Disturbance Permit shall be documented and presented upon request to the Public Works Department Director of Public Works or his designee.

- (e) The permittee shall notify the Public Works Department that the site, or portion of the site, is sufficiently stabilized to begin the NOT process. If portions of the site are to be closed prior to others, a proposed schedule shall be included in the approved Land Disturbance Permit. The NOT process shall at a minimum require:
- (1) a final plat showing the location of all stormwater system components and responsible party for the maintenance of the system. References shall be made to any all ownership and lessee Covenants established for ensuring the maintenance and long term functioning of the stormwater system. The plats shall also show conflicts with other new or existing easement,
 - (2) documentation from the owner of the approved Land Disturbance Permit, including any revisions and as-built construction drawings, inspection reports, and stormwater system ownership transfers,
 - (2) that all components of the stormwater management system meet the approved Land Disturbance Permit and specifications or achieve the function for which they were designed. In addition, the site shall be cleared of all construction trash and debris from the stormwater system and the site as a whole,
 - (3) a final inspection conducted by the Public Works Department Director of Public Works or his designee.
- (f) The NOT process must be completed by the Public Works Department prior to:
- (1) The use or occupancy of any newly constructed components of the site.
 - (2) Final acceptance of any road into the Official Lexington County Road Inventory or designation of road owner and associated stormwater management system.
 - (3) Release of any bond held by Lexington County.
 - (4) Approval and/or acceptance for recording of map, plat or drawing, the intent of which is to cause a division of a single parcel of land into two or more parcels.

Sec. #. Watercourse Protection

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that

would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

To assist in the compliance with State and Federal laws and regulations, the Public Works Department shall develop, at its discretion, special protection areas which require additional control of stormwater quality and quantity than provided by minimum design standards. Such areas may consist of watershed corresponding to adopted TMDLs, known flooding problems and pollution impairments, or other areas necessary to protect, maintain, and enhance water quality and the environment of Lexington County and the public health, safety, and general welfare of the citizens of Lexington County.

New stormwater systems created as the result of any new and re-development project shall be connected to the existing drainage system in a manner to so as not degrade the integrity of the existing system, whether natural or manmade, and shall have demonstrated this to the Public Works Department prior to issuance of the NOT. Discharge points shall be confined to connections with an existing natural or man-made drainage system. When stormwater discharges are to flow into collection systems not owned and maintained by Lexington County, the owners of all such systems, private or public, shall be notified and provided the opportunity to review such plans. The owners of these systems shall maintain the right to disapprove connections to their system. Private systems shall include all those on private property, including private ponds. In-line ponds shall be included as jurisdictional waters of State and are not included as private systems, but instead protected by this Ordinance as any other water of the State.

Sec. #. Notification of Spills

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation and maintenance, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or waters of the State, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify all necessary agencies of the occurrence via emergency dispatch services. This shall include the Lexington County Public Safety Department and Public Works Department. In the event of a release of non-hazardous materials, said person shall notify the Public Works Department in person or by phone or facsimile on the same business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Public Works Department within 5 business days of the phone notice. The owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least 5 years. Failure to provide notification of a release as provided above is a violation of this ordinance.

The owner, operator, or other designated responsible party will bear all costs of cleaning up any spills. In the event that Lexington County departments clean up a spill, the owner, operator, or designated responsible party will be required to reimburse the County for funds used in the clean-up.

Sec. #. Performance Bonds

A person is required to obtain a surety or cash bond, irrevocable letter of credit, or other means of security acceptable to the Public Works Department, made payable to Lexington County, prior to the issuance of any building and/or grading permit for construction of a new or re-development requiring a stormwater management system. The amount of the security shall not be less than three thousand (\$3,000) dollars per acre of disturbed area or as amended in the Public Works Department's fee schedule as published and approved by Lexington County Council.

The bond so required in this section shall include provisions relative to forfeiture for failure to complete work specified in the approved Land Disturbance Permit, compliance with all the provisions of this Ordinance and other applicable laws and regulations, and any time limitations. The bond shall be released one (1) year after the completion of the NOT process by the Public Works Department Director of Public Works or his designee, signifying the stormwater management system as being in compliance with the approved plan and the provisions of this Ordinance. The bond shall not be fully until the NOT process is complete. A provision may be made for partial release of the amount of the bond pro-rata upon completion and acceptance of the various stages of development as specifically delineated, described, and scheduled in the approved Land Disturbance Permit. The developer shall notify the Public Works Department Director of Public Works or his designee upon completion of each stage that is ready for the NOT process.

Secs. #. Reserved

DIVISION # – DETECTION AND REMOVAL OF ILLICIT CONNECTIONS AND DISCHARGES AND IMPROPER DISPOSAL.

Sec. #. Illicit Connections, Illicit Discharges and Improper Disposal.

- (a) It is unlawful for any person to connect any pipe, open channel, or any other conveyance system that discharges anything, except stormwater or unpolluted water which is approved by the Public Works Department, into the MS4 or a Water of the State.
- (b) It is unlawful for any person to continue the operation of any such illicit connection regardless of whether the connection was permissible when constructed. Improper connections in violation of this ordinance must be disconnected and redirected, if necessary, to the satisfaction of the Public Works Department Director of Public Works or his designee and any other federal, state, or local agencies or departments regulating the discharge.
- (c) It is unlawful for any person to throw, drain, run or otherwise discharge to any component of Lexington County's MS4 or to the waters of the State or to cause, permit or allow to suffer to be thrown, drained, run, or allow to seep or otherwise discharge into such system or receiving water all matter of any nature excepting only such storm or surface water as herein authorized.
- (d) The Public Works Department Director of Public Works or his designee may require controls for or exempt from the prohibition provision in (a), (b), and (c) above the following, provided that a reasonable

determination is made that they are not a significant source of pollution

- (1) Unpolluted industrial cooling water, but only under the authorization and direction of the Public Works Department Director of Public Works or his designee and appropriate NPDES permit
- (2) Water line flushing performed or required by a government agency, diverted stream flows, rising ground waters, and unpolluted pumped ground waters, and unpolluted ground water infiltration
- (3) Discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water sprays, water from crawl space pumps, footing drains, lawn watering, individual car washing, dechlorinated swimming pool discharges, flows from riparian habitats and wetlands, and street wash water
- (4) Discharges or flows from fire fighting
- (5) Other similar occasional incidental non-stormwater discharge

(c) In the event of an accidental discharge or an unavoidable spill into the Lexington County MS4 of any pollutant, the person concerned shall inform the Lexington County Public Works Department Director of Public Works or his designee on the same business day, or no longer than 24 hours, of the nature, quantity and time of occurrence of the discharge. The person concerned shall take immediate steps to contain the waste, treat the waste or other actions to minimize effects of the discharge on the MS4 and receiving waters. The person shall also take immediate steps to ensure no recurrence of the discharge. The owner, operator, or other designated responsible party will bear all costs of cleaning up any spills. In the event that Lexington County departments clean up a spill the owner, operator, or designated responsible party will be required to reimburse the County for funds used in the clean-up.

Sec. #. Detection of Illicit Connections and Improper Disposal.

- (a) The Public Works Department shall take appropriate steps to detect and eliminate illicit connections to the Lexington County Stormwater System, including the adoption of a program to screen illicit discharges and identify their source or sources, perform inspections, and levy fines is not removed.
- (b) The Public Works Department shall take appropriate steps to detect and eliminate improper discharges. These steps may include programs to screen for disposal, programs to provide for public education and public information, inspection levy fines, and other appropriate activities to facilitate the proper management and disposal of used oil, toxic materials, and household hazardous waste.

Sec. #. Waste Disposal Prohibitions

- (a) No person shall throw, deposit, leave, maintain, keep or permit to be thrown, deposited, left, or maintained, in or upon any public or private property, driveway, parking area, street, alley, sidewalk, component of the

storm drain system, or water of the U.S., any refuse, rubbish, garbage, litter, pet fecal matter, or other discarded or abandoned objects, articles, and accumulations, so that the same may cause or contribute to pollution. Yard debris, including natural foliage, may be deposited in the public right of way but not in or on any stormwater conveyance structures, including inlets and gutters, or kept in streets, but not in the gutter, but only if a collection service by or through the County is available. Wastes in proper waste receptacles may be placed in the street for collection, but again only if collection by or through the County is in place. No waste or yard debris shall be placed in the street without such a collection service.

Note[DA2]

Sec. #. Discharges in Violation of Industrial or Construction Activity NPDES Storm Water Discharge Permit.

- (a) Any person subject to an industrial or construction activity NPDES Storm Water Discharge Permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Public Works Department Director of Public Works or his designee prior to or as a condition of a subdivision map, site plan, building permit, or development or improvement plan, upon inspection of the facility, during any enforcement proceeding or action, or for any other reasonable cause.

Secs. #. Reserved.

DIVISION 5 – MONITORING AND INSPECTIONS

Sec. #. Monitoring.

- (a) The Public Works Department may monitor the quantity and concentration of pollutants in stormwater discharges from the areas and/or locations designated in Lexington County's SWMP.

Sec. #. Inspections.

- (a) The Public Works Department Director of Public Works or his designee, bearing proper credentials and identification, may enter and inspect all properties for regular inspections, periodic investigations, monitoring, observation, measurement, enforcement, sampling and testing, to effectuate the provisions of this ordinance and the SWMP programs. The Public Works Department Director of Public Works or his designee shall duly notify the owner of said property or the representative on site and the inspection shall be conducted at reasonable times.
- (b) Upon refusal by any property owner to permit an inspector to enter or continue an inspection, the inspector shall terminate the inspection or confine the inspection to areas concerning which no objection is raised. The Public Works Department Director of Public Works or his designee shall document the refusal and the grounds for such and promptly seek appropriate compulsory process.
- (c) In the event that the Public Works Department Director of Public Works or his designee reasonably believes that discharges from the property into the Lexington

County MS4 may cause an imminent and substantial threat to human health or the environment, the inspection may take place at any time and without notice to the owner of the property or a representative on site. The inspector shall present proper credentials upon reasonable request by the owner or representative.

- (d) Inspection reports shall be maintained in a permanent file located in the Public Works Department's office.
- (e) At any time during an inspection or at such other times as the Public Works Department or his designee may request information from an owner or representative, the owner or representative may identify areas of his facility or establishment, material, or processes that contain or might reveal a trade secret. If the Public Works Department Director of Public Works or his designee has no clear and convincing reason to question such identification, all material, processes and all information obtained within such areas shall be conspicuously labeled "CONFIDENTIAL – TRADE SECRET". The trade secret designation shall be freely granted to any material claimed to be such by the owner or representative unless there is clear and convincing evidence for denying such designation. In the event the Public Works Department Director of Public Works or his designee does not agree with the trade secret designation, the material shall be temporarily designated a trade secret and the owner or representative may request an appeal of the Public Works Department's decision in the manner in which all such appeals are handled in this ordinance.

Sec. #. Reserved.

DIVISION # – ENFORCEMENT, PENALTIES, AND ABATEMENT

Sec. #. Enforcement

- (a) When the Public Works Department Director of Public Works or his designee finds that work done under any Land Disturbance permit for new and re-developments issued under the provisions of this Ordinance fails to conform to the approved Land Disturbance Permit, or that the work has not been done, the Public Works Department Director of Public Works or his designee may, as deemed necessary by written Notice of Violation (NOV), direct conformity to said Plan(s). Actions may include:
 - (1) issuing a written order to comply, to suspend work, or to revoke the permit issued, or
 - (2) seeking redress through legal action,
 - (3) withholding the release of permanent electric power to the site, and/or
 - (4) withholding other needed permits for the site.

The NOV shall serve as a legal requirement to remove the violation(s). After the issuance of the NOV, the Public Works Department Director of Public Works or his designee is hereby given the authority to levy fines as described in this section. Upon failure to address the NOV and fines,

(b) When the ~~Public Works Department~~ Director of Public Works or his designee determines that an owner has failed to maintain a stormwater management facility, written NOV shall be provided to the owner or the person in possession, charge or control of such property stating the nature of the violation, the proposed penalty, the amount of time in which to correct deficiencies, the date on which an inspection will be made to make sure that corrective action has been performed, and the proposed penalty structure if corrective action is not taken by the inspection date. It shall be sufficient notification to deliver the notice to the person to whom it is addressed, or to deposit a copy of such in the United States Mail, properly stamped, certified and addressed to the address used for tax purposes. The NOV may address the entire site, or a specific portion of the site so as not to unduly impede the development of areas being managed for the control of stormwater runoff and associated pollutants.

(c) When the ~~Public Works Department~~ Director of Public Works or his designee determines that an owner of any property is causing or partially causing flooding, erosion, or non-compliance with water quality standard or this Ordinance, upon providing valid proof of such impacts ~~the Public Works Department~~ Director of Public Works or his designee can require owners to remove the proven impact in a concerted, prudent manner.

(d) The County Public Works Department's Attorney's hereby directed to take all legal actions necessary to correct situations described in (a), (b) and (c), including actions that are necessary to remove from the property such objectionable conditions constituting non-compliance with this Ordinance.

(e) Nothing contained in this Ordinance shall impair the right or ability of the County Public Works Department's Attorney's to exercise any and all other remedies available, at law or in equity, including without limitation, the pursuit of injunctive relief under emergency circumstances where there exists the danger of bodily injury or death.

(f) The authorized enforcement agency or its appointed agent may obtain injunctive relief to enjoin violations of the provisions of this Ordinance, and any person damaged as a result of such violations may, upon a proper showing of such damages, obtain payment therefore by a civil action.

(g) This Ordinance may be enforced by any other remedy of law or equity that the Public Works Department is authorized to pursue, to include the authorities and powers conferred to local governments by the General Assembly of South Carolina. The penalties and other remedies provided in this Article are cumulative and not exclusive, and may be independently and separately pursued against the same person for the activity constituting a violation of this Article. The enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies in other provisions of this Code or other laws and regulations.

Sec. #. Civil Penalties

Any person violating any provision of this ordinance shall be subject to a civil penalty of not more than one thousand dollars (\$1,000) for each violation. Each separate day of a violation, constitutes a new and separate violation.

Sec. #. Additional Legal Measures

(a) Where Lexington County is fined and/or placed under a compliance schedule by the state or federal government for a violation(s) of its NPDES permit, and Lexington County can identify the person(s) who caused such violation(s) to occur, Lexington County may pass through the penalty and cost of compliance to that person(s).

(b) The Lexington County Attorney may institute injunctive, mandamus or other appropriate action or proceedings at law or equity, including criminal conviction, for the enforcement of this Ordinance or to correct violations of this Ordinance, and any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus or other appropriate forms of remedy or relief.

Sec. #. Corrective Action

In the event a violation of this Ordinance has not been corrected within the applicable time period for correction, Lexington County, or its contractor, may enter upon the lot or parcel of land and correct the violation, and the costs incurred as a result of such action (including inspection, administration, labor and equipment costs) shall be collected from the bond, if in place and sufficient to cover such costs, or shall become a lien upon the property and shall be collected in the same manner as Lexington County taxes are collected.

Sec. #. Stop Work

Any person who shall proceed with any work which requires a Land Disturbance Permit hereunder without first submitting a plan and obtaining the permit, where applicable, shall have automatically placed on the subject property a stop work order which may carry with it a civil penalty ~~of two hundred dollars (\$200) double the normal amount of applicable bond and fees, and payment of any other applicable penalties, prior to lifting of the stop work order.~~ The stop work order may allow or require correction of NOV issues, but shall otherwise stop all other project related activities. Any person in violation of a stop work order is subject to ~~impoundment of any and all equipment on the property, and payment of all fees, bonds, and penalties prior to the lifting of the stop work order, retrieving such equipment.~~

Note [DA3].

Sec. #. Permit Suspension and Revocation

A Land Disturbance permit may be suspended or revoked if one or more of the following violations have been committed:

- (a) violations of the conditions of the Land Disturbance Permit Application approval,
- (b) construction not in accordance with the letter or intent of the approved plans
- (c) non-compliance with correction notice(s) or stop work order(s), or

(d) the existence of an immediate danger to a downstream area in the judgment of the ~~Public Works Department Director of Public Works or his designee~~

Sec. # Criminal Penalties

In addition to any applicable civil penalties, any person who negligently, willfully or intentionally violates any provision of this Ordinance shall be guilty of a misdemeanor and shall be punished within the jurisdictional limits of magistrate court. Each day of a violation shall constitute a new and separate offense.

Sec. # Reserved.

DIVISION # - VARIANCES

Sec. #.

The Public Works Department may grant a variance from the requirements of this ordinance if exceptional circumstances applicable to a site exist such that strict adherence to the provisions of the ordinance will result in unnecessary hardship and will not fulfill the intent of the ordinance.

Sec. #.

A written request for a variance shall be required and shall state the specific variance sought and the reasons, with supporting data, a variance should be granted. The request shall include all information necessary to evaluate the proposed variance.

Sec. #.

The ~~Public Works Department Director of Public Works or his designee~~ shall conduct a review of the request for a variance and issue a decision within 10 working days of receiving the request.

Sec. # Reserved.

DIVISION # - APPEALS

Sec. #. Appeals Process

Any person aggrieved by a decision or Notice of Violation of the ~~Public Works Department Director of Public Works or his designee~~ may appeal the same by filing a written notice of appeal with the ~~Public Works Department~~ within (30) thirty days of the issuance of said decision or Notice of Violation. If the person to whom the decision or notice of violation is directed fails or neglects to appeal the notice of violation within (30) thirty days of the issuance of said decision or Notice of Violation, the decision or violation becomes final.

Sec. #.

The ~~Public Works Department Director of Public Works or his designee~~ will review the appeal and will either reverse his decision or send the decision and notice to the ~~insert appropriate committee here~~. The notice of appeal shall state the specific reasons why the violation or decision of the Public Works Department is alleged to be in error.

Sec. #.

The ~~insert appropriate committee here~~ shall hear and determine such appeals in a quasi-judicial capacity within 30 days or such other times as may be mutually agreed upon and

will render a decision within 10 working days after the appeal has been heard.

Sec. #

Any person aggrieved by the decision of the ~~insert appropriate committee here~~ may appeal the decision to the Lexington County Magistrate Court in accordance with its rules and procedures.

Sec. # Reserved.

DIVISION # - CHARGES AND FEES

Sec. #. Funding.

NOTE This section allows for the establishment of a stormwater utility.

In addition to all other charges, fees, and penalties, Lexington County shall have the right to develop and impose a Stormwater Service Fee to fund implementation of this Stormwater Management Ordinance and its associated programs and plans.

Sec. #. Connection to Conveyances.

NOTE This section allows for the establishment of additional fees.

The Public Works Department shall have the right to establish a schedule of appropriate fees for any person or property owner establishing a new discharge to waters of the State within Lexington County or to a wet weather conveyance. Such fee shall be payable as part of any permit application or submission, regulating the discharge of stormwater runoff. Permit fees shall be established on the basis of facility classes relating to the quantity and quality of permitted discharge.

Sec. #. Field inspection.

NOTE This section allows for the establishment of additional fees.

Costs associated with field inspection of land development or construction activities other than those routinely performed by the Public Works Department as part of compliance monitoring shall be assessed a fee representing the cost in labor, equipment, and materials expended in the conduct of the inspection.

DIVISION # - APPENDIX

Definitions

"Applicant" is a person, firm, governmental agency, partnership, or any other entity who seeks to obtain approval or a permit under the requirements of this Ordinance and who will be responsible for the land disturbing activity and related maintenance thereof.

"As-built drawings" are revised construction drawings that show in the installed location of the new facilities on a project, including the stormwater system. This term and "record drawings" shall be synonymous.

"Best Management Practices (BMPs)" are any structural or non-structural measure or facility used for the control of stormwater runoff, be it for quantity or quality control. BMPs also includes schedules of activities, prohibitions of practices, maintenance

procedures, treatment requirements, operating procedures, and other management practices to control site runoff, spillage or leaks, sludge or waste disposal, drainage from raw material storage, or otherwise prevent or reduce the pollution of waters of the State

Construction means any building or erection of a structure or any preparation for the same

"Director of Public Works" means the Director of the Lexington County Public Works Department.

"Developer" means any person who acts in his own behalf, or as an owner or as an agent for an owner of property, and who makes application for the permit necessary to disturb land or vegetation or to encroach upon a major drainage channel, or to encroach upon the designated floodplain

"Erosion" means the general process by which soils or rock fragments are detached and moved by the action of wind, water, ice, and gravity

"Easement" is an authorization by a property owner to the general public, a corporation, or a certain person or persons for the use of any designated part of his property for a specific purpose

"FEMA" words

"Flood/flooding" is a temporary rise in the level of water which results in the inundation of areas not ordinarily covered by water. For the purpose of this Ordinance, a flood shall be construed to be any inundation which has a return frequency of 100 years or less, and shall be known as the base flood

"Illicit connection" means a connection to the Lexington County Stormwater System which results in a discharge that is not composed entirely of stormwater runoff except discharges pursuant to an NPDES permit (other than the NPDES permit for the Lexington County Stormwater System)

"Improper disposal" means any disposal other than through an illicit connection that results in an illicit discharge, including, but not limited to the disposal of used oil and toxic materials resulting from the improper management of such substances

"Illicit discharge" or "Illegal discharge" means any activity which results in a discharge to the Lexington County Stormwater System or receiving water, that is not composed entirely of stormwater except (a) discharge pursuant to an NPDES permit (other than the NPDES for Lexington County) and (b) discharges resulting from the fire-fighting activities.

"Land Disturbance" is any activity involving clearing, grading, transporting, filling, or any other activity which causes land to be exposed to the danger of erosion, or which might create an alteration in the natural drainageway

"Land Disturbance Permit" means the legal document allowing land to be disturbed from its existing condition

"Land Disturbance Permit Application" means the set of drawings, specifications, design calculations, SWPPP and other documents that comprise all of the information for the control of stormwater for land disturbances which is required as part of the NPDES land disturbance permit, granted by Public Works Department and by this Ordinance. Approval of this application constitutes the issuance of and "Land Disturbance Permit"

"Lexington County Stormwater System" or "Stormwater System" or "Lexington County MS4" means the conveyance or system of conveyances (including roads with drainage systems, highways,

right-of-way, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, storm drains, detention ponds, and other stormwater facilities) which is (a) owned or operated by Lexington County, (b) designed or used for collecting or conveying stormwater, (c) not a combined sewer system, and (d) not part of a Publicly Owned Treatment Works (POTW)

"Lessee" means the person in a lease agreement with a property owner for use of the property

"Low Impact Development (LID)" is a set of principles and design components used to manage stormwater runoff by mimicking natural conditions and limiting pollutant transport through source control

"Maintenance" means any action necessary to preserve stormwater system component, including conveyances, facilities and BMPs in proper working condition, in order to serve the intended purposes set forth in this ordinance and to prevent structural failure of such components

"MS4" means municipal separate storm sewer system

"New Development" or "Re-Development" means any of the following actions undertaken by any person including, without limitation, any public or private individual or entity:

- (a) division of a lot, tract, or parcels or other divisions by plat or deed,
- (b) the construction, installation, or alteration of land, a structure, impervious surface or drainage facility,
- (c) clearing, scraping, grubbing or otherwise significantly disturbing the soil, vegetation, mud, sand or rock of a site, or
- (d) adding, removing, exposing, excavating, leveling, grading, digging, burrowing, dumping, piling, dredging, or otherwise disturbing the soil, vegetation, mud, sand or rock of a site

"NPDES" means National Pollutant Discharge Elimination System. See "Clean Water Act"

"NPDES permit" means the NPDES permit for stormwater discharges issued to Lexington County pursuant to the Clean Water Act and the federal stormwater discharge regulations (40 CFR 122.26) that allows for restricting pollutant loads as necessary to meet water quality standards

"Outfall" or "Discharge point" means the point where Lexington County Stormwater System or other municipal and private systems discharges to waters of the State/United States

"Owner" means any person who acts in his own behalf on an application for the permit necessary to disturb land or vegetation or to encroach upon a major drainage channel, or to encroach upon the designated floodplain and the person, if so designated by default or on legal documents, as the responsible party for maintenance of a stormwater system

"Person" means any and all persons, natural or artificial and includes any individual, association, firm, corporation, business trust, estate, trust, partnership, two or more persons having a joint or common interest, state or federal or an agent or employee thereof or any other legal entity

"Pollutant" means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions,

chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water

"Property Owner" means the legal owner of the property.

"Public Works Department" means the Lexington County Public Works Department, the Director of Public Works, or any of that department's duly authorized representatives or designees

"Receiving waters" means the waters into which the Lexington County Stormwater System outfalls flow and which are located within the jurisdictional boundaries of Lexington County and include, without limitation, the lakes, rivers, streams, ponds, wetlands, and groundwater of Lexington County

"Regulation" means any regulation, rule or requirement prepared by and/or adopted by the Lexington County Council pursuant to this Ordinance

"SWMP" means the Lexington County Stormwater Management Program, which contains components that are required as part of the NPDES stormwater permit. These components are documented in the SWMP Plan

"Stormwater" means stormwater runoff, snowmelt runoff, and surface runoff and drainage

"Stormwater management" means the collection, conveyance, storage, treatment and disposal of stormwater runoff in a manner to meet the objectives of this ordinance and its terms, including, but not limited to, measures that control the increased volume and rate of stormwater runoff and water quality impacts caused by manmade changes to the land

"Stormwater management facility", also referred to as BMPs, or structural BMPs, are any structure used for the control of stormwater runoff, be it for quantity or quality control

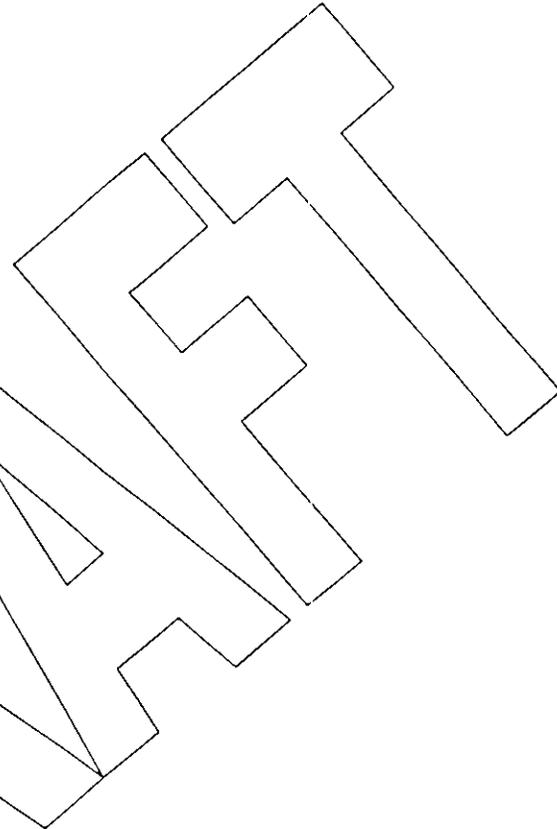
"TMDL" is a regulatory value developed to represent the amount of a pollutant that a waterbody can incorporate while meeting water quality standards. TMDL are further defined as the legal document developed by EPA and SCDNEC designating the pollutant load a permitted discharge is allowed to input into a waterbody

"Variance" means the modification of the minimum stormwater management requirements contained in this Ordinance and the SWMP for specific circumstances where strict adherence to the requirements would result in unnecessary hardship and not fulfill the intent of this Ordinance

"Watercourse" is any natural or man-made conveyance used to transport runoff from one location to the next

"Water Quality" means those characteristics of stormwater runoff that relate to the physical, chemical, biological, or radiological integrity of water

"Water Quantity" means those characteristics of stormwater runoff that relate to the rate and volume of the stormwater runoff



STORMWATER MANAGEMENT AND SEDIMENT CONTROL ORDINANCE
LEXINGTON COUNTY, SOUTH CAROLINA

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SECTION 1 - PURPOSE, AUTHORITY, AND JURISDICTION

1.10 Purpose

In order to protect the general health, safety, and welfare of the people of Lexington County, South Carolina, this Stormwater Management and Sediment Control Ordinance is enacted to prevent the erosion of soils, to prevent the sedimentation of streams, to control stormwater runoff from developing areas, to reduce the damage potential of flood water, protect properties near land disturbing activities, to prevent the clogging of ditches, to prevent the silting of lakes, to provide unobstructed and sanitary channels for storm water runoff, to prevent flooding caused by the encroachment of buildings or other structures on natural waterways and drainage channels, to prevent pollution of surface water and groundwater, to promote groundwater recharge, and to preserve the natural scenic beauty of Lexington County for posterity.

1.20 Authority

The authority and direction for this Ordinance are contained in Act No. 194 of the Acts and Joint Resolutions of 1971 enacted by the General Assembly of the State of South Carolina, approved April 23, 1971, in 1976 South Carolina Code of Laws Sections 4-9-30, 4-9-40 and Chapter 14, Title 48, as amended.

1.30 Jurisdiction

The provisions of this Ordinance shall apply to all lands within the jurisdiction of Lexington County, South Carolina, and those municipalities which, by approval of SCDHEC and by written agreement executed with the County, contract to have these provisions administered within their corporate limits. All lands under the jurisdiction of an entity with the power of eminent domain are exempt from the provisions of this Ordinance; however, such lands are regulated by the SC Department of Health and Environmental Control, 1976 SC Code of Laws Section 48-18-70 and Regulation 72-300, as amended.

SECTION 2 - DEFINITIONS

2.10 Rules of Language and Interpretation

- a. The word "shall" is mandatory; the word "may" is permissive.
- b. The particular shall control the general.
- c. Words used in the present tense shall include the future, and words used in the singular include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- d. All public officials, bodies and agencies to which reference is made are those of Lexington County, South Carolina, unless otherwise indicated.

2.20 Definitions

Words used in this Ordinance shall have their customary meanings as determined by the standard dictionary definition except for the following specific words and terms which are herein defined. In any case, the Planning Engineer shall have the right to define or interpret any word or term contained within this Ordinance.

Construction - Any building or erection of a structure or any preparation for the same.

Development - any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials.

Drainageway - a natural or manmade land depression with the purpose of collection and removal of surface or subsurface water from a given area either by gravity via natural means or by systems constructed to remove water and is commonly applied herein to surface water.

Easement - A grant or reservation made by the owner of land for use by others for a specific purpose or purposes, and which must be included in the conveyance of land affected by such easement.

Elevated Building - A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

Embankment or Fill - A deposit of soil, rock or other material placed by man

Erosion - The general process by which soils or rock fragments are detached and moved by the action of wind, water, ice and gravity.

Flood - A temporary rise in the level of water which results in the inundation of areas not ordinarily covered by water. For the purpose of this Ordinance, a flood shall be construed to be any inundation which has a return frequency of 100 years or less, and shall be known as the base flood.

Flood Maps - The maps which are made a part of this Ordinance as though copied herein, and which designate within the unincorporated jurisdiction of Lexington County and within those municipalities which, by executed agreement, have contracted for the provisions of this Ordinance to be administered within their respective corporate boundaries, the elevation and/or boundaries of land subject to inundation by a flood. The specific studies and maps listed below shall be incorporated herein, including any amendments thereto, as well as any authorized studies received from the U. S. Corps of Engineering or other agency which specifically relate to the flooding of land within the County and which clarify or extend the information contained in the following:

County Drainage and Flood Maps:

County Drainage Map - a map maintained by the Department of Planning and Development which identifies the existing natural and man-made Major Drainage Channels of the County that carry existing and future run-off in accordance with the design requirements of this Ordinance.

County Flood Map - a map maintained by the Department of Planning and Development which identifies any land area, in addition to FEMA Flood Plains, that are susceptible to being inundated by flood waters resulting from a flood with a return frequency of 100 years or less.

FEMA Flood Maps:

Flood Insurance Rate Map (FIRM) - An official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community. The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Rate Map for Lexington County, South Carolina (unincorporated areas), latest edition with accompanying maps and other supporting data, to include the FEMA worksheets maintained by the Department of Planning and Development (WM #2-17), and any revision thereto, are adopted by reference and declared to be a part of this Ordinance.

Flood Insurance Study - The official report provided by Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary-Floodway Map and the water surface elevation of the base flood.

Flood Plain - Any land area determined by the Federal Emergency Management Agency(FEMA) or Lexington County as susceptible to being inundated by flood waters resulting from a flood with a return frequency of 100 years or less.

Flood Prone Area - Any land area determined by Lexington County to have a tendency to be susceptible to being inundated by water from any source.

Floodproofing - Any combination of structural and non-structural modifications, additions, changes, or adjustments to new or existing structures which has the effect of reducing or eliminating the potential for flood damage to real estate or improved real property, to water and sanitary facilities, or to structures and their contents.

Floodway - The channel of river or watercourse, and the adjacent land areas, that must be reserved in order to discharge a flood within a return frequency of 100 years without cumulatively increasing the water surface elevation more than one foot.

Floor - The top surface of an enclosed area in a building (including basement), that is, top of slab in concrete slab construction or top of wood flooring in wood frame construction

Grading - Any displacement of soil by stripping, excavating, filling, stockpiling, or any combination thereof, including the land in its excavated or filled state.

Land - Any ground, soil, or earth, including marshes, swamps, drainageways, and areas not permanently covered by water within the County.

Land Disturbance - Any activity involving clearing, grading, transporting, filling or any other activity which causes land to be exposed to the danger of erosion, or which might create an alteration in the natural drainageway.

Lowest Floor - the lowest floor of the lowest enclosed area, which is defined as any structure with more than one solid wall (including basement).

Major Drainage Channel - A natural or man-made channel within a Major Drainage System. Such channels are shown on the County Drainage Map, a map attached to and made a part of this Ordinance as though copied herein which is maintained by the Department of Planning and Development and which identifies the existing natural and man-made Major Drainage Channels of the County.

Manufactured Home - A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

Natural Waterways - Waterways that are part of the natural topography. They usually maintain a continuous or seasonal flow during the year and are characterized as being irregular in cross-section with a meandering course. Construction channels such as drainage ditches shall not be considered natural waterways.

New Construction - Structures for which the "start of construction" commenced on or after the effective date of the initial Flood Insurance Rate Map for Lexington County, South Carolina (unincorporated areas), which is June 15, 1981, and includes any subsequent improvements to such structures.

Permit - A certificate issued to perform work authorized under the provisions of the Ordinance.

Planning Engineer - Lexington County Planning Engineer

Pollution - The presence in the environment of any substance, including, but not limited to, sewage, sediment, industrial and other waste, air contaminant, or any combination thereof in such quantity and of such characteristics and duration as may cause the environment to be contaminated, unclean, noxious, odorous, impure or degraded, or which tends to be injurious to human health or welfare; or which damages property, plant, animal or use of property.

Post-Development - The conditions which exist following the completion of the land disturbance in terms of topography, vegetation, land use and rate, volume or direction of stormwater runoff.

Pre-development - The conditions which exist prior to the initiation of the land disturbance in terms of topography, vegetation, land use and rate, volume or direction of stormwater runoff.

Recreational Vehicle - a vehicle which is a) built on a single chassis; b) 400 square feet or less when measured at the largest horizontal projection; c) designed to be self-propelled or permanently towable by a light duty truck; and d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal uses.

Registered Landscape Architect - A landscape architect properly registered and licensed in South Carolina or permitted by the Licensing Board.

Registered Professional Engineer - A person who is registered by the State of South Carolina pursuant to Chapter 22, Title 40, Code of Laws of South Carolina, 1976, as amended.

Registered Tier B Land Surveyor - A person who is registered by the State of South Carolina pursuant to Chapter 22, Title 40, Code of Laws of South Carolina, 1976, as amended.

Runoff - That portion of the precipitation on the land which reaches the drainage system.

Sedimentation - The process which operates at or near the surface of the ground, or deposit soils, debris and other materials either on other ground surfaces or in water channels.

Stop Work Order - An order directing the person responsible for the land disturbing activity to cease and desist all or any portion of the work which violates the provisions of this ordinance.

Structure - Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground, including, but not limited to, tennis courts, swimming pools, fences, and buildings.

Subdivision - As defined by the Lexington County Subdivision Regulations(latest edition).

Substantial Damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the appraised value, which could be determined by the County Assessor, of the structure before the damage occurred.

Substantial Improvement - Any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during the life of a structure, in which the cumulative cost equals or exceeds fifty percent of the market value of the structure. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

Vegetation - All plant growth, including trees, shrubs, mosses, and grasses.

Watershed - The drainage area contributing stormwater runoff to a single point.

SECTION 3 - PROCEDURE

3.10

3.30 Approval Process

The applicant shall make application to the Department of Planning and Development for a Land Disturbance Permit (Level I, II or III) to disturb land in Lexington County. Such application shall be accompanied by Stormwater Management and Sediment Control Plans prepared in accordance with the provisions of Section 4 of this Ordinance. Most land disturbances will generally conform to the following categories; however, the Planning Engineer may require a Level III Permit in those cases where extensive land disturbance is planned for a development with a disturbed area of less than one quarter (1/4) acre.

Land Disturbance Permit Level I Required For:

- * Clearing Activities where no new improvements are involved

Land Disturbance Permit Level II Required For:

- * All developments with a disturbed area of less than one quarter (1/4) acre ; and/or
- * All encroachment and/or alteration activities within a Flood Plain or Major Drainage Channel where no Drainage or Flood Study is required

Land Disturbance Permit Level III Required For:

- * All developments with a disturbed area greater than or equal to one quarter (1/4) acre; and/or
- * All encroachment and/or alteration activities within a Flood Plain or Major Drainage Channel where a Drainage or Flood Study is required

3.40 Approval or Disapproval of Application

3.41 All Storm Water Management and Sediment Control Plans shall be submitted to the Lexington County Planning and Development Office. The plan shall contain supporting computations, drawings, and sufficient information describing the manner, location, and type of measures in which stormwater runoff will be managed for the entire land disturbance. The approved plan shall serve as the basis for water quantity and water quality control on all subsequent construction. A copy of the plan shall be available on the job site and the issued Land Disturbance Permit shall be posted at the job site in a conspicuous place.

3.42 Upon receipt of a completed application for a Land Disturbance Permit Level I or II, the Planning Engineer or his designee shall accomplish the review of the plans and have either the approval, denial, or review comments transmitted to the applicant within ten (10) working days. Upon receipt of a completed application for a Land Disturbance Permit Level III, the Planning Engineer or his designee shall accomplish the review of the plans and have either the approval, denial, or review comments transmitted to the applicant within twenty (20) working days. A

completed application is defined as a completed application form as well as all required submissions. If notice is not given to the applicant or if action is not taken by the end of the 20th working day period, the applicants plan will be considered approved.

- 3.43** If an application is denied, the applicant may elect to correct the indicated deficiencies in conformance with the provisions of this Ordinance and resubmit the application to the Department of Planning and Development with no additional fee assessed.

3.50 Other Authorization or Requirement

Where any authorization, bonds, or other securities are required by applicable laws, regulations or ordinances for any part of the proposed work to be done under the plan, the applicant shall, upon request, furnish the Department of Planning and Development with satisfactory evidence that such requirements have been met before the commencement of work under an approved application.

3.60 Expiration of Permit

A Land Disturbance Permit will remain valid for up to five(5) years from the date of issuance, provided that the project is in compliance with this Ordinance and is not inactive for a period of twelve consecutive months.

3.70 Responsibility of Applicant

During any land disturbance operation, the applicant shall be responsible for carrying out the proposed work in accordance with the permit, approved plan, specifications, and time schedule, and in compliance with all requirements of this Ordinance.

SECTION 4 - PLAN REQUIREMENTS

4.10 Requirements for Stormwater Management and Sediment Control Plan Preparation

4.11 General requirements for all Stormwater Management and Sediment Control Plans will include, but not limited to the following:

- a. Select land where the drainage pattern, topography and soils are favorable for the intended use. Tracts of land vary in suitability for different uses. Knowing the major characteristics of the land area and kinds of soil helps in identifying and evaluating potential problems.
- b. Expose the smallest practical area of land for the least possible time during development.
- c. When feasible, retain and protect natural vegetation. Save topsoil, where practical, for replacing on graded areas.
- d. Use temporary plant cover, mulching, or structures to control runoff and protect areas subject to erosion during construction.
- e. Wherever possible, utilize natural drainage structures, with minimal or no man-made improvements, to handle the increased run-off from development.
- f. Engineer the drainage systems of the development according to the "Lexington County Development Guidelines".
- g. Use sediment basins or other forms of silt traps, where practical, to remove heavy sediment loads from runoff waters leaving the disturbed area.
- h. Install the permanent vegetative cover and the long-term erosion protection structures as soon as practical in the development process.

4.12 Specific Requirements for the permanent stormwater management portion of the Stormwater Management and Sediment Control Plan approval process will include, but not limited to the following:

- a. Stormwater management must be addressed on a watershed basis to provide a cost effective water quantity and water quality solution to the specific watershed problems.
- b. All Storm Drainage Systems will be classified based on the size of the contributing Drainage Basin or Sub-Watershed as follows:

1. Minor Drainage Systems: 0 - <40 Acres

All street drainage, curb and gutters, pipe systems, culverts, ditches and channels which drain less than 40 acres will be designed to carry flows resulting from a ten (10)-year frequency storm. Minimum allowable pipe diameter shall be 15 inches.

The plan shall identify all drainageways.

2. Collector Systems: 40 - <100 Acres

All drainage systems draining at least 40 acres but less than 100 acres shall be designed to carry flows resulting from a twenty-five (25)- year frequency storm.

The plan shall identify all drainageways

3. Major Drainage Channels: 100 - <300 Acres

All drainage systems draining at least 100 acres but less than 300 acres. Encroachment upon Major Drainage Channels and the adjacent overflow land shall be avoided as much as possible. All unavoidable improvements such as channel improvements, culverts or bridges along these channels shall be designed to carry a flow resulting from a fifty (50)-year frequency storm.

In a subdivision, as defined by the Lexington County Subdivision Regulations, an easement sufficient to accommodate the flow from a fifty (50)-year frequency storm shall be dedicated to Lexington County for maintenance of the channel. In all other development activities, the plan shall identify all drainageways.

4. County or FEMA Flood Plains: 300 and more Acres

All natural channels, creeks or rivers draining more than 300 acres. Encroachment upon these channels and the adjacent overflow land shall be avoided as much as possible. All unavoidable improvements such as culverts or bridges along these channels shall be designed to carry a flow resulting from a One-hundred (100)-year frequency storm.

If there are no detailed Flood Studies and Base Flood Elevations available in these areas, the applicant shall provide a detailed flood study delineating the 100-year Flood Plain and the Floodway. 100- year flood limits along with Base Flood Elevation and the Floodway will be shown on the Stormwater Management and Sediment Control Plans and also on the Final Plat if applicable. In a subdivision, as defined by the Lexington County Subdivision Regulations, the property lines shall stop at the Floodway line and the Floodway shall be dedicated to Lexington County. In all other development activities, the plan shall identify all drainageways.

5. All Drainage Systems regardless of its size or classification shall be analyzed and revised as necessary to ensure that overflow of the system would not result in a

likelihood of dwelling flooding, property damage or public access and/or utility interruption be greater than one percent in any given year. All hydrological computations shall be based on the contributing watershed being fully developed.

- c. All hydrologic computations shall be accomplished using a volume based hydrograph method acceptable to the Planning Engineer. The storm duration shall be the 24-hour rainfall event, applicable SCS distribution with a 5 minute burst duration time increment. The Rational or Modified Rational Method is acceptable for sizing individual culverts or stormdrains that are not part of a pipe network or system and do not have a contributing drainage area greater than 20 acres. The storm duration for this method shall be equal to the time of concentration of the contributing drainage area or a minimum of 5 minutes, which ever is greater.
- d. Stormwater management requirements for a specific project shall be based on the entire area to be developed, or if phased, the initial submittal shall control that area proposed in the initial phase and establish a procedure and obligation for the total site control.
- e. Stormwater quantity control is an integral part of overall stormwater management. Detention Ponds to control the peak run-off and volume may be required in areas where there are known drainage problems or where the downstream natural or manmade channels are inadequate to accommodate projected run-off. The requirement for a detention pond and/or downstream capacity improvements will be determined by the Planning Engineer. Lexington County strongly encourages developers and engineers to make use of existing natural channels in their natural state, not to encroach into the natural floodprone areas and use channel improvements and/or detention ponds only as a last resort.

The following design criteria for flow control shall be used where required by the Planning Engineer on a case-by-case basis:

1. Post-development peak discharge rates shall not exceed pre-development discharge rates for 2 through 25 year frequency 24-hour duration storm event unless the subject development is in a known problem watershed such that additional flow will negatively impact the watershed or there is insufficient flow capacity downstream in which case the peak discharge rates after the development may be restricted up to 1/2 (one half) the pre-development rates or whatever the system capacity downstream.
2. Where ponds are the proposed method of control the person responsible for the land disturbance shall submit to Lexington County, when required, an analysis of the impacts of stormwater flows downstream in the watershed for the 2 through 100 year storm events. The analysis shall include hydrologic and hydraulic calculations necessary to determine the impact of hydrograph timing modifications of the proposed land disturbance, with and without the pond. The results of the analysis will determine the need to modify the pond design or to eliminate the pond requirement. Lacking a clearly defined downstream point of constriction, the

downstream impacts shall be established, with the concurrence of Lexington County.

- f. Discharge velocities shall be reduced to provide a non-erosive velocity flow from a structure, channel, or other control measure or the velocity of the 10-year, 24-hour storm runoff in the receiving waterway prior to the land disturbance.
whichever is greater.
- g. All ponds, other than a retention or detention pond engineered as part of a stormwater system, that impede, encroach or alter a major drainage channel or flood plain must be capable of accommodating stormwater from a 100 year storm event based on built-out conditions for the watershed.
- h. Where existing wetlands are intended as a component of an overall stormwater management system, the approved Stormwater Management and Sediment Control Plan shall not be implemented until all necessary federal and state permits have been obtained.
- i. All stormwater management and sediment control practices shall be designed, constructed and maintained with consideration for the proper control of mosquitoes and other vectors.

4.13 Types of Stormwater Management and Sediment Control Plans

For the purposes of this ordinance, stormwater management, erosion and sedimentation plans shall be divided into three levels: Level I, II and III.

a. Level I Stormwater Management and Sediment Control Plan

All clearing activities where no new improvements are involved shall submit a Level I Stormwater Management and Sediment Control Plan.

This plan does not require preparation or certification by a registered engineer, registered landscape architect, or a Tier B Land Surveyor.

b. Level II Stormwater Management and Sediment Control Plan

All developments with a disturbed area of less than one quarter (1/4) of an acre shall submit a Level II Stormwater Management and Sediment Control Plan.

A Level II Stormwater Management and Sediment Control Plan is comprised only of a narrative description accompanied by a sketched plan.

This plan does not require preparation or certification by a registered engineer, registered landscape architect, or a Tier B Land Surveyor.

c. Level III Stormwater Management and Sediment Control Plan

All developments with a disturbed area of one quarter (1/4) of an acre or greater must submit a Level III Stormwater Management and Sediment Control Plan. In addition to a Level III permit, all developments with land disturbing activities involving five (5) acres or more must provide water quality protection and apply for a National Pollution Discharge Elimination System (NPDES) permit.

A Level III Stormwater Management and Sediment Control Plan must be prepared, certified and sealed by a registered professional engineer, registered landscape architect or a Tier B Land Surveyor.

- 4.14** The Level I Stormwater Management and Sediment Control Plan shall contain the following, as applicable:
- a. Completed application form and clearing schedule with a certification by the person responsible for the land disturbance that the land disturbance will be accomplished pursuant to the plan and that Lexington County has the right to conduct on-site inspections;
 - b. an anticipated starting and completion date of the various stages of land disturbance activities and the expected date the final stabilization will be completed;
 - c. a description of the sediment control measures to be used during land-disturbing activities. These activities are required to utilize Best Management Practices to control erosion and sediment, and to utilize appropriate measures to control the quantity of stormwater runoff;
- 4.15** The Level II Stormwater Management and Sediment Control Plan shall contain the following, as applicable:
- a. Completed application form and construction schedule with a certification by the person responsible for the land disturbance that the land disturbance will be accomplished pursuant to the plan and that Lexington County has the right to conduct on-site inspections;
 - b. an anticipated starting and completion date of the various stages of land disturbance and the expected date the final stabilization will be completed;
 - c. a description of the sediment control measures to be used during land disturbance. These activities are required to utilize Best Management Practices to control erosion and sediment, and to utilize appropriate measures to control the quantity of stormwater runoff;
 - d. general description of topographic and soil conditions of the tract;
 - e. a general description of adjacent property and a description of existing structures, buildings, and other fixed improvements located on surrounding properties and;

- f. a sketched plan (engineer's, landscape architect's or surveyor's seal not required) to accompany the narrative shall contain:
 - 1. a site location drawing of the proposed project, indicating the location of the proposed project in relation to roadways, jurisdictional boundaries, streams, and rivers;
 - 2. the boundary lines of the site on which the work is to be performed;
 - 3. the location of temporary and permanent vegetative and structural erosion and sediment control measures;

4.16 The Level III Stormwater Management and Sediment Control Plan shall contain the following, as applicable:

- a. Completed application form and construction schedule with a certification by the person responsible for the land disturbance that the land disturbance will be accomplished pursuant to the plan and that Lexington County has the right to conduct on-site inspections;
- b. A vicinity map sufficient to locate the site and to show the relationship of the site to its general surroundings at a scale of not smaller than one (1) inch to one (1) mile.
- c. A site plan completed by a registered professional engineer, registered landscape architect or a Tier B Land Surveyor and drawn to a scale of not smaller than one (1) inch to two hundred (200) feet, showing:
 - 1. the boundary lines of the site on which the work is to be performed, including the approximate acreage of the site;
 - 2. existing contours with intervals of not more than two (2) feet, extending not less than one hundred (100) feet outside of the site boundary lines;
 - 3. proposed contours of disturbed areas with intervals of not more than two (2) feet;
 - 4. proposed physical improvements on this site, including present development and future utilization if future development is planned,
 - 5. a plan for temporary and permanent vegetative and structural erosion and sediment control measures which specify the erosion and sediment control measures to be used during all phases of clearing, grading, filling, construction, and permanent development and shall describe their proposed operation;
 - 6. an approved concept plan or preliminary development plan which provides for stormwater runoff control during construction and during the life of the facility. A

time schedule and sequence of operations indicating the anticipated start and completion dates of each development operation;

Should an approved preliminary development plan include a time schedule for phased construction over a time period of more than six months, then an anticipated construction schedule for each specific phase may be submitted separately provided the proposed time schedule for each construction phase does not deviate from the approved preliminary development plan by more than three months.

7. a complete and adequate grading plan for borrow pits and material processing facilities where applicable, including restoration and re-vegetation measures;
8. a general description of the predominant soil types on the site;
9. a description of the maintenance program for sediment control facilities including inspection programs, vegetative establishment of exposed soils, method and frequency of removal and disposal of solid waste material removed from control facilities and disposition of temporary structural measures.

Procedures during construction shall include the inspection of all sediment and erosion controls at least once every seven calendar days and after any storm event of greater than 0.5 inches of precipitation during any 24-hour period;

10. Plans to minimize vehicle tracking of sediments from land disturbing activities onto paved public roads carrying significant amount of traffic (ADT of 25 vehicles/day or greater)
11. All developments with land disturbing activities involving five (5) acres, or more must provide water quality protection as outlined in Document #1416 Chapter 72, Section 72-307C of the S. C. Stormwater Management and Sediment Reduction Regulations.
12. Water quality must be guaranteed on those sites which disturb ten acres or more and that the stormwater runoff drains to a single outlet from land disturbing activities by using one of the following methods:
 - (a) The plan shall control runoff during the land disturbance by a sediment basin where sufficient space and other factors allow these controls to be maintained until the final inspection. The sediment basin shall be designed and constructed to accommodate the anticipated sediment loading from the land disturbance and meet a removal efficiency of 80 percent suspended solids or 0.5 ML/L peak settleable solids concentration, whichever is less. The outfall device or system design shall take into account the total drainage area flowing through the disturbed area to be served by the basin or,
 - (b) Other practices may be acceptable if they achieve an equivalent removal efficiency of 80 percent for suspended solids or 0.5 ML/L peak settleable solids

concentration, which ever is less. The efficiency shall be calculated for disturbed conditions for the 10-year 24-hour event

(c) Permanent water quality ponds having a permanent pool shall be designed to store and release the first 1/2 inch of runoff from the site over a 24 hour period. The storage volume shall be designed to accommodate, at least, 1/2 inch of runoff from the entire site.

(d) Permanent water quality ponds, not having a permanent pool, shall be designed to release the first inch of runoff from the site over a 24-hour period.

13. The name and address of the property owner and developer;

14 Title, scale, north arrow, date and name of individual or organization preparing plat, with seal.

4.20 Provisions for flood hazard reduction

All development within the FEMA or County Flood Plains, Major Drainage Channels and other flood-prone areas as designated by the Planning Engineer are subject to the following provisions as applicable:

a. Whenever a regulatory 100 year flood boundary line is proposed to be relocated due to fill, excavation or errors and discrepancies discovered on the Flood Insurance Rate Maps (FIRM), an application shall be made to the Federal Emergency Management Agency (FEMA), for a Letter of Map Revision (LOMR) or a Letter of Map Amendment (LOMA), through Lexington County.

The applicant is responsible for providing all documents required by FEMA which may include topographic maps, hydraulic and hydrologic data and any applicable review fees to be submitted to Lexington County prior to final plat approval in subdivision developments and prior to final inspection in other types of land development.

The County shall notify adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse and submit copies of such notifications to the Federal Insurance Administrator.

- b. Design all culverts, bridges, and other drainage structures in accordance with the specifications and design standards of the Planning Engineer's Office so that a 100-year frequency flow through a Major Drainage Channel will not overtop any roadway.
- c. Applicants shall obtain all necessary permits from those governmental agencies from which approval is required by state or federal law.
- d. The Planning Engineer shall review subdivision proposals and other proposed new developments to determine whether such proposals will be reasonably secure from the effects of flooding. If any subdivision proposal or other proposed new development is in a flood-prone area, the

Planning Engineer shall require the submission of the base flood elevation-data, and any such proposal shall be reviewed to assure that:

1. All such proposals are consistent with the need to minimize flood damage with the flood prone area.
 2. All public utilities and facilities, such as sewer, gas, electrical, and water systems, are located and constructed to minimize or eliminate flood damage.
 3. Adequate drainage is provided to reduce exposure to flood hazards.
 4. Where a flood study is required by the Planning Engineer, base flood discharges shall be based on full watershed development.
 5. All floodway delineations will be based on maximum 1.0 foot rise and all floodways within the subdivision shall be dedicated to Lexington County.
 6. All base flood elevations shall be based on the National Geodetic Vertical Datum (NGVD) or the North American Vertical Datum (NAVD).
- e. The applicant shall design new and replacement water and sewer systems within flood prone areas so as to minimize or eliminate infiltration of flood waters into the system. On-site waste disposal systems shall be located to avoid impairment to the system or contamination from the system during flooding.
- f. All new construction and substantial improvements of residential structures shall
1. have the lowest floor, including basement, elevated to at least two (2) feet above the 100-year frequency flood elevation. If a building pad is used, the ground shall be sloped from the pad down to the 100-year frequency flood elevation over a distance of ten or more feet.
 2. have all mechanical and utility equipment, and air conditioner units, hot water heaters, washers, dryers, other similar equipment and their operating components, designed and/or elevated, to at least one (1) foot above the 100-year frequency flood elevation, to prevent water from entering or accumulating in its components. Under limited circumstances flood proofing (i.e. placement in water tight cases) may be allowed.
- g. All new construction and substantial improvements of non-residential structures shall:
1. have the lowest floor, including basement, elevated to at least two (2) feet above the flood level of a flood with a return frequency of 100 years.
 2. together with attendant utility and sanitary facilities, be designed so that below the elevation of a flood with a return frequency of 100 years, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic loads and effects of buoyancy; and

3. where floodproofing is utilized for a particular structure, a registered engineer or architect shall certify that the floodproofing methods are adequate to withstand the flood depths, pressure, velocities, impact, uplift forces, and other factors associated with a flood with a return frequency of 100 years, and a record of such certificates shall be maintained in the Department of Planning and Development.
- h. For the purpose of determining compliance with the National Flood Insurance Program and Related Regulations, the County shall:
 1. require that the elevation (mean sea level) of the lowest floor (including basement) of all new or substantially improved structures in a floodplain be provided;
 2. require that, if the structure has been floodproofed, the elevation (mean sea level) to which the structure was floodproofed be provided; and
 3. maintain a public record of all such information with the Department of Planning and Development.
 - i. No encroachments, including fill, new construction, substantial improvements, or other development shall be permitted in the floodway. Floodways may or may not be shown on the Flood Insurance Rate Maps (FIRM). In areas where floodways are not shown on the FIRM maps or stop short of a subject property, the Planning Engineer will determine the floodway limits. This may be accomplished by extending the limits to the adjacent property, by a study done by the applicant and approved by the Planning Engineer, by an existing or new study by the County or by relocating the proposed development sufficiently away from the waterway.
 - j. Manufactured home location and placement shall adhere to the following:
 1. no manufactured home shall be permitted in the regulatory floodway,
 2. manufactured homes that are placed or substantially improved within zones A - 30, AH and AE on the FIRM on sites inside or outside of a manufactured home park on which a manufactured home has incurred "substantial damage" as a result of a flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated two feet above the base flood elevation. The manufactured home shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement in accordance with the Standard Building Code Appendix H and the FEMA publication "Manufactured Home Installation in Flood Hazard Areas" (FEMA 85);
 3. manufactured homes to be placed or substantially improved on sites inside or outside of a manufactured home park within zones A - A30, AH and AE on the FIRM that are not subject to the provisions of paragraph (j) (2) shall be elevated so that the lowest floor of the manufactured home is elevated two feet above the base flood elevation. The manufactured home shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement in accordance with the Standard Building Code Appendix H and the FEMA publication "Manufactured Home Installation in Flood Hazard Areas" (FEMA 85);

4. all mechanical and utility equipment, and air conditioner units, hot water heaters, washers, dryers, other similar equipment and their operating components, shall be designed and/or elevated, to at least one (1) foot above the 100-year frequency flood elevation, to prevent water from entering or accumulating in its components. Under limited circumstances flood proofing (i.e. placement in water tight cases) may be allowed; and
 5. manufactured homes located in the floodplain in accord with the above shall be secured with anchored tie-downs in accord with Section 60.3 of the Code of Federal Regulations, as amended.
- k. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls. Designs for complying with this requirement must either be certified by a registered professional engineer or architect or meet the following minimum criteria:
1. provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 2. the bottom of all openings shall be no higher than one foot above grade; and
 3. openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- l. Electrical, plumbing, and other utility connections are prohibited below the base flood elevation.
- m. Recreational vehicles located in a floodplain area must comply with the requirements of 44 Code of Federal Regulations Chapter 1 Section 60.3(c)(14).

4.30 Reference

All calculations, formulae and data used in the preparation of Stormwater Management and Sediment Control Plans shall be subject to review by the Planning Engineer who may require other calculations made, formulae used, or data supplied.

4.40 Certifications

The following certifications shall be on the Stormwater Management and Sediment Control Plans:

Applicant's Certification

"I (We) hereby certify that all clearing, grading, construction, and/or development will be done pursuant to this plan and I (we) are responsible for the land disturbance and related maintenance thereof. Lexington County authorities will be allowed to enter the project site for the purpose of on-site inspections.

Date

Owner/Person Financially Responsible

Designer's Certification

"I hereby certify that this plan is designed to contain soil on the property concerned to the maximum extent, to provide for the protection of the property and the proposed improvements thereon from the effects of flooding, to provide for the control of the runoff from the property, and that all the provisions for sediment control and storm drainage are in accordance with the Stormwater Management and Sediment Control Ordinance for Lexington County, South Carolina."

Date

Signature

S.C. Registration Number
_Registered Professional Engineer
_Registered Landscape Architect, or
_Tier B Land Surveyor

SECTION 5- ADMINISTRATION AND ENFORCEMENT

5.10 Inspection

The Planning Engineer or his authorized representative shall inspect the work done under the approved plan periodically as deemed advisable. An inspection report shall be filled out upon completion of each official inspection. Inspection reports shall be maintained by Lexington County on all detention and retention structures and those inspection reports shall include the following items:

- a. The date of inspection;
- b. The name of the inspector;
- c. The condition of (if applicable):
 1. Vegetation,
 2. Fences,
 3. Spillways,
 4. Embankments,
 5. Reservoir area,
 6. Outlet channels,
 7. Underground drainage,
 8. Sediment load, or
 9. Other items which could effect the proper function of the structure.
- d. Description of needed maintenance.

5.20 Enforcement

- 5.21** Wherever the Planning Engineer or his authorized representative finds that the work done or not done under any Land Disturbance Permit issued under the tenets of this Ordinance fails to conform to the approved plan or plans, he shall direct conformance to the plan as he deems necessary, to include the issuance of a written order to comply, to issue a stop work order, to revoke the permit issued, or to seek redress through legal action, or to withhold the release of permanent electric power to the site.
- 5.22** All violations of the provisions of this Ordinance by any person, partnership, or corporation, whether public or private, that come to the attention of any responsible individual concerned shall be reported to the Planning Engineer.
- 5.23** Violation of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Any person, firm, or corporation who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than the maximum allowable penalty jurisdiction of the Magistrate's Court. Each day such violation continues shall be considered a separate offense. The Planning Engineer or other appropriate County official may also seek injunctive relief or any other

appropriate action in courts of competent jurisdiction to enforce the provisions of this Ordinance.

5.30 Fee Schedule

The application for a Land Disturbance Permit to disturb or change land in Lexington County shall be accompanied by a non-refundable fee. The fee schedule for obtaining a Land Disturbance Permit shall be established by Lexington County Council.

5.40 Waivers and Variances

5.41 Waivers

The Planning Engineer may grant waivers from the stormwater management requirements of this Ordinance for individual land disturbances if there are exceptional circumstances applicable to the site such that strict adherence to the provisions of this Ordinance will result in unnecessary hardship and not fulfill the intent of the Ordinance. The Planning Engineer may require a written request from the applicant containing descriptions, drawings, and any other information that is necessary to evaluate the proposed land disturbance(s). A separate written waiver request may be required if there are subsequent additions, extensions, or modifications which would alter the approved stormwater runoff characteristics to a land disturbance receiving a waiver. A project may be eligible for a waiver of stormwater management for water quantity control if the applicant can demonstrate that:

- a. the proposed project will have no significant adverse impact on the receiving natural waterway or downstream properties, or
- b. the imposition of peak control requirements for rates of stormwater runoff would aggravate downstream flooding.

5.42 Variances

The Planning Commission may, upon application to it and showing of undue hardship, grant variance and exception to any of the provisions of this Ordinance, providing such variance or exception is in harmony with the general purpose and intent of this Ordinance. A written request for variance shall be provided to the Planning Commission and shall state the specific variance(s) sought and the reason(s) with supporting data for their granting. The Planning Commission may request and consider the opinion of the Planning Engineer before deciding upon any variance. In any event, the conditions and criteria for granting an appeal or variance request regarding property within the identified Floodplain or Floodway shall be as outlined in 44 Code of Federal Regulations Chapter 1, Section 60.6 (Latest edition), based on a showing of all of the following:

- a. Good and sufficient cause;
- b. Determination that failure to grant variance would result in exceptional hardship to the applicant;

- c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of public, or conflict with existing local laws or ordinances; and
- d. A variance is the minimum necessary, considering the flood hazard, to afford relief.

5.50 Appeals, Hearings and Citizen Complaints

5.51 Any person aggrieved by this Ordinance or by the decision of the Planning Engineer may appeal to the Planning Commission which acts as the local Hearing Board by written notice to its Secretary. Such appeal shall be filed within thirty (30) days after the decision.

a. A hearing by the Planning Commission is available following a request to determine the propriety of:

- 1. the denial or revocation of a Land Disturbance permit
- 2. a citizen complaint concerning program operation
- 3. the issuance of a notice of violation or non-compliance with the plan
- 4. the regulations included in this Ordinance
- 5. the issuance of fines as a result of this Ordinance
- 6. the issuance of a stopwork order as a result of this Ordinance

b. All hearings shall be initiated by the Planning Commission which shall give notice to all parties of the hearing.

- 1. All parties must receive the notice of hearing not less than thirty (30) days;
- 2. The notice will be sent by the Secretary of the Planning Commission;
- 3. The notice shall include:
 - (1) A statement of time, place, and nature of the hearing;
 - (2) A statement of legal authority and jurisdiction under which the hearing is to be held;
 - (3) A reference to the particular sections of the statutes and rules involved;
 - (4) A short and plain statement of matters asserted.

c. All requests for hearings must be received two (2) weeks prior to the scheduled monthly meetings of the Planning Commission by its Secretary in order to be heard at its next meeting.

d. After hearing all parties, a decision will be issued by the Planning Commission based on the majority of the members voting on the appeal.

5.52 Any person who shall feel aggrieved by any decision on an appeal to the Planning Commission may appeal to SCDHEC in accordance with 1976 SC Code of Laws Section 48-18-70 and Regulation 72-314.

SECTION 6 - MAINTENANCE

6.10 Maintenance During Construction

The applicant is responsible for maintenance and the preventive maintenance of all completed stormwater management practices to ensure proper functioning. The responsible inspection agency shall ensure preventive maintenance through inspection of all stormwater management practices.

6.20 Maintenance Responsibilities After Development

Temporary and permanent erosion, sedimentation and stormwater management facilities, once installed and after a final inspection has been completed, shall be maintained in one of the following manners:

- a. Facilities maintained by owner - The owner of the property on which work has been done pursuant to this ordinance, or any other person or agent in control of such property, shall maintain in good condition and shall promptly repair and restore all grade surfaces, walls, drains, dams and structures, vegetation, erosion and sediment control measures, and other protective devices. Such repairs or restorations and maintenance shall be in accordance with the approved plan.

The facilities to be maintained by the owner shall provide adequate access to permit County authorities to inspect and, if necessary, to take corrective action. If the owner or any other person or agent in control of such property fails to maintain properly the facilities for which he is responsible under the provisions of this ordinance, the Lexington County shall give such owner, person or agent in control written notice describing specifically the deficiency. If the owner, person or agent in control fails, within ten (10) days from the date of receipt of such notice, to take or commence corrective action, such owner, person or agent shall be subject to the penalties found in this ordinance.

- b. Facilities maintained by Lexington County - All facilities to be maintained by Lexington County must be designed and constructed in accordance with the requirements of this ordinance and all such facilities shall be dedicated to the County by deed with attached record drawings, after the County has accepted the conveyance of such facilities by appropriate action of the county governing body. Such deed shall include sufficient ingress-egress easements to permit the County to properly maintain such facilities.

SECTION 7 - LEGAL STATUS

7.10 Conflict with Other Laws

Whenever the provisions of this Ordinance impose more restrictive standards than are required in or under any other ordinance, the regulations herein contained shall prevail. Whenever the provisions of any other ordinance require more restrictive standards than are required herein, the requirements of such shall prevail.

7.20 Repeal of Conflicting Regulations

All ordinances and resolutions regulating sediment control adopted prior to these regulations are hereby repealed.

7.30 Separability Clause

If any section, clause, or portion of this Ordinance shall be held by a court of competent jurisdiction to be invalid or unconstitutional, such finding shall not affect any other section, clause, or portion of the Ordinance.

7.40 Amendments

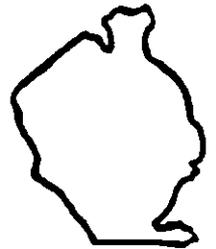
This Ordinance may be amended in the manner as prescribed by law for its original adoption, Before the County governing body amends this Ordinance, they must seek the advice of the Planning Commission who will make a recommendation for each amendment within thirty (30) days.

7.50 Effective Date

This Ordinance shall take effect and be enforced from and after January 1, 1996.



COUNTY OF LEXINGTON
PUBLIC WORKS DEPARTMENT
ENGINEERING



MEMORANDUM

DATE. August 14, 2006

TO: Katherine Doucett
County Administrator

FROM: John Fechtel, Public Works Director 
Assistant County Administrator

RE: Through Truck Prohibition – Calvary Church Road

Councilman Jim Kinard would like to revisit this issue as soon possible. The attached letter dated March 14, 2002 was faxed to me from SCDOT on 8-11-06. This issue was discussed in 2002, but I do not think County Council took any action. Basically it is prohibiting large trucks from using Calvary Church Road (SCDOT maintained) unless it is a local delivery. Although SCDOT indicates an ordinance is preferred, I am trying to get clarification on the means by which they will accept our request.

Please place this on the Public Works Committee agenda for their consideration

March 14, 2002

Lexington County Traffic

Mr. John J. Fechtel, Director
Lexington County Public Works
440 Ballpark Road
Lexington, South Carolina 29072

Re: Truck Traffic Calvary Church Road (Road S-164)

Dear Mr. Fechtel:

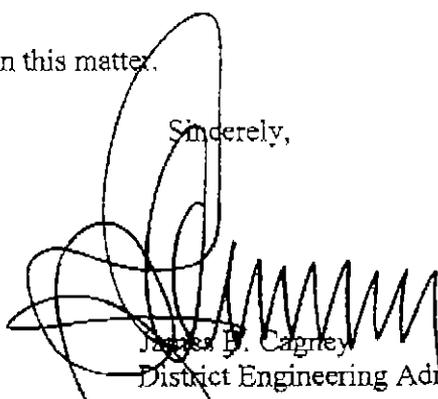
Thank you for your February 20, 2002, letter concerning the aforementioned roadway. You had requested that through trucks be prohibited on Calvary Church Road between SC Route 6 and US Route 21.

A review of this request revealed that Calvary Church Road is a 20 foot wide secondary road that runs between US Route 21 and SC Route 6 with no posted speed limit. The roadside development along Calvary Church Road is single-family homes. It appears that trucks utilize this road as a short cut between US Route 21 and SC Route 6.

Based on our review, we have no objection to prohibiting through trucks on Calvary Church Road, between US Route 21 and SC Route 6. However, before the signs are installed, we would prefer that the County pass an ordinance stating that through trucks are prohibited on this road. The ordinance indicates the support of the local government that is responsible for enforcement. Without this concurrence, the sign would serve no purpose since the restriction would not be enforced. Upon notification from the County of the ordinance passage, the Department's maintenance forces will proceed to erect the signs.

Thank you for your assistance in this matter.

Sincerely,



James B. Caprey
District Engineering Administrator

JBC:rkb
CC: Resident Maintenance Engineer Wilson
File: DI/HBR *KAM*

TSS

The Committee Minutes are left out intentionally until approved by the Committee. Upon the Committee's approval, the minutes will be available on the internet.



County of Lexington

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

MEMORANDUM

TO: Planning and Administration Committee
Lexington County Council

THROUGH Katherine Doucett, County Administrator

FROM Ronald T. Scott, Community Development Director 

DATE: August 14, 2006

RE Community Development Block Grant (CDBG) Program
Amendment to 2006 Action Plan

On May 23, 2006, County Council voted in favor of utilizing unallocated CDBG funds to help pay for a new position within the Economic Development Department. This position will be funded with CDBG and other County funds. The responsibilities of the position will include addressing the goals and national objectives of the CDBG program.

Attached is a letter to HUD documenting our intent to amend our 2006 CDBG Action Plan by allocating \$27,163 for the new economic development position. The Action Plan describes how the County will expend its CDBG funds. This amendment to the Action Plan is not considered substantial, and no public notice is required. The attached letter will serve as sufficient documentation to HUD of the amendment.

We recommend Council approval of the letter to HUD notifying them of this amendment to our 2006 Action Plan. This will allow the County to utilize CDBG funds for the economic development position.



County of Lexington

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

August 23, 2006

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

Re: Amendment to Lexington County Annual Action Plan - Program Year 2006

Dear Mr. Bradley:

As the Certifying Officer for Lexington County's Community Development Block Grant (CDBG) Program, I am hereby informing you of our intent to amend our Annual Action Plan for Program Year 2006.

It is my understanding that our Community Development staff met with you and Brad Evatt on April 27, 2006. Among the topics discussed was the possibility of our utilizing CDBG funds for a new economic development position in the County's Economic Development Department. During the meeting, it was clarified that use of CDBG funds to support such a position is an eligible expenditure, provided that the position address the goals and national objectives of the CDBG program.

On May 23, 2006, Lexington County Council voted in favor of utilizing unallocated CDBG funds to help pay for the new economic development position within the Economic Development Department. This position will be funded by CDBG in the amount of \$27,163 and with other County funds. The responsibilities of the position will include addressing the goals and national objectives of the CDBG program.

As described in our 2005 - 2009 Consolidated Plan Citizen Participation Plan, Page B-3, we have determined that this amendment does not constitute a substantial amendment to the 2006 Action Plan. Therefore, no public notice was required and this letter will serve as documentation to HUD of the amendment.

We appreciate your guidance and assistance. If you have any questions or need any further information, please contact our Community Development Department.

Sincerely,

Katherine L. Doucett
County Administrator

cc: Kirk Van Laan
Ronald T. Scott
George Bistany



County of Lexington

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

MEMORANDUM

TO: Planning and Administration Committee
Lexington County Council

THROUGH: Katherine Doucett, County Administrator

FROM: Ronald T. Scott, Community Development Director 

DATE: August 14, 2006

RE: CDBG Community Advisory Committee

Recently we have determined a need to establish an advisory committee for our Community Development Block Grant Program (CDBG). The primary responsibilities of this committee will include providing input into the annual allocation process and other CDBG activities, and providing input to staff in selecting projects for the Minor Housing Repair Program. Several Urban Counties utilize similar advisory committees to assist them in identifying areas of need

Attached are the draft policies for the CDBG Community Advisory Committee. These policies were prepared by staff and reviewed and agreed upon by the County Attorney.

We recommend Council approval of the CDBG Community Advisory Committee.

CDBG Community Advisory Committee

The Lexington County CDBG Community Advisory Committee is established to provide input to and maximize the effectiveness of the CDBG program.

The CDBG Advisory Committee shall be composed of at least five (5) members. The members of the Committee act in an advisory role to CDBG staff. All members shall reside in Lexington County or represent organizations or businesses serving residents of Lexington County.

Meetings will be held at least four (4) times annually. Meetings will be held more frequently if deemed necessary by the Committee. Meetings are held at the Lexington County Administration Building unless otherwise decided.

The primary responsibilities of the CDBG Community Advisory Committee are to:

1. Review proposals for allocating the CDBG funds, and make recommendations to CDBG staff.
2. Review applications and make recommendations to staff for minor home repair assistance based on established eligibility criteria.
3. Review Annual Action Plan and Consolidated Annual Performance and Evaluation Report and make recommendations to CDBG staff.
4. Provide input on the needs of low and moderate-income residents of Lexington County.
5. Provide input on how to affirmatively further fair housing.
6. Provide input on affordable housing needs in Lexington County.



County of Lexington

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

MEMORANDUM

To: Planning and Administration Committee
Lexington County Council

Through: Katherine Doucett, County Administrator

From: Ronald T. Scott – Community Development Director 

Date: August 14, 2006

Subject: Community Development Block Grant (CDBG) Program
Consolidated Annual Performance and Evaluation Report (CAPER)
Program Year 2005 (July 1, 2005 – June 30, 2006)

The County's sixth year of participation in the Community Development Block Grant Program ended on June 30, 2006. Year-end reporting requirements include the submission of a narrative report on goals accomplished in conjunction with our 5-year Consolidated Plan and financial reports for the year.

Prior to submission to HUD, this report is made available for public comment for 15 days and is presented at a public hearing. The 15-day comment period began August 11 and will end August 25, 2006. The public hearing is scheduled for Thursday, August 24 at 2:00 pm in Council Chambers. Following the public hearing and comment period, any comments received are incorporated into the report and the final report is submitted to HUD. The report is due no later than September 28.

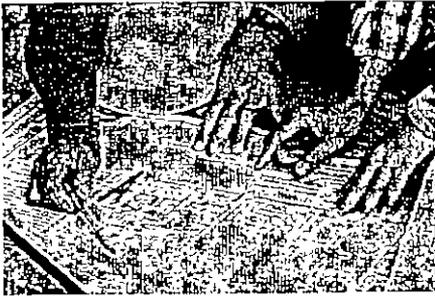
The CAPER is being submitted to County Council for information purposes. Approval is not expressly required, as the activities have already been approved through the Consolidated Plan and Annual Action Plan process. If there are questions, staff will be prepared to review highlights of the report for the Planning and Administration Committee.

We recommend that Council accept the attached Consolidated Annual Performance and Evaluation Report.

Lexington County
South Carolina

2005 / 2006

Consolidated Annual Performance and Evaluation Report



PROGRAM YEAR 2005
JULY 1, 2005 – JUNE 30, 2006

Staff

RONALD T. SCOTT

Director

GEORGE BISTANY

Community Development Administrator

JASON BOOZER

Community Development Technician

Lexington County

Community Development Block Grant Program

212 South Lake Drive

Lexington, South Carolina 29072

(803) 785-8121

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www.lex-co.com

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Introduction

Lexington County, South Carolina, became an Urban Entitlement County on July 1, 2000. This designation provides the County with an annual formula allocation of Community Development Block Grant (CDBG) funds from the United States Department of Housing and Urban Development (HUD). CDBG project activities are targeted to provide decent housing, a suitable living environment, and to expand economic opportunities for low and moderate-income persons and neighborhoods located in the unincorporated areas of the County. The County has completed its first year of activities for the Consolidated Plan for Program Years 2005-2009.

The County's CDBG program is housed within the Community Development Department. In addition to CDBG, the Community Development Department coordinates the permitting and development functions for the current and future residential, commercial, and industrial interests of Lexington County. These activities are accomplished by several divisions in cooperation with other County departments and outside agencies.

This report reflects the activities and expenditures for Lexington County's CDBG Program during Program Year 2005, July 1, 2005 through June 30, 2006. Program Year 2005 new projects were identified in the County's Annual Action Plan submitted to HUD in May 2005. Following submission of the 2005 Action Plan, an additional project was added in December 2005. The following is a list of all projects added in Program Year 2005:

- Highway 6 Fire Station (previously referred to as Fire Station at Fish Hatchery Road)
- Law Enforcement Center at the Lexington County Airport at Pelion
- Old Barnwell Road Water
- Low and Moderate Income Neighborhood Study
- Lloydwoods Sewer (added December 2005)

In addition to these projects, several projects were carried over from previous years, these included the following:

- Happy Town Road, Water and Fire Improvements
- Bellemeade Drainage Phase II
- Greater Columbia Community Relations Council
- Double Branch Community Planning

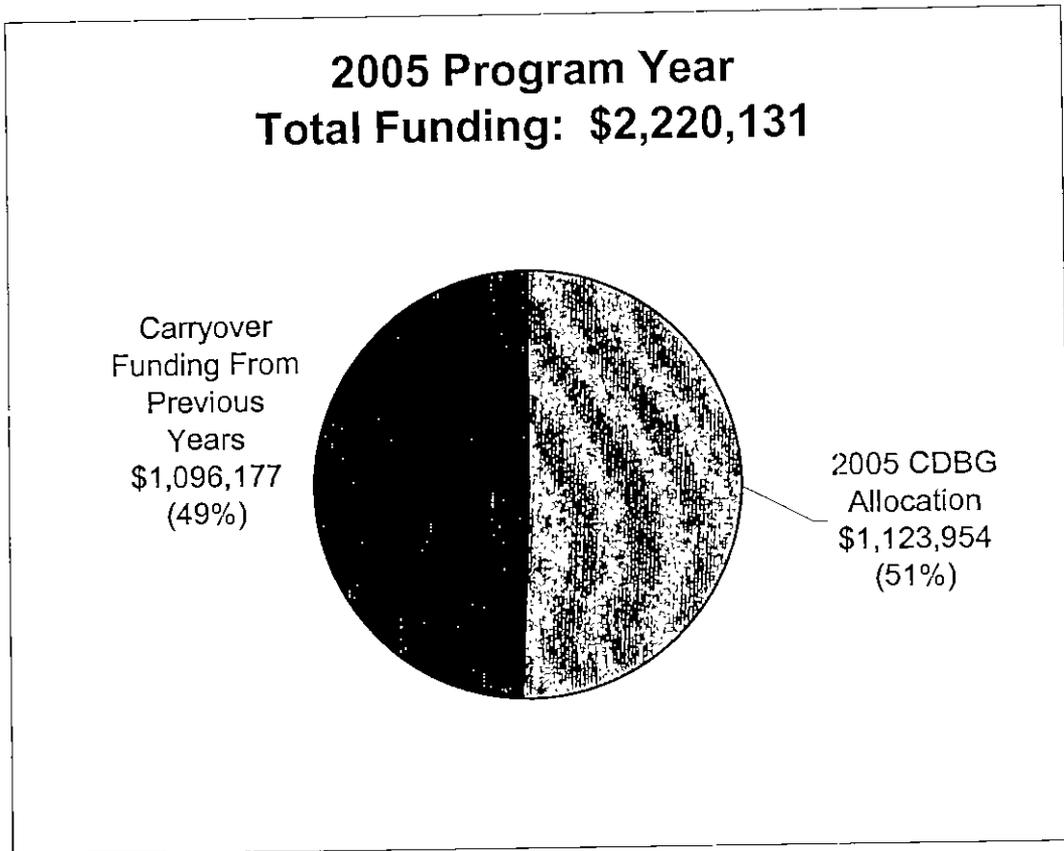
Available Funds

SOURCES OF FUNDS

The United States Department of Housing and Urban Development (HUD) awarded Lexington County \$1,123,954 for the 2005 Program Year. This award was made as a formula grant under the regulations of HUD's Community Development Block Grant Program (CDBG). The funding was allocated through the County's Annual Action Plan for 2005 and the County's annual budgetary process.

The total amount of CDBG funds available during the 2005 Program Year is reflected in Exhibit I, including carryover funds from previous Program Years and program income received during the program year.

EXHIBIT I



LEVERAGING OF FUNDS

Lexington County is very conscious of the value of partnering with other entities to leverage resources and support for various community development projects. The County makes every reasonable effort to extend its HUD-provided funds with other sources of revenue.

Recent examples of leveraging include the following:

- Lloydwoods Sewer: \$240,000
 - Leveraged funds from the South Carolina Department of Commerce, and SCDHEC contributed to this project.
- Old Barnwell Road Water: \$20,000 (in-kind estimate)
 - Assistance in engineering and project management provided by the Lexington County Joint Municipal Water and Sewer Commission.
- Highway 6 Fire Station: \$20,000 (in-kind estimate)
 - Assistance in project management provided by the Lexington County Public Safety Department.
- Law Enforcement Center at Pelion: \$20,000 (in-kind estimate)
 - Assistance in project management provided by the Lexington County Public Safety Department.
- Greater Columbia Community Relations Council (GCCRC): \$70,000 (in-kind estimate)
 - Assistance through volunteer and administrative support, bookkeeping, office space, computer maintenance and software, online services, and staff support for the fair housing public services project.
- Bellemeade Drainage Improvements: \$12,732 (in-kind estimate)
 - Assistance in engineering and project management provided by the Lexington County Public Works Department.
- Happy Town Neighborhood Road Paving: \$256,351 (\$51,912 in-kind estimate)
 - Assistance in engineering and project management provided by the Lexington County Public Works Department.
 - Tap fees waived by the Town of Swansea
 - Utilizing "C" funds (revenue generated from tax on gasoline) the County paved another road in this neighborhood (Jasper Sutton) at a cost of \$204,439.
- Midlands Area Consortium for the Homeless (MACH): \$9,825
 - Leveraged funds from the City of Columbia and Richland County contributed to this project.

Exhibit II is a summary of the \$349,083 leveraged to date for Program Year 2005 projects.

EXHIBIT II

Project	CDBG	Leveraged Funds	Total Investment
Lloydwoods Sewer	\$95,000	<ul style="list-style-type: none"> • \$190,000 – SC Dept. of Commerce • \$50,000 – SCDHEC 	\$335,000
Old Barnwell Road Water	\$180,000	<ul style="list-style-type: none"> • \$20,000 -- Lexington Co. Joint Municipal Water and Sewer Commission (In-Kind) 	\$200,000
Highway 6 Fire Station	\$546,440	<ul style="list-style-type: none"> • \$20,000 -- Lexington Co. Public Safety Department (In-Kind) 	\$566,440
Law Enforcement Center at Pelion	\$671,240	<ul style="list-style-type: none"> • \$20,000 -- Lexington Co. Public Safety Department (In-Kind) 	\$691,240
Greater Columbia Community Relations Council – Fair Housing Education	\$50,000	<ul style="list-style-type: none"> • \$70,000 – Greater Columbia Community Relations Council 	\$120,000
Total Leveraged: \$350,000			

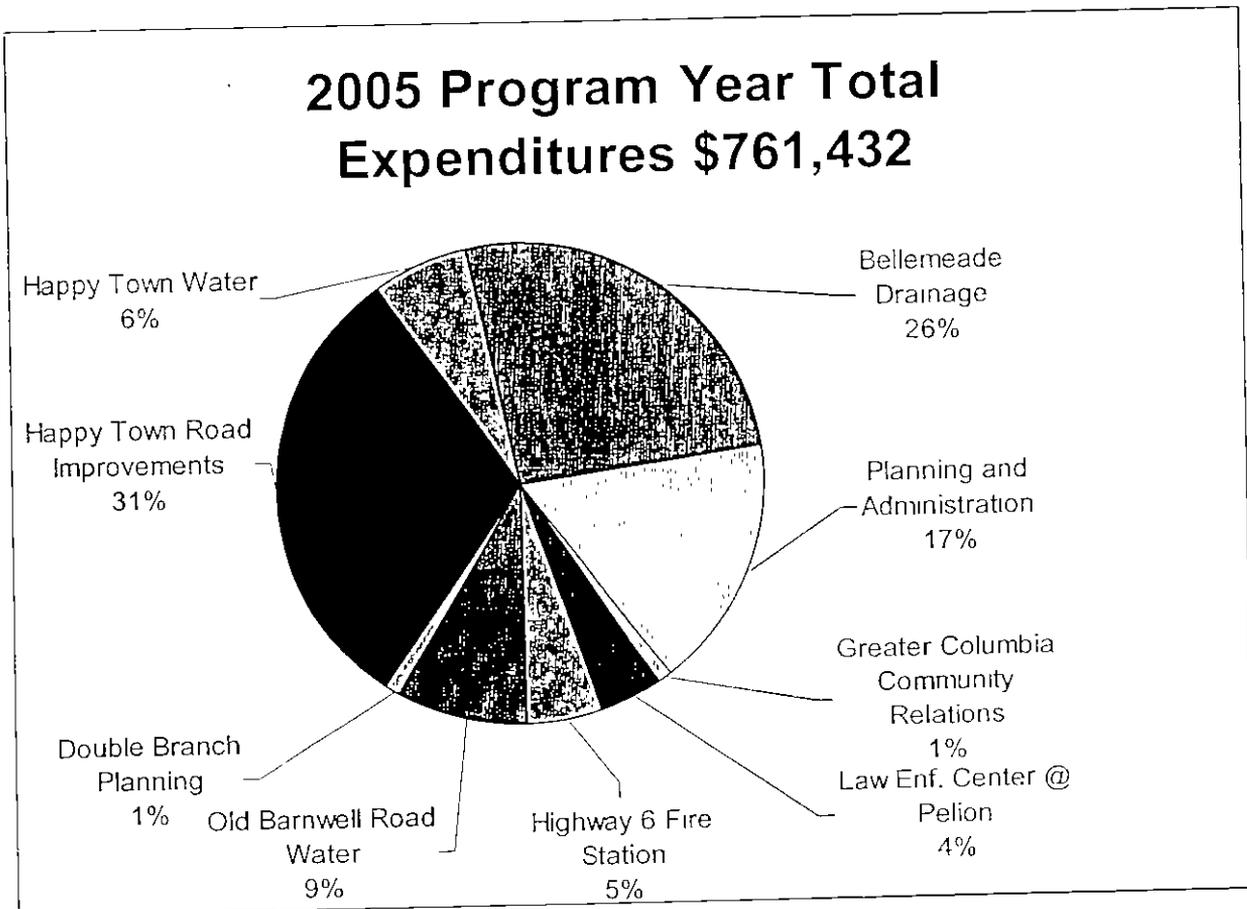
Expenditures

SUMMARY OF EXPENDITURES

During the 2005 Program Year, a total of \$761,431.57 in CDBG funds was expended on activities identified in the 2005-2009 Consolidated Plan. HUD requires that a minimum of 70 percent of CDBG expenditures (not including planning and administration) benefit LMI persons or households over a one to three-year reporting period. During the 2005 program year, all funds (100%) other than planning and administration were expended on activities benefiting LMI persons and households.

Expenditures were made during the Program Year for various activities including a waterline, road paving, drainage improvements, fair housing education, and public safety facilities. Exhibit III is a summary of the expenditures for the 2005 Program Year.

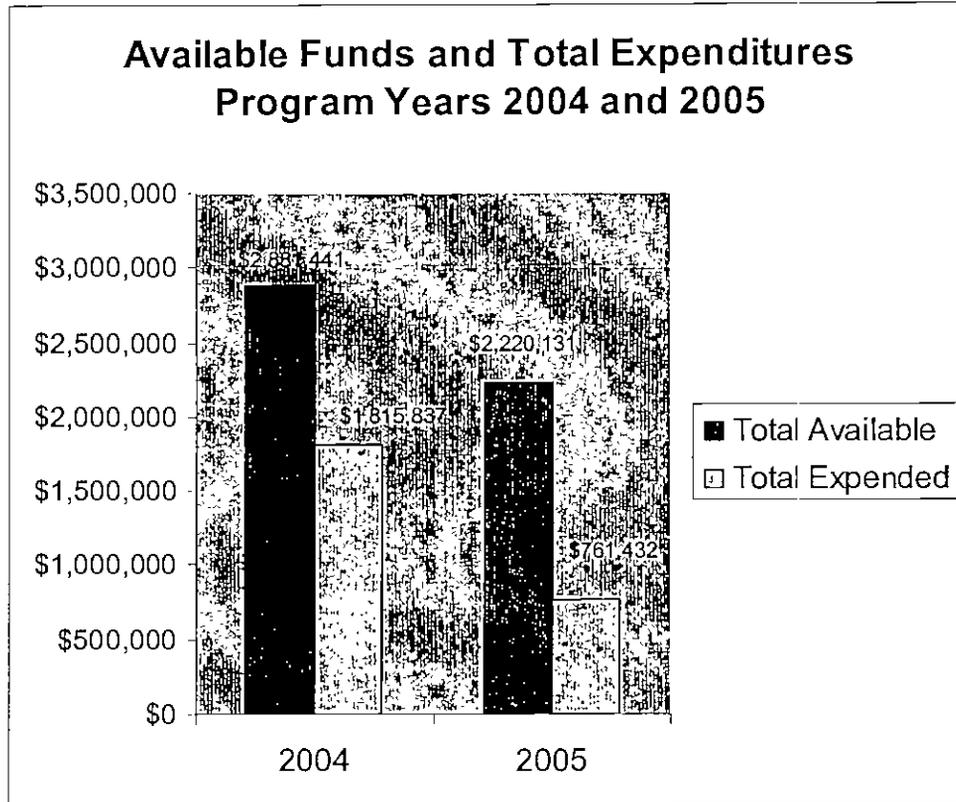
EXHIBIT III



TIMELINESS OF EXPENDITURES

Ensuring timely expenditures of available CDBG funds is a priority. The CDBG program staff constantly monitors expenditures and funds available. As shown in Exhibit IV, the County spent approximately 35% of its total available funds during the program year.

EXHIBIT IV



PROJECT EXPENDITURES

The County's expenditures on projects are shown in Exhibit V below:

EXHIBIT V

2005 PROJECTS					
Activity No.	Project	Budgeted	Expended in Program Year	Expended to Date	Carry Forward
15	Happy Town Water/Fire Improvements	\$470,969	\$48,818	\$470,969	\$0
16,20,24	Happy Town Road Improvements	\$1,156,900	\$234,820	\$1,015,332	\$0
21	Bellemeade Drainage Phase II	\$634,614	\$199,578	\$634,614	\$0
22	Highway 6 Fire Station	\$546,440	\$39,149	\$43,349	\$503,091
23	Greater Cola. Comm. Relations	\$50,000	\$5,571	\$26,589	\$23,410.78
26	Double Branch Community Planning	\$8,000	\$8,000	\$8,000	\$0
28	Old Barnwell Road Water	\$180,000	\$65,484	\$65,484	\$114,515.10
29	Law Enforcement Center	\$664,249	\$31,122	\$31,122	\$633,127
30	Lloydwoods Sewer	\$95,000	\$0	\$0	\$95,000

Assessment of Progress Toward 5-Year Goals

SUMMARY OF ACTIVITIES AND ACCOMPLISHMENTS

The priorities identified in Lexington County's Consolidated Plan for Program Years 2005 - 2009 are:

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

A variety of projects have been implemented since the program's inception that addresses these priorities. Projects have included infrastructure such as water, sewer, and road improvements, neighborhood initiatives addressing public health and safety including storm water drainage systems, fair housing education, homeless analysis, public service projects, public safety facilities and fire services equipment. These activities benefit many low and moderate-income areas and residents across the County.

The 2000 Census showed that Lexington County had a significant number of block groups with 51% or more LMI persons. The majority of these areas are located in the mostly rural southern portion of the County. These rural areas lack many of the public facilities and infrastructure necessary to foster a strong and healthy community. For that reason, the County continues to focus on the infrastructure-related activities that provide basic services to these rural neighborhoods. The infrastructure and public safety aspects of our plan help build strong and healthy communities that encourage economic opportunities and contribute to enhanced quality of housing, greater employment, and a better quality of life.

TECHNICAL ASSISTANCE, EDUCATION AND OUTREACH ACTIVITIES

JULY 2005

7/7/05

Greater Columbia Community Relations Council
Technical Assistance Meeting – Fair Housing Project

7/15/05

Midlands Area Consortium for the Homeless
Monthly meeting

7/20/05

Lexington County Joint Municipal Water and Sewer Commission
Old Barnwell Road Water Project

7/21/05

United Way of the Midlands
Columbia Metro Affordable Housing Trust Fund - Steering Committee Meeting

7/22/05

AIDS Housing of Metro Columbia
Monthly Meeting

7/27/05 – 7/28/05

HUD
CPD Regional Feedback Session – Atlanta, GA

AUGUST 2005

8/15/05 – 8/19/05

HUD
Environmental and Labor Compliance Training – Atlanta, GA

8/24/05

HUD
Environmental Training – Columbia, SC

8/25/05

CDBG Performance Report (CAPER) and Needs Assessment
Public Hearing – Columbia, SC

8/26/05

AIDS Housing of Metro Columbia
Monthly Meeting

TECHNICAL ASSISTANCE, EDUCATION AND OUTREACH ACTIVITIES

SEPTEMBER 2005

9/6/05

United Way of the Midlands
Columbia Metro Affordable Housing Trust Fund - Steering Committee Meeting

9/7/05

Lexington County Sheriff's Department
CDBG Planning Meeting

9/9/05

American Red Cross of Central South Carolina
Richland/Lexington County Emergency Food and Shelter Board Meeting

9/13/05

Lexington Chamber of Commerce
Public Forum – Blueprint to Address Homelessness

9/15/05

Columbia Metropolitan Convention Center
Intergovernmental Summit – Blueprint to Address Homelessness

9/16/05

Midlands Area Consortium for the Homeless
Monthly meeting

9/18/05 – 9/22/05

National Association of County Community and Economic Development
Annual Training Conference – Salt Lake City, UT

9/29/05

United Way of the Midlands
Food, Shelter, Safety, Transportation Committee Meeting

9/30/05

AIDS Housing of Metro Columbia
Monthly Meeting

TECHNICAL ASSISTANCE, EDUCATION AND OUTREACH ACTIVITIES

OCTOBER 2005

10/12/05

Lexington Interfaith Community Services
Technical Assistance meeting

HP & G and Company
Double Branch Road neighborhood study presentation

10/13/05

Lexington Medical Center Foundation
Technical Assistance meeting

10/14/05

Greater Columbia Community Relations Council
Monitoring / Technical Assistance meeting

10/17/05

Midlands Workforce Development Board
Technical Assistance meeting

10/18/05

City of Cayce
Lloydwoods Sewer project meeting

Greater Columbia Community Relations Council
Housing Committee meeting

10/19/05

Lexington County Sheriff's Department
Code Enforcement staff meeting

10/21/05

Midlands Area Consortium for the Homeless
Monthly meeting

10/24/05

Communities in Schools
Technical Assistance meeting

Irmo / Chapin Recreation Commission
Technical Assistance meeting

TECHNICAL ASSISTANCE, EDUCATION AND OUTREACH ACTIVITIES

10/26/05

State Housing Finance & Development Authority - South Carolina Partners in Homeownership
Quarterly meeting

NOVEMBER 2005

11/8/05

Lexington Interfaith Community Services
Technical Assistance meeting

11/9/05

Irmo / Chapin Recreation Commission
Technical Assistance meeting / site visit

11/14/05

Joint Municipal Water and Sewer Commission
Old Barnwell Road pre-construction meeting

Columbia Urban League
Technical Assistance meeting

11/15/05

Workforce Enforcement Act
Luncheon

11/16/05

Midlands Technical College
Integrating Office 2000

11/17/05

Midlands Area Consortium for the Homeless
Homeless County press conference

11/18/05

Midlands Area Consortium for the Homeless
Monthly meeting

11/21/05

Midlands Homeless Shelter Site Selection Committee
Weekly meeting

11/22/05

Growing Home Southeast
Technical assistance meeting

TECHNICAL ASSISTANCE, EDUCATION AND OUTREACH ACTIVITIES

11/29/05

Brookland Community Development Corporation / City of West Columbia
Technical Assistance / Presentation of Double Branch Road Study

DECEMBER 2005

12/5/05

Midlands Homeless Shelter Site Selection Committee
Weekly meeting

12/6/05 – 12/7/05

State CDBG Program
Implementation Workshop

12/8/05

United Way of the Midlands
Food, Shelter, Safety, Transportation Committee Meeting

12/9/05

Richland County Community Development Department
Annual City/Counties Community Development Meeting

12/13/05

American Engineering
Technical Assistance Meeting – Lloydwoods Sewer Project

12/20/05

Midlands Area Consortium for the Homeless – Grants Committee
2006 Planning meeting

JANUARY 2006

1/17, 1/20, 1/24, 1/26, 1/31

Midlands Technical College
Conversational Spanish Class

1/19/06

Lexington County Planning Commission
Presentation of 2006 Requests for Funding

1/24/06

United Way of the Midlands
Emergency Food and Shelter Committee Meeting

TECHNICAL ASSISTANCE, EDUCATION AND OUTREACH ACTIVITIES

1/27/06

USC School of Medicine
HIV/AIDS Supportive Housing Meeting

1/31/06

SC Department of Commerce
Five-Year Consolidated Plan Presentation

FEBRUARY 2006

2/2, 2/7, 2/9

Midlands Technical College
Conversational Spanish Class

2/3/06

Central Midlands Council of Governments
Bike / Pedestrian Subcommittee – Monthly Meeting

2/8/06

HPG & Company
Meeting to finalize Double Branch Road neighborhood HUD environmental review

2/17/06

Midlands Area Consortium for the Homeless
Monthly Meeting

2/21/06

United Way of the Midlands
Food, Shelter, Safety, Transportation Committee – Monthly Meeting

2/22/06

South Carolina HIV/AIDS Council
Meeting to discuss CDBG and SCHAC programs and potential partnerships

2/24/06

HIV/AIDS Supportive Housing
Quarterly Meeting

2/27/06

State Housing Finance and Development Authority
2006 HOME workshop

TECHNICAL ASSISTANCE, EDUCATION AND OUTREACH ACTIVITIES

MARCH 2006

3/2/06

SC Dept. of Health & Environmental Control / STD-HIV Division
HOPWA 101 workshop

3/5/06 – 3/7/06

SC Department of Commerce
2006 SC Rural Summit – North Charleston, SC

3/9/06

Midlands Technical College
Conversational Spanish Class

3/9/06

Central Midlands Council of Governments
Bike / Pedestrian Subcommittee – Monthly Meeting

3/14/06 – 3/15/06

HUD
Construction Management Workshop

3/16/06

City of West Columbia
Meeting on Cooperative Agreement

3/17/06

Midlands Area Consortium for the Homeless
Monthly Meeting

3/20/06

Joint Municipal Water and Sewer Commission
Labor Standards Compliance Meeting

3/21/06

Greater Columbia Community Relations Council
Housing Committee Monthly Meeting

3/22/06

HUD
2006/2007 CDBG Projects Meeting

3/31/06

Columbia Housing Authority
City/Counties/Housing Authority Quarterly Meeting

TECHNICAL ASSISTANCE, EDUCATION AND OUTREACH ACTIVITIES

APRIL 2006

4/4/06

USC College of Social Work
Homelessness Gaps Analysis Workshop

4/6/06

Fair Housing Resolution published in *The State* newspaper
United Way of the Midlands
Food, Shelter, Safety, Transportation Committee – Monthly Meeting

4/7/06

Midlands Area Consortium for the Homeless – Grants Committee
Continuum of Care application meeting

4/11/06

Greater Columbia Community Relations Council
Housing Committee Monthly Meeting

4/14/06

2006/2007 Annual Action Plan
Public Hearing

4/18/06

Richland County
Heirs Property Workshop

4/19/06

Richland County
Fair Housing Workshop

4/22/06

Lakeview Educational Center
Fair Housing Forum – Greater Columbia Community Relations Council

4/27/06

HUD
Technical Assistance Meeting

4/28/06

USC School of Medicine
HIV/AIDS Supportive Housing Meeting

TECHNICAL ASSISTANCE, EDUCATION AND OUTREACH ACTIVITIES

4/29/06

Dutch Square Mall
2006 Fair Housing Poster Contest – Greater Columbia Community Relations Council

MAY 2006

5/4/06

Lexington County Register of Deeds
Meeting to discuss Land Forfeiture Commission

5/5/06

Midlands Area Consortium for the Homeless - Grants Committee
Continuum of Care application meeting

5/11/06

Lexington County Planning Department
Introduction to GPS

5/12/06 & 5/17/06

Lexington County Economic Development Department
Meeting to discuss new economic development position

5/17/06

Highway 6 Fire Station & Law Enforcement Center
Pre-bid Meeting

5/18/06

Lexington County Sheriff's Department
Meeting to discuss Code Enforcement and Demolition projects

5/19/06

Midlands Area Consortium for the Homeless
Monthly Meeting

5/25/06

Greater Columbia Community Relations Council
Meeting to discuss remaining funds and project extension

JUNE 2006

6/1/06

City of Columbia – Housing and Community Department
Meeting to discuss minor housing repair program

TECHNICAL ASSISTANCE, EDUCATION AND OUTREACH ACTIVITIES

6/2/06

Central Midlands Council of Governments
Meeting regarding minor housing repair program

6/6/06

Richland County
Meeting regarding minor housing repair program

6/7/06

Lexington County Landfill
Meeting regarding demolition and clearance program

6/7/06

HUD
Meeting regarding minor housing repair program

6/8/06

Bid Opening
Highway 6 Fire Station and Law Enforcement Center at Pelion Airport

6/13/06

Lexington County Economic Development Department
Meeting regarding demolition and clearance program

6/14/06

Greater Columbia Community Relations Council
Annual Luncheon

6/15/06

Midlands Area CDBG Administrators
Quarterly Meeting

6/19 – 6/23/06

National Community Development Association
Annual Training Conference, Hollywood, FL

6/27/06

Forfeited Land Commission
Meeting regarding demolition and clearance program

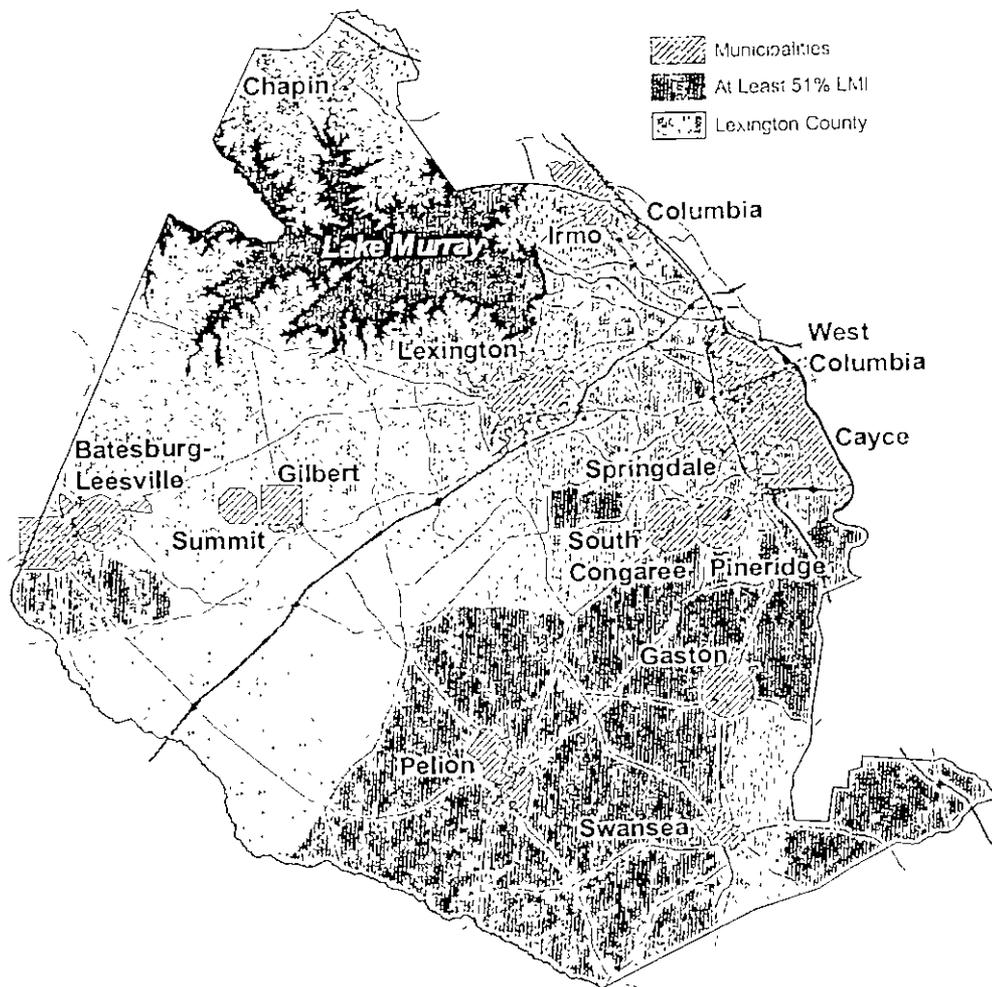
6/29/06

Midlands Workforce Development Board
Quarterly Luncheon

GEOGRAPHIC DISTRIBUTION

Lexington County's CDBG program provides funds for projects in unincorporated areas of the County where there are predominantly LMI persons. Incorporated towns and cities (Batesburg-Leesville, Cayce, Chapin, Gaston, Gilbert, Irmo, Lexington, Pelion, Pine Ridge, South Congaree, Springdale, Summit, Swansea, West Columbia) are eligible to receive funds from the State of South Carolina CDBG program.

During the program year, the County continued to focus its CDBG funds on infrastructure and public facility needs. CDBG funds were also expended on fair housing education public services, activity that provided fair housing education and a planning activity that analyzed area homeless data. The map shown below shows the areas of the County with predominantly LMI Block Groups. The LMI areas are mostly in the rural southern portion of the County. The concentrations of LMI support the County's continued focus on the needs of these rural population areas.

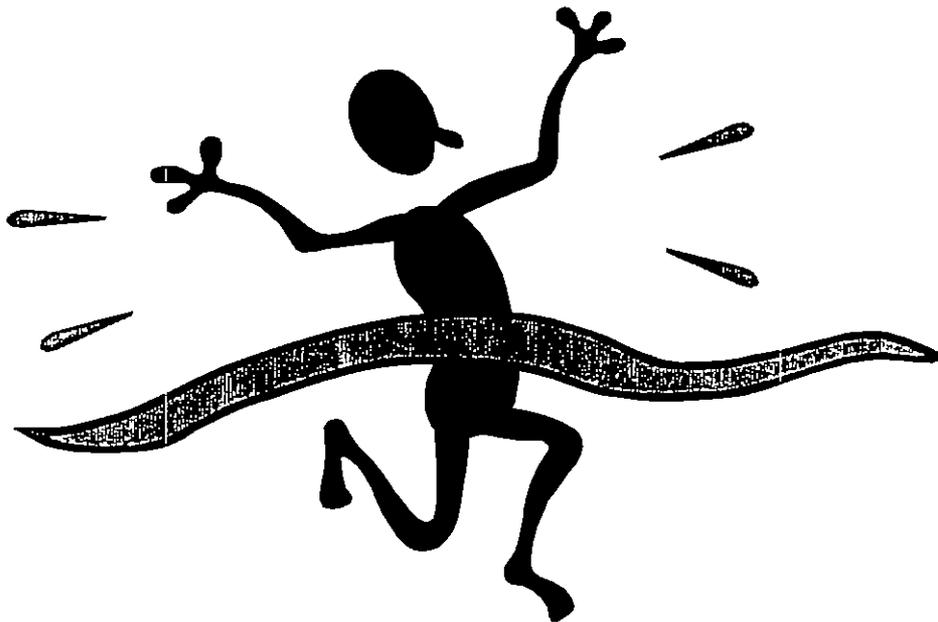


Project Progress

COMPLETED PROJECTS

The following projects were completed during the program year and are described on the following pages:

- Happy Town Water/Fire Improvements**
- Happy Town Road Improvements**
- Bellemeade Drainage Improvements Phase II**
- Double Branch Community Planning**



Happy Town Water/ Fire Improvements **HUD Activity Numbers 15,**
Happy Town Road Improvements **16, 20, 24**
Funded: 2001, 2003, 2004
Total Expenditures: \$1,583,638.32



The Happy Town Neighborhood Water/Fire Improvements project was completed in the Fall of 2005. The project included installation of water lines and additional fire hydrants in the predominantly LMI Happy Town neighborhood located in the southeastern area of the County near the Town of Swansea. The Road Improvements project addressed the need for road paving in the same area.

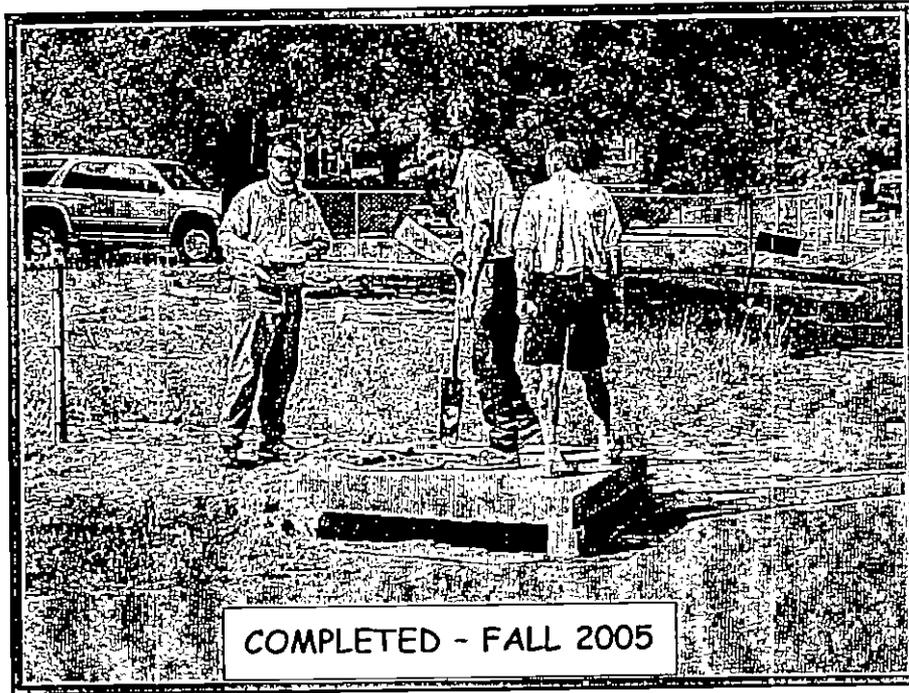
The project was the result of an amendment and reprogramming of funds that were previously allocated for a sewer project in the same neighborhood. The Town of Swansea is the utility provider for the project.

Bellemeade Drainage Phase II

HUD Activity Number: 21

Funded: 2004

Total Expenditures: \$634,614.50



The Bellemeade subdivision, located in a predominantly LMI area in the southeastern portion of the County, had a long-standing problem of poor drainage and flooding. The poor drainage and flooding conditions affected the quality of life of the neighborhood and created potential public health hazards. The CDBG program, in coordination with the County's Public Works Department, developed this project to address these needs.

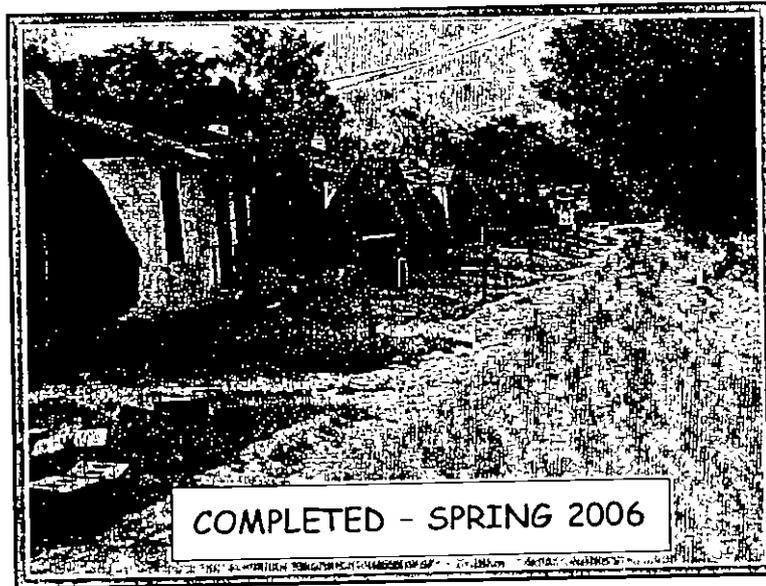
The first phase of the project completed in June 2004, consisted of installing approximately 1,000 LF of concrete pipe, junction boxes and catch basins. During the construction of phase I of the project, additional drainage improvement needs were identified. The second phase of the project consisted of installing an additional 2,030 LF of concrete pipe, junction boxes and catch basins in the neighborhood. Approximately 42 homes are located in the project area and benefit from both phases the project.

Double Branch Community Planning

HUD Activity Number: 26

Funded: 2004

Total Expenditures: \$8,000



Prior to and during Program Year 2004, the Brookland West Columbia Community Housing Development Corporation (BWCCHDC) met with County staff several times expressing the need for improvements to the Double Branch community. After much discussion with the BWCCHDC and the City of West Columbia, it was agreed that an update of a 1998 study of the area would be the best approach to determine what progress had been made over the six year period and to determine current cost estimates. Later an environmental study of the area was added to the project since one would have to be done before any construction project involving CDBG funds could be undertaken. The project is now complete and the results of the study and environmental review were utilized in preparation for a waterline project in 2006.

CONTINUED PROJECTS

The following projects were continued into the new program year and are described on the following pages:

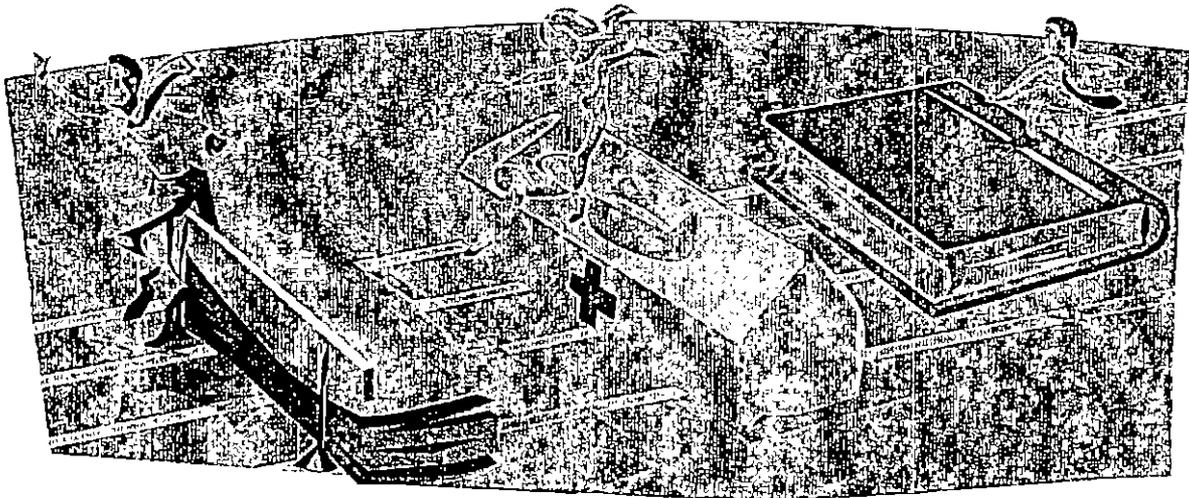
Highway 6 Fire Station (aka Fish Hatchery Road Fire Station)

Greater Columbia Community Relations Council

Lloydwoods Sewer

Old Barnwell Road Water

Law Enforcement Center at Pelion Airport



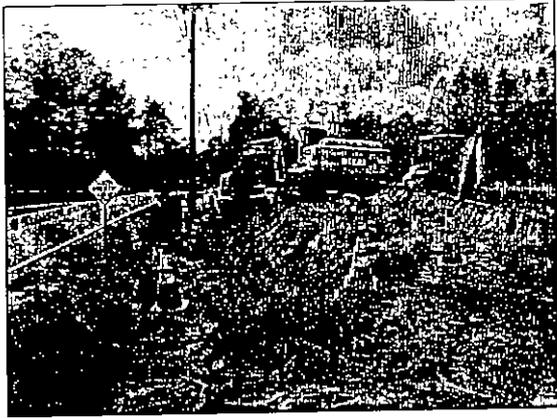
HIGHWAY 6 FIRE STATION HUD Activity Number: 22

<p>Description:</p> <p>This project was originally identified as the Route 6 Combined Public Safety Services Center. During the program year 2004, County Council decided to amend the project to include a fire station only. The station will provide coverage to a large rural area of the County that is currently more than five miles from any fire safety facility. The project will include costs for architectural design, land purchase and construction costs.</p>	
<p>Eligibility Citation: 570.201 (c)</p> <p>National Objective: 570.208 (a) (1) Low Mod Area</p> <p>HUD Matrix Code: 030 Fire Station/Equipment</p> <p>Location: Highway 6 between Fish Hatchery Road and Meadowfield Road</p>	<p>Funding:</p> <p>CDBG 2004: \$435,000.00</p> <p>CDBG 2005: \$111,440.00</p> <p>TOTAL: \$546,440.00</p> <p>Expenditures to Date: \$43,349.00</p>
Priority Need:	Ensure adequate and dependable public facilities are available to provide for basic and essential needs and service.
Objective:	Create suitable living environments
Outcome:	Availability/Accessibility
Outcome Units:	Public Facility: Improved access for 11,991 people
Beneficiaries:	Estimated Completion Date:
This project will serve approximately 78.5 sq miles of LMI block groups. This will reduce insurance rates and decrease response times.	January 30, 2007
<p>Accomplishments to Date:</p> <ol style="list-style-type: none"> 1. Environmental Review – Completed 2. Land Acquisition – Completed 3. Bidding and Contracting – Completed 4. Construction – In progress 	
<p>Current Status:</p> <p>Project is under construction.</p>	
<p>Administered by: Lexington County</p>	

GEATER COLUMBIA COMMUNITY RELATIONS COUNCIL
HUD Activity Number: 23

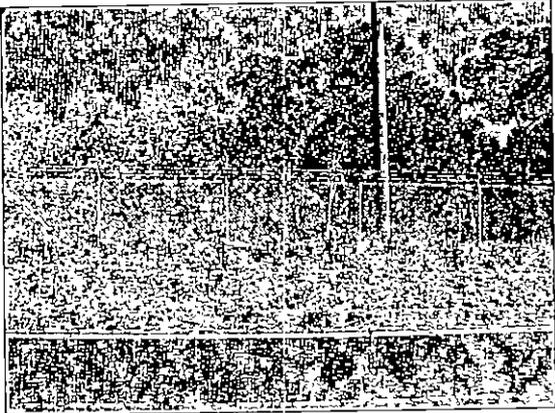
<p>Description: This is a fair housing education project implemented by the Greater Columbia Community Relations Council. The primary goals of the project are to meet the County's requirement by the CDBG program to affirmatively further fair housing and provide citizens with multiple opportunities to educate themselves on fair housing issues and concerns.</p>		
<p>Eligibility Citation: 570.201 (e) National Objective: 570.208 (a) (1) Low Mod Area HUD Matrix Code: 05J Fair Housing Activities Location: Census Tracts 205.09, 207.02, 208.00, 209.01, 214.02</p>	<p>Funding: CDBG 2004: \$50,000.00 TOTAL: \$50,000.00 Expenditures to Date: \$26,589.22</p>	
<p>Priority Need:</p>	<p>Establish or support programs that provide needed public services and/or increase the level of service provided by existing programs.</p>	
<p>Objective:</p>	<p>Create suitable living environments</p>	
<p>Outcome:</p>	<p>Availability/Accessibility</p>	
<p>Outcome Units: New access to this benefit: 16,298 people</p>		
<p>Beneficiaries: This project will benefit all persons living in predominantly low and moderate-income areas of the County.</p>	<p>Estimated Completion Date: June 30, 2007</p>	
<p>Accomplishments to Date: 5. Fair Housing Forums (2005, 2006) – Completed 6. Fair Housing Poster Contest (2005, 2006) – Completed 7. Fair Housing Workshop – Completed</p>		
<p>Current Status: Additional activities are being planned for 2006/2007.</p>		
<p>Administered by: Greater Columbia Community Relations Council</p>		

OLD BARNWELL WATER HUD Activity Number: 28

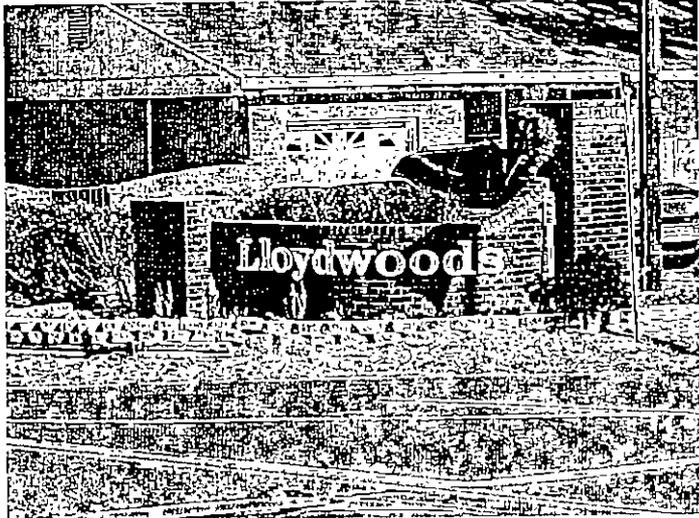
<p>Description: This project is being carried out by the Lexington County Joint Municipal Water and Sewer Commission. The project includes the construction of an 8" water main to serve homes located in the area and looping of the existing system. The project will also increase the Commission's capacity to better serve this and nearby low and moderate-income areas.</p>	
<p>Eligibility Citation: 570.201 (c) National Objective: 570.208 (a) (1) Low Mod Area HUD Matrix Code: 03 - Public Facilities and Improvements Location: Census Tract 21018.2</p>	<p>Funding: CDBG 2005: \$180,000.00 TOTAL: \$180,000.00 Expenditures to Date: \$65,484.90</p>
<p>Priority Need: Ensure adequate and safe infrastructure to meet basic needs of residents.</p>	
<p>Objective: Create suitable living environments</p>	
<p>Outcome: Availability/Accessibility</p>	
<p>Outcome Units: Infrastructure: New access for 2,635 people</p>	
<p>Beneficiaries: There are approximately 33 homes on this road that will benefit from the project.</p>	<p>Estimated Completion Date: June 30, 2007</p>
<p>Accomplishments to Date:</p> <ol style="list-style-type: none"> 1. Bidding and Contracting – Completed 2. Engineering and Design – Completed 3. Bidding and Contracting – Completed 4. Construction – In Progress 	
<p>Current Status: Construction nearly complete.</p>	
<p>Administered by: Lexington County Joint Municipal Water and Sewer Commission</p>	

LAW ENFORCEMENT CENTER AT PELION AIRPORT

HUD Activity Number: 29

<p>Description:</p> <p>This project was originally part of the planned Route 6 Combined Public Safety Services Center. During the program year 2004, County Council decided to amend the project to construct separate facilities. The project will include construction of a 6,327 square foot building to serve approximately 5,487 persons (3,236 LMI) in the south region of the County.</p>							
<p>Eligibility Citation: 570.201 (c)</p> <p>National Objective: 570.208 (a) (1) Low Mod Area</p> <p>HUD Matrix Code: 03E Neighborhood Facilities</p> <p>Location: Lexington County Airport at Pelion</p>	<p>Funding:</p> <table style="width: 100%; border: none;"> <tr> <td style="padding-left: 20px;">CDBG 2005:</td> <td style="text-align: right;">\$664,249</td> </tr> <tr> <td style="padding-left: 20px;">TOTAL:</td> <td style="text-align: right;">\$664,249</td> </tr> <tr> <td style="padding-left: 20px;">Expenditures to Date:</td> <td style="text-align: right;">\$31,122</td> </tr> </table>	CDBG 2005:	\$664,249	TOTAL:	\$664,249	Expenditures to Date:	\$31,122
CDBG 2005:	\$664,249						
TOTAL:	\$664,249						
Expenditures to Date:	\$31,122						
Priority Need:	Ensure adequate and dependable public facilities are available to provide for basic and essential needs and service.						
Objective:	Create suitable living environments						
Outcome:	Availability/Accessibility						
Outcome Units:	Public Facility: Improved access for 5,487 people						
<p>Beneficiaries:</p> <p>This project will serve a large area of LMI block groups. The project will provide greater law enforcement coverage for the area that will improve the quality of life for residents.</p>	<p>Estimated Completion Date:</p> <p style="text-align: center;">June 30, 2007</p>						
<p>Accomplishments to Date:</p> <ol style="list-style-type: none"> 1. Environmental Review – Completed 2. Land Acquisition – In Progress 							
<p>Current Status:</p> <p>Evaluating acquisition issues</p>							
<p>Administered by: Lexington County</p>							

Lloydwoods Sewer HUD Activity Number: 30

<p>Description: This project is being carried out by the City of Cayce. The project includes the construction of a pump station and force main to connect the Lloydwoods subdivision to the City of Cayce's sewer system. The project will eliminate the need for the existing wastewater treatment plant that has a history of poor quality effluent discharges and poor operation practices.</p>																	
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">Eligibility Citation:</td> <td style="border: none;">570.201 (c)</td> <td style="width: 50%; border: none;">Funding:</td> <td style="border: none;"></td> </tr> <tr> <td style="border: none;">National Objective:</td> <td style="border: none;">570.208 (a) (1) Low Mod Area</td> <td style="border: none;">CDBG 2005:</td> <td style="border: none; text-align: right;">\$95,000.00</td> </tr> <tr> <td style="border: none;">HUD Matrix Code:</td> <td style="border: none;">03 - Public Facilities and Improvements</td> <td style="border: none;">TOTAL:</td> <td style="border: none; text-align: right;">\$95,000.00</td> </tr> <tr> <td style="border: none;">Location:</td> <td style="border: none;">Census Tract 20702.2</td> <td style="border: none;">Expenditures to Date:</td> <td style="border: none; text-align: right;">\$0</td> </tr> </table>	Eligibility Citation:	570.201 (c)	Funding:		National Objective:	570.208 (a) (1) Low Mod Area	CDBG 2005:	\$95,000.00	HUD Matrix Code:	03 - Public Facilities and Improvements	TOTAL:	\$95,000.00	Location:	Census Tract 20702.2	Expenditures to Date:	\$0	
Eligibility Citation:	570.201 (c)	Funding:															
National Objective:	570.208 (a) (1) Low Mod Area	CDBG 2005:	\$95,000.00														
HUD Matrix Code:	03 - Public Facilities and Improvements	TOTAL:	\$95,000.00														
Location:	Census Tract 20702.2	Expenditures to Date:	\$0														
Priority Need:	Ensure adequate and safe infrastructure to meet basic needs of residents.																
Objective:	Create suitable living environments																
Outcome:	Availability/Accessibility																
Outcome Units:	Infrastructure: New access for 2,404 people																
Beneficiaries:	There are approximately <u>33</u> homes in this subdivision that will benefit from the project.	Estimated Completion Date:	June 30, 2007														
Accomplishments to Date:	<ol style="list-style-type: none"> 1. Engineering and design – Completed 2. Bidding and contracting – In Progress 																
Current Status:	Bid opening scheduled for August 15, 2006.																
Administered by:	City of Cayce – Planning Department																

Amendments to Plan During Year

During the program year, the County amended the Annual Action Plans for Program Years 2001 – 2005 to provide \$95,000 in CDBG funds to the City of Cayce. The public was informed of the proposed amendment through a notice published in The State newspaper on November 25, 2005. No comments were received. Correspondence describing the Annual Action Plan Amendment was submitted to HUD on December 29, 2005.

The purpose of the Amendment was to assist the City of Cayce in funding sewer improvements that would address public health issues in the Lloydwoods Community, a low and moderate-income area located in the unincorporated portion of the County. The Lloydwoods community has private sewer service that no longer functions in an acceptable and compliant manner. To resolve the problems, the community will be connected to the City of Cayce's sewer system.

The following projects from Program Years 2001 – 2005 provided the requested funds:

- Walter Shealy Road – Unexpended funds (\$3,648)
- Quality of Life Study – Project cancelled (\$3,800)
- Double Branch Road Community Planning – Project amended (\$42,000)
- Low and Moderate Income Study – Project cancelled (\$32,586)
- Law Enforcement Center at Pelion – Project amended (\$6,991)
- Unclassified funds (\$5,975)

Affirmatively Furthering Fair Housing

Under the South Carolina Fair Housing Law enacted in 1989, it is unlawful to refuse to sell, rent or finance a dwelling on the basis of race, color, religion, sex, familial status, national origin, or handicap. The Fair Housing Law applies to apartments, houses, mobile homes and vacant lots to be used for housing. With few exceptions, anyone who has control over residential property and real estate financing must adhere to these regulations. This includes rental managers, property owners, real estate agents, landlords, banks, developers, builders, and individual homeowners who are selling or renting their property.

The South Carolina Human Affairs Commission (SCHAC) is the agency that enforces the South Carolina Fair Housing Law and has the authority to investigate complaints, subpoena witnesses, issue orders, hold hearings and enforce findings. HUD has also designated the SCHAC as the Fair Housing Enforcement agency to address complaints filed in South Carolina relative to the Federal Fair Housing Law. The SCHAC is composed of fifteen members, with two members from each Congressional District appointed by the Governor, with the advice and consent of the Senate, and three members at-large appointed by the Governor.

In accordance with applicable statutes and the regulations governing the CDBG program, the County conducted an analysis of impediments to fair housing choice within the State, has taken appropriate actions to overcome the effects of any impediments identified through that analysis, and has maintained records reflecting that analysis and actions taken. The purpose of the Analysis was to identify barriers to housing choice and recommend strategies for affirmatively furthering fair housing.

The Analysis of Impediments identified multiple, often interrelated, areas of need. These impediment issues emerged from an extensive review of policies and practices in the public and private sectors, interviews with key service providers, and an examination of socio-economic data. The eight (8) identified impediment issues and accomplishments made during the during the program year to address them are as follows:

IMPEDIMENT ISSUES

- Issue 1: Affordable housing supply is inadequate to meet demand
- Issue 2: Manufactured housing provides a seemingly affordable housing option for many County residents, but associated costs can pose additional, unforeseen economic hardship on such residents.
- Issue 3: Low-income elderly residents are in special need of affordable housing.
- Issue 4: Public transportation is geographically limited, leaving most residents of the County without service.
- Issue 5: Low-income and minority residents are experiencing a greater number of loan denials.

- ❑ Issue 6: There is a notable lack of emergency shelter and transitional housing options for special populations in the County.
- ❑ Issue 7: The growth of minimum wage jobs in the area helps reduce unemployment, but does little to advance housing choice among the County's working poor.
- ❑ Issue 8: There is a lack of formal coordination among public and private housing and service providers.

ACCOMPLISHMENTS DURING THE PROGRAM YEAR

The Greater Columbia Community Relations Council (GCCRC) works to promote positive relationships, equal opportunity and fair services, and awareness and appreciation of cultural diversity for the Greater Columbia region. During Program Year 2005, the GCCRC partnered with the Lexington County CDBG program to carry out fair housing activities for low and moderate-income areas of the County. The partnership included providing the GCCRC with up to \$50,000 in CDBG funds to carry out fair housing activities leveraged with \$70,000 from the GCCRC. The goals of these fair housing efforts include educating low and moderate income County residents on fair housing law, credit education, homeownership, and other housing issues.

To date, the GCCRC has completed fair housing activities that have included a housing workshop, fair housing forums in 2005 and 2006 and Lexington County school participation in fair housing poster contests in 2005 and 2006. For the 2006/2007 program year, the County has approved allowing the GCCRC to extend its agreement and, utilizing unexpended funds, provide another fair housing workshop, a fair housing fair and Lexington County school participation in the 2007 fair housing poster contest.

In addition to the activities completed by the County through partnership with the GCCRC, the County continued its support of fair housing related events. In March 2006, Lexington County Council adopted a resolution designating April as Fair Housing Month and April 17 – 23 as Community Development Week. The fair housing month resolution was published in *The State* newspaper on April 6, 2006. County Council also adopted a resolution in May 2006 designating the month of June as Homeownership Month to support and promote the benefits of homeownership.

Data from the State of South Carolina shows many affordable housing efforts being made in Lexington County from various agencies helping address the issue of inadequate supply. During the program year these included:

- 12 low and moderate income-housing units throughout the County assisted by the State HOME Investment Partnerships program totaling \$825,000 in funds.
- 96 housing units throughout the County assisted by the State Housing Finance and Development Authority's Mortgage Revenue Bond Program resulting in \$9,132,216 in total development investment.
- 1 housing unit in the County assisted by the South Carolina Housing Trust Fund totaling \$11,500 in funds.

- 2,077 families throughout the County assisted in project and tenant-based rental assistance by the Section 8 Rental Assistance program totaling \$9,565,277 in assistance.

Creation of a solid infrastructure will support economic and residential development. The Old Barnwell Road water project has generated new residential housing development in the area which is expected to have many positive impacts on the community.

Leveraging of resources is an important component of the Lexington County CDBG program. As shown elsewhere in this report, several of the County's current CDBG projects have included significant leveraging. Additionally, staff has identified potential projects that may involve other local governments to further maximize resources.

Potential funding sources for affordable housing and partnerships for affordable housing are actively pursued by the County's CDBG staff through activities that include reviewing available grant opportunities and gathering information on the efforts of housing providers who are assisting residents of Lexington County.

Manufactured housing remains a common choice for affordable housing in the County. To improve the quality of this housing, the County's Building Inspection staff requires and enforces underpinning on all manufactured housing units and make sure each new unit has been certified to meet HUD manufactured housing standards. Requiring underpinning encourages energy efficiency by restricting airflow beneath the units that helps reduce cooling costs in the summer and heating costs in the winter. County staff also inspects each new unit to make sure all mechanical systems are working properly. This increases energy efficiency by making sure all systems are operating at proper levels and helps owners prevent costly repairs that may result from malfunctioning systems.

Increasing awareness of energy efficiency issues among consumers and mobile home park owners is encouraged through the efforts of the South Carolina Energy Office (SCEO), the Manufactured Housing Institute of South Carolina and other organizations. The SCEO helps identify ways to minimize utility bills while maintaining comfortable living conditions. The SCEO concentrates on educating residential builders, inspectors and homeowners about building practices and behavioral changes that will lead to greater energy efficiency. The Manufactured Housing Institute of South Carolina is a non-profit business association representing more than 1,000 member companies involved in the manufactured and modular housing industries in the Palmetto State.

Further efforts supporting the need for affordable housing include ongoing communication and interaction with the Homebuilder's Association of Greater Columbia (HBAGC), the Greater Columbia Association of Realtors (GCAR) and other members of the housing development community. The County recognizes that there are complex issues surrounding affordable housing and strives to continue ongoing efforts to address them through communication and contact with these groups. The County's Building Official is an active member of the HBAGC and attends their events regularly.

Economic Development continues to be a priority for the County and bears a direct relationship to affordable housing. The County's Economic Development Staff works closely with the Central South Carolina Alliance (CSCA), the South Carolina Department of Commerce, and many others to actively recruit higher-tech/higher-wage industries particularly to the less developed

areas of the County. Increased development reduces residential tax burdens, creates greater affordability options for new and existing homeowners, and leads to additional transportation options. During 2005, the South Carolina Department of Commerce reported 270 jobs created in Lexington County with a total capital investment of \$88,000,000.

Lexington County continues to be actively involved in the efforts of the Central Midlands Regional Transit Authority (CMRTA). The CMRTA was established in October 2002 with the goals of providing safe, dependable, accessible and affordable public transportation throughout the Midlands area including Lexington County. Since 2002, the CMRTA has provided transportation for more than 2 million passengers, expanded route services and introduced 43 new ADA accessible buses that offer a safer and more comfortable mode of transportation. Participation in the CMRTA provides the County with the opportunity to address the transportation needs of County residents and participate in regional long-range planning activities.

By participating in groups such as the Midlands Coalition for the Homeless, AIDS Housing of Metro Columbia, Red Cross Emergency Food and Shelter Board, United Way Food, Shelter, Safety and Transportation Board and coordination with the affordable housing initiatives of other area entitlement communities (City of Columbia, Richland County, State of South Carolina), the County continues to actively support efforts to provide affordable housing options for special needs populations.

The County has ongoing collaboration and discussion with all interest groups serving the elderly to identify any potential housing or other needs that could be addressed by the County's Community Development Block Grant Program. Staff routinely attends meetings and events sponsored by these groups to continue to be aware of needs and issues of the elderly. The 2005-2009 Consolidated Plan process actively involved these service providers in identifying services and needs.

Fair housing awareness is an ongoing effort of the County CDBG staff. The CDBG Program has established a fair housing information center within the CDBG offices. This library of information includes the following:

**Lexington County
Fair Housing Library**

Title	Source
Fair Housing, Equal Opportunity for All	HUD
Borrowing Basics, What you don't know can hurt you	Fannie Mae
100 Q & A About Buying a New Home	HUD
Knowing and Understanding Your Credit	Fannie Mae
Homebuyers Vocabulary	HUD
Fair Housing is the Law in SC	SC Human Affairs Commission
Notice on Predatory Lending Law in SC	State of SC
Guide to Single Family Home Mortgage Insurance	HUD
Rehab a home with HUD's 203(k)	HUD
Firewise Communities	State of SC
Empowerment Center Brochure	City of West Columbia
Basic Services Handbook	Cooperative Ministry
Pink & Blue Family Resource Directory	Family Services Center

The CDBG Program actively encourages and supports the efforts of non-profit organizations and other groups serving special needs populations. Ongoing discussion, collaboration and participation in meetings with these groups contribute to assisting the County's special needs populations in a variety of ways including improved population counts.

Lexington County supports the efforts of Midlands Technical College and expansion of its programs to the rural, underserved areas of the County. Expanded educational opportunities result in a more educated workforce, higher-paying jobs, and greater housing options for residents of the County.

The Lexington County CDBG Program continues to pursue efforts toward coordination and communication among area service providers and affordable housing providers. The County is actively involved in various groups and associations and compiles information on efforts being made in the area on an ongoing basis. The County has developed and continues to maintain an inventory of services, programs and service populations.

Other efforts the County has made affirmatively furthering fair housing and related activities during the program year are shown in the following table:

**Affirmatively Furthering Fair Housing Activities
Program Year 2005
July 1, 2005 – June 30, 2006**

JULY 2005

7/7/05

Greater Columbia Community Relations Council
Technical Assistance Meeting – Fair Housing Project

7/21/05

United Way of the Midlands
Columbia Metro Affordable Housing Trust Fund - Steering Committee Meeting

7/22/05

AIDS Housing of Metro Columbia
Monthly Meeting

AUGUST 2005

8/26/05

AIDS Housing of Metro Columbia
Monthly Meeting

SEPTEMBER 2005

9/6/05

United Way of the Midlands
Columbia Metro Affordable Housing Trust Fund - Steering Committee Meeting

9/13/05

Lexington Chamber of Commerce
Public Forum – Blueprint to Address Homelessness

9/15/05

Columbia Metropolitan Convention Center
Intergovernmental Summit – Blueprint to Address Homelessness

9/16/05

Midlands Area Consortium for the Homeless
Monthly meeting

9/29/05

United Way of the Midlands
Food, Shelter, Safety, Transportation Committee Meeting

9/30/05

AIDS Housing of Metro Columbia
Monthly Meeting

**Affirmatively Furthering Fair Housing Activities
Program Year 2005
July 1, 2005 – June 30, 2006**

OCTOBER 2005

10/14/05

Greater Columbia Community Relations Council
Monitoring / Technical Assistance meeting – Fair Housing Project

10/18/05

Greater Columbia Community Relations Council
Housing Committee meeting

10/21/05

Midlands Area Consortium for the Homeless
Monthly meeting

10/26/05

State Housing Finance & Development Authority - South Carolina Partners in Homeownership
Quarterly meeting

NOVEMBER 2005

11/17/05

Midlands Area Consortium for the Homeless
Homeless County press conference

11/18/05

Midlands Area Consortium for the Homeless
Monthly meeting

11/21/05

Midlands Homeless Shelter Site Selection Committee
Weekly meeting

DECEMBER 2005

12/5/05

Midlands Homeless Shelter Site Selection Committee
Weekly meeting

12/8/05

United Way of the Midlands
Food, Shelter, Safety, Transportation Committee Meeting

12/20/05

Midlands Area Consortium for the Homeless – Grants Committee
2006 Planning meeting

**Affirmatively Furthering Fair Housing Activities
Program Year 2005
July 1, 2005 – June 30, 2006**

JANUARY 2006

1/24/06

United Way of the Midlands
Emergency Food and Shelter Committee Meeting

1/27/06

USC School of Medicine
HIV/AIDS Supportive Housing Meeting

FEBRUARY 2006

2/17/06

Midlands Area Consortium for the Homeless
Monthly Meeting

2/21/06

United Way of the Midlands
Food, Shelter, Safety, Transportation Committee – Monthly Meeting

2/24/06

HIV/AIDS Supportive Housing
Quarterly Meeting

2/27/06

State Housing Finance and Development Authority
2006 HOME workshop

MARCH 2006

3/2/06

SC Dept. of Health & Environmental Control / STD-HIV Division
HOPWA 101 workshop

3/17/06

Midlands Area Consortium for the Homeless
Monthly Meeting

3/21/06

Greater Columbia Community Relations Council
Housing Committee Monthly Meeting

3/28/06

Lexington County Council
Meeting - Fair Housing Resolution approved unanimously

**Affirmatively Furthering Fair Housing Activities
Program Year 2005
July 1, 2005 – June 30, 2006**

APRIL 2006

4/4/06

USC College of Social Work
Homelessness Gaps Analysis Workshop

4/6/06

Fair Housing Resolution published in *The State* newspaper
United Way of the Midlands
Food, Shelter, Safety, Transportation Committee – Monthly Meeting

4/7/06

Midlands Area Consortium for the Homeless – Grants Committee
Continuum of Care application meeting

4/11/06

Greater Columbia Community Relations Council
Housing Committee Monthly Meeting

4/19/06

Richland County
Fair Housing – Lunch and Learn Workshop

4/22/06

Greater Columbia Community Relations Council
2006 Lexington County Housing Fair

MAY 2006

5/5/06

Midlands Area Consortium for the Homeless – Grants Committee
Continuum of Care application meeting

5/19/06

Midlands Area Consortium for the Homeless
Monthly Meeting

5/25/06

Greater Columbia Community Relations Council
Technical Assistance Meeting

**Affirmatively Furthering Fair Housing Activities
Program Year 2005
July 1, 2005 – June 30, 2006**

JUNE 2006

6/1/06

City of Columbia – Housing and Community Development Department
Technical Assistance Meeting

6/2/06

Central Midlands Council of Governments
Technical Assistance Meeting

6/6/06

Richland County Community Development Department
Technical Assistance Meeting

6/7/06

HUD
Technical Assistance Meeting

6/13/06

Lexington County Economic Development Department
Technical Assistance Meeting

6/29/06

Regional Community Development Departments
Quarterly Meeting 2006

Affordable Housing Activities

As previously described, Lexington County's approach to affordable housing continues to be the concentration of efforts on expansion and improvement of infrastructure. This will open up areas of the County that are now reliant upon large tracts of land to support the required septic and well systems for residential, commercial, and industrial units. County officials feel strongly that without basic elements of potable water, sewer and paved roads in place, the housing market will not offer the diversity of price and size that leads to affordability for all. In addition, there will remain limited opportunities for competitive employment in the more remote areas of the County without the proper infrastructure in place.

The County's other initiatives continue to focus on expanding job opportunities throughout the county, especially in those areas that have a concentration of low- and moderate-income households. The County continues to partner with agencies such as the Central South Carolina Alliance to focus development efforts in the more rural parts of the County and support the efforts of Midlands Technical College to bring continuing education programs to those areas. Increased work force training partnered with an increase in job opportunities will lead to more housing choice as the market follows demand and client.

The County is also actively involved in the Central Midlands Regional Transit Authority (CMRTA). The CMRTA was established in October 2002 with the goals of providing safe, dependable, accessible and affordable public transportation throughout the Midlands area including Lexington County. Currently, public transportation is not available to allow potential workers to get to industries located in or near the rural parts of the County. Improved transportation would create greater wage-earning opportunities and increase housing options.

Continuum of Care

HUD defines a Continuum of Care as a community plan to organize and deliver housing and services to meet the specific needs of people who are homeless as they move to stable housing and maximum self-sufficiency. It includes action steps to end homelessness and prevent a return to homelessness. Since 1994, HUD has been encouraging communities to address the problems of housing and homelessness with the Continuum of Care concept. This concept is designed to help communities develop the capacity to envision, organize, and plan comprehensive and long-term solutions to addressing the problem of homelessness in their community.

HUD identified the following as fundamental components of a comprehensive Continuum of Care system:

- Outreach, intake, and assessment to:
 - Identify an individual's or family's service and housing needs, and
 - Link them to appropriate housing and/or service resource.
- Emergency shelter and safe, decent alternatives to the streets.
- Transitional housing with supportive services to help people develop the skills necessary for permanent housing.
- Permanent housing and permanent supportive housing.

The Midlands Area Consortium for the Homeless (MACH) is the primary example of the Continuum of Care concept in the Lexington County area. The MACH, formed in July 1994, provides a linkage for the coordination of services to the homeless in Lexington County and throughout the Midlands region. The MACH is a collective advocate for homeless persons. Membership includes over 80 private, public, nonprofit, federal, state, city, and county agencies including Lexington County. These agencies collectively and individually provide shelter, housing, and other forms of assistance to the homeless and indigent population.

The MACH has identified gaps in the Continuum of Care including the need to improve services and develop additional emergency shelter for persons who are not eligible for the existing shelters, transitional housing and permanent housing for singles, families and persons living with HIV/AIDS. There are, however, few providers with the capacity to expand their existing facilities. The MACH continues to promote collaboration to meet the changing needs of the homeless community.

A subcommittee of the MACH, HIV/AIDS Assisted Housing (formerly known as AIDS Housing of Metro Columbia) seeks to address the housing needs of persons living with HIV/AIDS. In addition to its other efforts, this group is in charge of overseeing the Columbia EMSA HIV/AIDS Housing Plan. Lexington County is an active member of this organization.

Other Actions

OBSTACLES TO MEETING UNDERSERVED NEEDS

Lexington County has many housing and community development needs as outlined in the County's 2005 – 2009 Consolidated Plan. The County is one of the largest in the State in population and growth rates but receives the lowest amount of CDBG funds allocated to urban counties in the State and is the only urban county not receiving HOME funds directly from HUD. These limited resources result in a limited ability to fund identified needs.

During the 2005 program year, and as part of the 2006 Annual Action Plan process, Lexington County continued to receive requests and inquiries regarding possible CDBG funding assistance. The requests typically concern a variety of needs including assistance with home renovation, water and sewer line improvements, and road paving. To the extent possible based on their priority, these needs are addressed either in the County's Annual Action Plans, or through referral information to other resources.

GAPS IN INSTITUTIONAL STRUCTURE

Some of the area institutions contributing to the implementation of Lexington County's housing and community development objectives include:

Federal

- U.S. Department of Housing and Urban Development
- U.S. Department of Agriculture – Rural Development

State

- South Carolina Department of Commerce
- South Carolina State Housing Finance and Development Authority
- Office of the Governor – Office of Economic Opportunity
- S.C. Department of Health and Environmental Control – HOPWA Program

County

- Lexington County Department of Community Development
- Lexington County Department of Economic Development
- Lexington County Recreation and Aging Commission
- Irmo-Chapin Recreation Commission
- Lexington County Department of Social Services

Non-Profits

- Domestic Abuse Center
- Rape Crisis Network
- Aiken/Barnwell/Lexington Community Action Commission
- American Red Cross – Central South Carolina Chapter
- Babcock Center
- Lexington Interfaith Community Services

- Columbia Urban League
- SisterCare
- Habitat For Humanity
- Lexington Children's Center
- Lexington/Richland Alcohol and Drug Abuse Commission

Though there are numerous public and private service providers serving the residents of Lexington County, no comprehensive, formal integration of service delivery exists at this time. However, informal linkages and smaller scale formal liaisons exist between individual agencies and organizations for referrals, resource allocation, and other services. The County recognizes the need for ongoing analysis, evaluation and improvement of the institutional structure.

PUBLIC HOUSING AND RESIDENT INITIATIVES

There is no Public Housing Authority for residents living in the unincorporated areas of the County. The Cayce Housing Authority assists 40 households in four different housing communities in the City of Cayce and is the only public housing authority in Lexington County. The Section 8 Housing Voucher Program administered by the South Carolina State Housing Finance and Development Authority is the primary mechanism for public rental assistance for most County residents. In recent years the emphasis of the Section 8 program has shifted from project-based housing assistance, where housing units are subsidized, to tenant-based assistance, where tenants are given funds to subsidize the housing of their choice within program guidelines for cost and other associated standards. In 2005, 1,149 families in Lexington County were assisted by funds from project and tenant-based rental assistance totaling \$5,177,693.

MONITORING

The Lexington County staff managing the CDBG program monitors all departmental and grantee activities to the fullest extent possible within daily activities. The following steps summarize monitoring standards through program implementation:

- Prepare detailed budget of project including all anticipated and potential costs.
- Prepare thorough and comprehensive subrecipient agreement providing details of the project and requirements (as applicable).
- Evaluate environmental impact of project and implement required procedures.
- Prepare thorough and comprehensive engineering budget including all anticipated and potential costs (as applicable).
- Review ongoing written status reports and other communications to monitor for adherence to timelines and compliance requirements.
- Visit project site before, during and after construction (keeping a photographic log of project).
- Approve payment requests after strict review of budget summaries, time sheets, wages, accuracy to bid specs, etc.
- Prepare monthly Project Status reports detailing project accomplishments and anticipated activities.

- Prepare monthly report of CDBG draws detailing funds drawn on each active project and progress made to meet HUD timeliness requirements.

EVALUATE AND REDUCE LEAD BASED PAINT HAZARDS

It is estimated that 8.3% of the housing units in the County may have some lead-based paint. Of these units, 95-100% are estimated to be low and moderate-income households. The County continues its efforts towards reducing the hazards of lead based paint to its citizens and particularly those who are LMI. Staff maintains a variety of HUD-developed brochures describing the dangers of lead and lead paint. The brochures include information on common instances of lead-paint such as home remodeling. The County continues to make these brochures available to the public and has ongoing communication with the South Carolina Department of Health and Environmental Control and the County's Building Services division to distribute this information.

OUTREACH TO MINORITY AND WOMEN-OWNED BUSINESSES

The Lexington County CDBG Program strives to make bid opportunities available to all eligible businesses, to include those owned by minorities and women. Advertisement efforts are regional and statewide in nature and reflect the global and technological arena most businesses operate in today. They include the South Carolina Business Opportunity Report, the County's Internet website, and postings in the lobby of the County Administration building.

HUD / CDBG Program Requirements

NATIONAL OBJECTIVES AND ELIGIBLE ACTIVITIES

Each activity funded by the County's CDBG program addresses at least one of HUD's National Objectives. The three National Objectives are:

- **Benefit low and moderate-income persons** (as an Area Benefit, Limited Clientele, Housing, or Job Creation/Retention activity)
- **Aid in the prevention or elimination of slums or blight** (on an Area Basis, Spot Basis, or a previously approved Urban Renewal project area)
- **Meet an urgent need** (must pose a serious and immediate threat; be of recent origin, unable to be financed by the entitlement, and with no other sources of funding available)

In addition to meeting a National Objective, Lexington County's CDBG funds are used only to implement eligible activities determined by HUD. The Block Grant structure allows the local jurisdiction flexibility in deciding on specific projects that meet the eligibility requirements. This enables the County to best determine its needs and more effectively direct expenditures. The basic types of eligible activities include:

- Activities Related to Real Property (i.e., public facilities and improvements, clearance and demolition, rehabilitation)
- Activities Related to Economic Development (i.e., real property equipment and improvements, micro-enterprise assistance)
- Activities Related to Public Services (i.e., job training and employment, crime prevention, Fair Housing counseling)
- Assistance to Community Based Development Organizations (i.e., neighborhood revitalization, energy conservation)
- Other Activities (i.e., relocation assistance, loss of rental income, assistance to institutions of higher learning)
- Planning and Administration

Lexington County's project activities have included Public Facilities/Improvements projects and Planning and Administration activities. The County's waterline project, road paving projects, storm drainage improvements, and Fire Services projects all benefit low and moderate-income persons as an Area Benefit. The location of the water line and its expected service area as well as the road paving and storm drainage locations are eligible because the census tract data at the time the projects were funded indicated that more than 51% of persons in each area were low and moderate-income. During the program year, all applicable activities (100%) addressed the National Objective of benefit to low and-moderate income persons.

DISPLACEMENT / RELOCATION

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 requires that an activity using federal funds that serves to displace or relocate individuals of low- and moderate-income be undertaken in a specific manner, as prescribed by law, in order to minimize the impact on the individual.

There were no activities undertaken during the program year that displaced or relocated any residents.

MISCELLANEOUS ACTIVITIES

The CDBG program has several activity categories that should be commented on separately due to additional requirements and reporting criteria:

Economic Development – There were no activities undertaken that would be eligible under the Economic Development program and thus be subject to the Public Benefit Test and/or Job Creation standard.

Limited Clientele – There were no activities undertaken serving a limited clientele not considered such under HUD's definition of limited clientele.

Rehabilitation – There were no rehabilitation initiatives during this program year.

Enterprise Zone/Enterprise Community Neighborhood Revitalization – There are no HUD-approved neighborhood revitalization efforts in Lexington County. Additionally, there are no Federally-designated Enterprise Zones or Enterprise Communities within the County.

PROGRAM INCOME

There was no program income generated by any of the activities during the program year. There were no revolving loan programs, float funded activities, sale of property, loan repayments, lump sum draw down payments, or other activity that would generate income.

Self-Analysis

The Lexington County CDBG program continues to make efforts for improvement. The program appreciates a commitment from County officials for professional development and staff members plan to continue to expand their knowledge and skills in the area of community programming and HUD funding. Staff continues to attend training sessions on CDBG, Working with Subrecipients, IDIS Reporting, and Conducting Environmental Reviews. The department is a member of state and national organizations related to CDBG programming as well as general community development.

PERFORMANCE MEASUREMENT

CDBG staff attended the HUD Community Planning and Development Performance Measurement Training in Dallas, Texas on August 15 and 16, 2006. The County prepared its 2006 Action Plan with performance measures included. Implementation of all current and future projects will include appropriate performance measurement indicators. Beginning with the 2006 CAPER, the County will report performance measurement results of its CDBG-funded projects.

Citizen Comments

To be added following public hearing and comment period.



County of Lexington

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

MEMORANDUM

TO: Planning and Administration Committee
Lexington County Council

THROUGH: Katherine Doucett, County Administrator

FROM: Ronald T. Scott, Community Development Director 

DATE: August 14, 2006

RE: CDBG Minor Housing Repair Program Policies

A Minor Housing Repair Program was approved by County Council as one of our 2006 Community Development Block Grant (CDBG) projects. Attached are the policies and procedures for the program. These policies were prepared by staff, reviewed by HUD, and reviewed and agreed upon by the County Attorney.

Some of the key policies to be aware of include.

- Applicants must be either disabled (as defined by the US Social Security Administration), elderly (age 62+), or a veteran. These are also the priorities of the State Housing Authority to receive Lexington County Section 8 assistance
- Assistance will not exceed \$5,000 per house.
- Repairs will be limited to those not disturbing a painted surface. This eliminates the applicability of federal lead-based paint requirements.
- Applicants will be chosen by CDBG staff with the assistance of the CDBG Community Advisory Committee

We recommend Council approval of these policies

LEXINGTON COUNTY MINOR HOME REPAIR PROGRAM POLICIES AND PROCEDURES



DRAFT

Community Development Block Grant Program
County Administration Building
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I. GENERAL PROVISIONS

A. Purpose of the Program

The purpose of the Minor Repair Program is to provide assistance to low and moderate-income residents for minor household repairs to their home. The program is limited to families where the head, spouse or co-head is elderly, disabled, or a veteran. Minor home repairs may include the following areas or functions in non-painted areas:

Minor Roof Repair	Repair / Replace Door Locks
Repair / Replace Window Screens	Minor Electrical
Repair / Replace Insulation	Minor Floor Repairs
Repairing Concrete Walks or Steps	Connection to Public Water / Sewer Lines
Handrails or Banisters	Tree Removal
Extermination of Vermin/Termites	Repair / Replace Septic Tanks
Repair / Replace Wells	Handicap Accessibility Improvements (Ramps, etc)
Repair / Replace Furnace	Repair / Replace HVAC Systems
Repair / Replace Water Heater	Repair / Replace Smoke Detectors
Repair / Replace Electrical Panel Boxes	Minor Plumbing

Ineligible repairs include, but are not limited to, work on other buildings on the property not considered the primary residence (i.e. detached garage, sheds, and barns) or the repair or replacement of non-essential items (hot tubs, swimming pools, worn carpet, paint, etc)

NO REHABILITATION/REPAIRS CAN BE UNDERTAKEN INVOLVING PAINT DETERIORATION, LOOSE PAINT, VISIBLE SURFACE DUST, PAINT CHIPS, OR ANY REHABILITATION OR REPAIR THAT WOULD INVOKE THE REQUIREMENTS OF 24 CFR PART 35 (LEAD-BASED PAINT POISONING PREVENTION IN CERTAIN RESIDENTIAL STRUCTURES).

The focus of this Program is to help homeowners correct minor deficient conditions in their homes. Lexington County has a vested interest in working with its residents to assure there is a quality housing stock. It is understood that fully functional homes better protect the occupants and add value to the overall neighborhood, thus increasing the livability of the entire county.

B. Program Funding Source

The funding source for the Minor Repair Program is the Community Development Block Grant (CDBG) program, administered by the United States Department of Housing and Urban Development (HUD). Lexington County receives funds from this program on an annual basis to implement housing and community development activities in Lexington County.

C. Minimum Property Standards

In compliance with CDBG and HUD requirements, the Minor Repair Program will follow the 2003 International Property Maintenance Code as the minimum property standard. This is the same standard utilized by the Lexington County Building Inspections Division for all existing housing in Lexington County. This standard ensures that all houses rehabilitated with HUD funds adequately address and protect public health, safety and welfare.

D. Applicability of Other Federal or State Regulations

While all Minor Repair grants are subject to the requirements of these Guidelines, there may be additional special provisions and limitations on Minor Repair grants depending on the funding source. Consequently, additional requirements not shown in these Guidelines may apply and thus, these Guidelines may be amended from time to time by the Community Development Block Grant Division to reflect changes in the requirements of the funding source of this program.

II. TYPES AND TERMS OF PROGRAM ASSISTANCE

A. Type of Grant

The program will provide up to \$5,000 in CDBG funds per home for eligible minor repairs. The County reserves the right to exceed \$5,000 per home on a case-by-case basis.

B. Terms of Assistance

Assistance is in the form of a grant. No repayment is required. Homeowners will be required to maintain ownership of the residence for a period of twenty-four (24) months after completion of the repairs. If the property is sold or vacated before the twenty-four month period expires, the homeowner will be required to repay the CDBG grant in full. This will be enforced through a lien placed on the property at the time repair work is completed.

C. Minimum Grant Assistance

To qualify for this program, repair costs must be estimated to be at least \$1,000.00.

D. Maximum Number of Grants

An applicant may apply for grant assistance anytime applications are being accepted. An applicant may only be awarded one grant from this program in a ten-year period.

III. CDBG ADVISORY COMMITTEE

The CDBG Community Advisory Committee meets at least quarterly throughout the year. The Committee includes various agency and community representatives. The members of the Committee act in an advisory role to CDBG staff.

Among the responsibilities of the CDBG Community Advisory Committee is providing feedback to CDBG staff on applications for minor home repair assistance based on established eligibility criteria and staff recommendations. The Committee will also provide feedback to staff in reviewing written appeals.

IV. HOUSEHOLD SELECTION AND ELIGIBILITY

Only completed applications will be reviewed for eligibility. Eligibility will be assessed on the following:

A. Household Status

The head, spouse or co-head of the household must be elderly, disabled, or a veteran as defined below:

- Elderly: 62 years or older
- Disabled persons: Designated as such by the Social Security Administration
- Veteran: Head of household, spouse or surviving spouse who was a person who has served in the active military, naval, or air service, and who was discharged or released there from under conditions other than dishonorable.

B. Ownership

Applicants must be named on the Deed as the owner of the home and principal resident. The County tax record(s) will be the primary source of information to determine ownership.

C. Occupancy

The applicant must be residing in the home at the time of application for grant assistance.

D. Property Taxes

All delinquent property taxes shall be paid on the property prior to the submission of application for assistance. Only written verifications will be accepted and placed in the applicant's file.

E. Previous Grant

Previous assistance through any other government agency's housing rehabilitation program prior to June 30, 2006, will not be considered as prior assistance.

F. Maximum Income

For the purposes of this Program, all persons listed on the TITLE and all persons in the residence are considered household members for the purposes of determining income eligibility unless it can be proven through evidence satisfactory to the County of Lexington that a person on title is NOT living in the residence. The GROSS annual income for ALL household members cannot exceed the applicable income shown in the following chart:

2006 MAXIMUM INCOME CHART	
Household Size	Maximum Income (80% of the Area Median)
1	\$33,950
2	\$38,800
3	\$43,650
4	\$48,500
5	\$52,400
6	\$56,250
7	\$60,150
8	\$64,000

Source: U.S. Department of Housing & Urban Development. These income figures are subject to change annually

G. Conflict of Interest

Applicants can be denied participation in the Program if a conflict of interest exists. A conflict of interest exists if a grant applicant is an employee, officer, elected official or appointed official of the County of Lexington, and the applicant:

1. Exercises or has exercised any functions or responsibilities with respect to funds for this program
2. Participates in the decision making process related to funds for this program
3. Is in a position to gain inside information with regard to program activities

H. Moving Furnishings

Applicants are responsible for moving all furnishings before and after rehabilitation work.

V. PROPERTY SELECTION AND ELIGIBILITY
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Eligibility will also be assessed on the following:

A. Location

To qualify for a grant, the housing unit must be located within unincorporated Lexington County. The property cannot be located within the city limits of any of the municipalities in Lexington County

B. Nature and Extent of Minor Repairs

As part of determining eligibility for this Program, all housing units will be inspected to determine if repairs can be undertaken within the scope of the Program. Factors to be evaluated include but are not limited to the type of repair, ability to be undertaken without disturbing a painted surface, and the total cost of the repair(s). If a unit does not qualify for assistance based on the inspection, the homeowner will be notified.

C. Types of Structures

Structures eligible for this program are single-family detached or manufactured homes. Manufactured homes must be on a permanent foundation, no more than 20 years old, and the manufactured homeowner must own the land on which the manufactured home is located. All structures must be owner-occupied.

D. Maximum Number of Grants Per Property

A property may only receive one grant award from this program in a ten-year period, with no more than two grants total.

E. Homeowner's Insurance

Proof of insurance for up to the tax appraised value is required. If the property lies in the floodplain zone, flood insurance is required.

VI. DETERMINATION OF GROSS INCOME

A. Annual Gross Calculation

Income is defined as the gross amount, before any deductions have been taken, of income that is anticipated to be received by all household members and persons on title during the upcoming twelve (12) months. Income of household members under the age of 18 or a full-time student under the age of 25 is not counted. Income must be verified no earlier than six (6) months from the date the grant is made.

B. Sources of Income

Sources of income used in determining gross annual household income are as follows

1. All wages and salaries, overtime pay, commissions, fees, tips, bonuses, and other compensation for personal services (before any payroll deductions). Employment income must be verified via third party. This means that the verification must come directly from the employer. In the event that the employer refuses or fails to provide verification, the number, date, and type of attempts (i.e. form sent to employer, telephone call, etc.) and the results, must be noted. In these instances, pay stubs will be used to determine the projected annual income from employment.
2. Net income from the operation of a business. This income is defined as the higher of either current year-to-date **net income** (proven through bank statements) or the highest **net income** shown on any

one of the last three years' Federal Income Tax Returns with all schedules and attachments. **NET INCOME** is defined as gross income plus depreciation, plus amortization, plus deductions for use of a home, plus deductions.

3. Interest, dividends and other net income of any kind from real or personal property
4. All gross periodic payments received from social security, annuities, insurance policies, retirement funds, pensions, disability or death benefits and other similar types of periodic receipts, including a lump sum payment for the delayed start of a periodic payment
5. Payment in lieu of earnings, such as unemployment, worker's compensation, severance pay and welfare assistance. However, lump sum payments under health and accident insurance such as worker's compensation are excluded.
6. Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from persons not residing in the dwelling to the extent that such payments are reasonably expected to continue.
7. All regular pay, special pay and allowances of a member of the Armed Forces (whether or not living in the dwelling) who is the head of the family, spouse or other person whose dependents are residing in the unit.

The following exceptions shall apply in the determination of gross income:

1. Income from the employment of children under the age of 18 years.
2. Payments received for the care of foster children. **Note: Foster children shall not be used in the determination of the number of persons in the household.**
3. Lump-sum additions to family assets, such as inheritance, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal and property losses. These items shall be considered as assets for the purposes of this program.
4. Amounts that are specifically for, or in reimbursement of, the cost of medical expenses
5. Income from a live-in aide. **Note: A live-in aide shall not be used in the determination of the number of persons in the household.**
6. Amounts of education scholarships paid directly to the student or the educational institution and amounts paid by the government to

veterans for use in meeting the costs of tuition, fees, books and equipment. Any amounts not used for these purposes are to be included as income

7. Special pay for a household member serving in the Armed Forces who is exposed to hostile fire
8. Amounts received under HUD-funded training programs or received under a public assistance program that are specifically for out-of-pocket costs made solely to allow participation in a specific program.
9. Temporary, non-recurring or sporadic income.
10. Lump sum payments of SSI and lump sum payments of Social Security benefits, the value of the allotment provided under the Food Stamp Act of 1977.

C. Federal Income Tax Returns

All household members and all persons shown on the title shall be required to provide Federal Income Tax Returns for two prior calendar years. The Federal Tax Return will be used as a basis to verify gross income as well as household composition.

VII. IMPLEMENTATION PROCEDURES

The following implementation procedures may be modified at the discretion of the Community Development Block Grant Division.

A. Grant Application

Applications will be provided to persons upon request. The application will also be available on the Internet under Community Development Block Grant menu on the County's website. The application packet includes:

1. Application for all persons on title including, but not limited to, the following attachments:
 - a. Current Monthly Income Chart
 - Household Composition Sheet
 - Applicant Checklist
2. A completed application will include, but may not be limited to:
 - a. Copy of Deed
 - b. Copy of signed complete set of most recent and previous Federal Income Tax Returns, including all schedules and attachments for all persons in the household and on title.

- c Third party verification of employment
 - d Other income documentation (supply a copy of the award letter or a copy of the check or direct deposit statement):
 - 1. Social Security/SSI
 - 2. Retirement
 - 3. Disability
 - 4. AFDC
 - 5. Rental Receipts
 - 6. Interest on Savings/Income Earning Accounts
 - e Three (3) most recent bank statements
 - f Receipt for property tax payment
 - g. Copy of Social Security Card
 - h Copy of **current** identification (i.e., driver's license or State of South Carolina ID card)
 - i. Other support documentation as requested by Lexington County
- 3 Upon receipt of the Application, Lexington County CDBG staff reviews the application as follows
- a. Lexington County CDBG staff determines if household and property are eligible based on application and other supporting documentation.
 - b. If applicant does not satisfy the program requirements, Staff sends notice of ineligibility to applicant documenting the reasons for ineligibility
 - c. If applicant is deemed eligible, Staff arranges for initial inspection of the property to determine eligibility of the scope of repairs for the property.

B. Environmental Review

Upon receipt of the application, Lexington County CDBG Staff prepares environmental documentation assessing the environmental eligibility of the rehabilitation project. This includes:

Staff shall determine whether the property to be rehabilitated meets the following:

- 1 Project does not result in a change in unit density of 20%,
- 2. Project does not involve changes in land use from residential to non-residential, or
- 3. The estimated cost of rehabilitation is less than 75% of the total estimated cost of replacement after rehabilitation.

If the property meets all of the above, Lexington County CDBG Staff shall prepare an environmental review screening checklist to evaluate the property with the environmental requirements at 24 CFR Part 58.5. The property may not be rehabilitated depending on the results of the checklist and evaluation.

C. Initial Property Inspection

Once Lexington County CDBG Staff determines that the applicant meets the basic financial and property eligibility requirements, Staff arranges for one or more inspections of the house with the homeowner. The inspection(s) will include an evaluation of the requested repair(s) and any health or safety deficiencies, based on the minimum property standard.

D. Work Write-Up

Depending on the results of the initial inspection(s), a work write-up will be prepared consisting of a detailed list of eligible work.

E. Transmittal of Work Write-Up to Homeowner

Once the work write-up is complete, Staff will:

1. Send or deliver a photocopy of the work write-up to the homeowner for their review and signature.
2. File original work write-up with project file.
3. Send a letter to the homeowner announcing the start of the contractor selection process.

F. Contractor Selection

Contractor Qualifications

Contractors interested in participating in the program must fill out an application with the Lexington County Community Development Department. To be considered a qualified contractor for this program, the minimum documentation submitted must include.

- Completed contractor application form
- Lexington County bidder / vendor form
- Valid and current contractor's license from the State of South Carolina
- Record of credit and past performance (references from suppliers, banks and recent customers)
- No record of federal debarment or suspension
- Insurance (NOTE Any exceptions to the minimum insurance requirements will be based on the type of work performed and amount of the construction contract and will be considered on a case-by-case basis.)
 - Comprehensive General Liability Insurance coverage: Minimum of \$300,000 per occurrence and \$100,000 general aggregate

- Include Lexington County Community Development Department as “Additional Insured” under the general liability
- Workman’s Compensation and Employer’s Liability Insurance
 - Worker’s Compensation. Statutory
 - Employer’s Liability:
 - Each Accident: \$100,000
 - Disease: \$100,000 each employee, \$500,000 policy limit
- Automobile Liability Insurance
 - \$300,000 Combined Single Limit or Equivalent Split Limit coverage as approved by Lexington County.

Contractor Responsibilities

The Contractor is responsible for their quality of work, the work of his employees and work performed by any subcontractors and their employees.

The Contractor is responsible for providing all manufacturers’ warranties to the homeowner and copies to the Lexington County CD Department.

The Contractor must warranty all work for a period of one (1) year from the date of completion (final inspection and acceptance by owner) of the entire job under contract. The Contractor will correct any defects that occur during that period at no additional cost to the homeowner or County.

The responsible Contractor should respond to warranty calls within seven (7) days of notification by the homeowner. Emergency warranty calls should be responded to the same day the complaint is received

G. Bidding Process

At least three qualified contractors on the active bidders list will be asked to bid on each rehabilitation contract. These contractors will be selected at random and on a rotating basis so that each contractor will have an equal opportunity to bid on projects. Potential contractors will be notified as to the date, time, and place of the bid opening. Staff will arrange to have a walk-through to allow the contractors to inspect the house before submitting bids.

At the time of the walk-through each contractor will receive a bid-packet that will contain a work write-up on each unit detailing the work to be performed, information on the bidding policy, bid opening time, date, place and pay request. At the bid opening, bids will be opened and read aloud. All bids will be recorded and the apparent low bid will be reviewed to ensure it is complete and responsive.

H. Cost Reasonableness

After bids are received, Staff will compare them to the work write-up to determine the cost reasonableness of the contractor’s bid. The lowest bid must be within 10% of the work write-up.

If the lowest bid is 10% or more higher than the work write-up then the low bidder will be given the opportunity to negotiate his bid into the acceptable range. If the bid cannot be negotiated into the acceptable range then the house may be re-bid. If the bid is reasonable, the Procurement Department approves the contractor's bid. Staff will then schedule a meeting with the homeowner and the contractor (grant closing) to sign all required documents.

If the lowest bid is 10% or more lower than the work write-up then the low bid will be evaluated to determine if there were any mistakes and that the contractor can complete the work as outlined in the scope of work. If the bid is determined to be reasonable and responsive it may be accepted as the winning bid.

I. Deferred Grant Agreement

After approval of the bid, Staff prepares a Deferred Grant Agreement. Staff then arranges a time and date with the homeowner and contractor to sign documents. Staff prepares a letter to the homeowner and contractor confirming the date and time of signing. Staff will mail the confirmation letter to the homeowner, along with one copy of the Deferred Grant Agreement.

At signing, the homeowner (and any other persons listed on the deed) and contractor sign all required documents. The Contractor will also discuss the details of the project with the homeowner and Staff. Staff will make three (3) copies of the Deferred Grant Agreement: one copy for the file, one copy to the homeowner, and one copy to the contractor.

J. Notice to Proceed

Following the execution of all grant documents, Staff shall issue a written Notice to Proceed to the contractor. The Contractor will commence work no earlier than three (3) business days and no later than ten (10) business days after the execution of the Deferred Grant Agreement.

K. Contractor Payment

Request for payment

Upon completion of work set out in the Deferred Grant Agreement, the contractor will submit the following to Lexington County CDBG staff:

- Original invoice identifying the work items completed (Notice of Completion) and their cost.
- Original, completed and signed material and labor release forms; and
- Copy of signed-off building inspection cards.

Payment Process

Following receipt of all items in #1 above, Staff shall:

- Inspect the property to ensure all work has been completed and is in compliance with all County codes.

- Determine if all applicable permits have been obtained; and
- Obtain a signature from the homeowner on the Homeowner Completion Acknowledgement form that indicates the amount to be paid to the contractor.
- Prepare a Request for Check form that includes:
 - The original invoice, and
 - Homeowner Completion Acknowledgement form

L. Change Orders

A change order occurs when there is any modification to the agreed upon scope of work. The modification may be relatively minor or incorporate a major change. A change order must be executed for any deviation, addition, or deletion made to the original job specification (even if there is no cost change). Change orders must be in writing and approved by the homeowner, Rehabilitation Inspector, and the Contractor.

Since change orders add to the administrative cost of the job they will only be considered if additional code violations (2003 International Property Maintenance Code) are discovered during the construction or if the change is necessary for proper job completion.

All change orders must be evaluated for cost reasonableness and for the effect it will have on the amount of assistance approved prior to the change order. The cost analysis of the recommended change will be documented and will include a statement verifying that the approved cost is both reasonable and acceptable. The Rehabilitation Inspector will establish the cost reasonableness of the change order.

If a change order reduces or increases the amount of assistance provided, the Deferred Grant Agreement will be amended.

VIII. MARKETING PROGRAM

A. Information Flyer

Lexington County CDBG Staff will prepare an information flyer in order to inform prospective applicants about the program, eligibility requirements and the minor housing repair process. The flyer will cover the following:

1. Type of financial assistance (i.e. type and terms of the grant)
2. Eligibility requirements
3. Application procedures; and
4. Telephone number and location of program office

The flyer will be provided to interested applicants as requested, and copies will be made available in various locations including the information desk in the County Administration Building, Main Library, Department of Social Services and other locations as deemed appropriate.

B. Newspapers

1. Stories of interest may be placed in the local newspapers.
2. Advertisements may be placed in local newspapers

IX. APPEALS

Applicants may appeal a decision of denial by filing a written appeal to the Lexington County Community Development Department within 30 calendar days of receipt of such a written decision. CDBG Staff and the CDBG Advisory Committee will review the appeal. If the appeal is not approved the denial will be final.

X. PROGRAM CHANGES

At the discretion of the Community Development Block Grant Division, the program may be modified to ensure maximum efficiency and effectiveness of program funds and to otherwise meet the intent of assisting lower income households in improving their homes through the program.

XI. FILES AND RECORDS

The Community Development Block Grant Division shall maintain accurate files and records on each applicant and shall retain all pertinent documentation for a period of three (3) years the completion of the Program. The following forms will be included in the files:

- 1 Homeownership Assistance Completion report (HUD-40096)
2. Minority/Women Owned Business Enterprise Report; and
- 3 Certificate of Completion

XII. DISCLAIMER

Any discussions with or any information given by a Lexington County employee or its designee regarding application for the Lexington County Minor Home Repair Program prior to receipt of a formal commitment letter from Lexington County or its designee committing a specific amount of funds to the project is only for program information and may not be considered a binding commitment on the part of Lexington County to provide funds or technical assistance to the project.

Any costs incurred prior to receipt of a formal commitment letter from Lexington County or its designee committing a specific amount of funds to the project is at the risk and expense of the applicant.

Lexington County does not discriminate on the basis of age, race, color, religion, sex, national origin, disability or familial status in the admission or access to, or treatment or employment in, its federally assisted programs or activities.

The Committee Minutes are left out intentionally until approved by the Committee. Upon the Committee's approval, the minutes will be available on the internet.

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COUNTY OF LEXINGTON Grant Request Summary Form

Title of Grant: DHEC / EMS Grant-in-Aid

Fund: 2520 DHEC / EMS Grant-in-Aid **Department:** 131400 Emergency Medical Services
No Title No Title

Grant Overview:
 Yearly state Grant-in-Aid for the purpose of upgrading and/or expanding the Emergency Medical Services within Lexington County. The County will purchase equipment and/or training programs approved by DHEC

Grant Period: July 1, 2006 to June 30, 2007

Responsible Departmental Grant Personnel: Brian Hood

Date Grant Information Released: July 7, 2006 **Date Grant Application Due*** October 1, 2007
** This item is being brought out to full Council early because of a meeting the EMS Director has in mid-September on this topic*

Grant Expenditures (Please attach a detailed budget with Excel spreadsheet, Overview, Line Item Narratives, etc.):

Personnel
Operating \$ 47,372.00
Capital
Total \$ 47,372.00

Local Match Required: Yes No

If Yes, What is the Percentage / Amount: 5.5% \$2,662 * This amount is already budgeted in FY07
% \$ Amount

Requirements at the End of this Grant (please explain in detail):
 None other than records for this grant be retained for 6 years. These records shall be available for audit or inspection when necessary by DHEC.

Dept Preparer		
Dept Approval:	BH	08-14-06
Finance Approval:	KH	08-14-06
	<i>Initials</i>	<i>Date</i>



C. Earl Hunter, Commissioner

Promoting and protecting the health of the public and the environment

July 7, 2006



MEMORANDUM

TO: Licensed Ambulance Service Directors
County Administrators
Regional EMS Offices

FROM: Alonzo W. Smith, *Director*
Division of Emergency Medical Services

SUBJECT: Grant-in-Aid Program Fiscal Year 2007

Enclosed are the forms and guidelines required to complete the application for EMS funding under the state Grant-in-Aid. I am also enclosing a fact sheet showing how many emergent runs were made by each service during calendar year 2005 and how many dollars will be available to each county. The grants will be based on a 94.5% state/5.5 % local cash match. **Contracts will be sent under separate cover letter to each County Administrator.**

The procedure to be followed for the completion of the application is included in the application packet. As soon as the applications reach DHEC EMS our review will start and approval will be issued to all counties that have applications compliant with the guidelines. Those counties, for which there is no completed application received at DHEC by October 1, 2006, will forfeit their monies.

Priority emphasis should continue to be placed on upgrading the skills of the EMTs within your services, especially those courses for the Intermediate or Paramedic level and for improving the quality of care you provide to the citizens of this state. This may mean additional training. Consequently you may consider placing additional emphasis on training under Grant-in-Aid. **GIA funds are *not* retroactive for training courses. Funds can not be spent on training or equipment BEFORE the effective date of the contract or the date signed by all parties, whichever is later and the grant-in-aid application (DHEC 1061) has been approved by DHEC. In addition, GIA funds can not be utilized for administrative/service cost. Please give special attention to the instructions in item #6 on the attached document "The Description of the Grant-in-Aid process for FY2007."**

Equipment items cannot include *food items* or items which are a replacement of existing equipment. The list is rather broad in that it includes communications equipment, rescue equipment and computer software as well as patient care equipment. However all of these support the system for providing care for the patient. Specific eligible equipment items are described under equipment on the enclosed List of Eligible Items FY2007.

I appreciate your continued interest in the GIA Program and look forward to working with you during this grant period.

		\$1,183,112					
		2007 GRANT-IN-AID DISTRIBUTION & ADDITIONAL FUNDS					
COUNTY CODE	COUNTY NAME	COUNTY POPULATION	% OF STATE POPULATION	SHARE BY POPULATION	EQUAL SHARE PER COUNTY	COUNTY TOTAL	
				\$591,556.00	\$591,556.00		
1	ABBEVILLE	26,167	0.652216394%	3,858.23	12,859.91	16,718	
2	AIKEN	142,552	3.553129951%	21,018.75	12,859.91	33,879	
3	ALLENDALE	11,211	0.279435854%	1,653.02	12,859.91	14,513	
4	ANDERSON	165,740	4.131094324%	24,437.74	12,859.91	37,298	
5	BAMBERG	16,658	0.415203145%	2,456.16	12,859.91	15,316	
6	BARNWELL	23,478	0.585192666%	3,461.74	12,859.91	16,322	
7	BEAUFORT	120,937	3.014372838%	17,831.70	12,859.91	30,692	
8	BERKELEY	142,651	3.555597541%	21,033.35	12,859.91	33,893	
9	CALHOUN	15,185	0.378488399%	2,238.97	12,859.91	15,099	
10	CHARLESTON	309,969	7.726023751%	45,703.76	12,859.91	58,564	
11	CHEROKEE	52,537	1.309492594%	7,746.38	12,859.91	20,606	
12	CHESTER	34,068	0.849150003%	5,023.20	12,859.91	17,883	
13	CHESTERFIELD	42,768	1.065998806%	6,305.98	12,859.91	19,166	
14	CLARENDON	32,502	0.810117218%	4,792.30	12,859.91	17,652	
15	COLLETON	38,264	0.953735931%	5,641.88	12,859.91	18,502	
16	DARLINGTON	67,394	1.679805544%	9,936.99	12,859.91	22,797	
17	DILLON	30,722	0.765750451%	4,529.84	12,859.91	17,390	
18	DORCHESTER	96,413	2.403108465%	14,215.73	12,859.91	27,076	
19	EDGEFIELD	24,595	0.613034059%	3,626.44	12,859.91	16,486	
20	FAIRFIELD	23,454	0.584594463%	3,458.20	12,859.91	16,318	
21	FLORENCE	125,761	3.134611761%	18,542.98	12,859.91	31,403	
22	GEORGETOWN	55,797	1.390748582%	8,227.06	12,859.91	21,087	
23	GREENVILLE	379,616	9.461985657%	55,972.94	12,859.91	68,833	
24	GREENWOOD	66,271	1.651814601%	9,771.41	12,859.91	22,631	
25	HAMPTON	21,386	0.533049253%	3,153.28	12,859.91	16,013	
26	HORRY	196,629	4.901007275%	28,992.20	12,859.91	41,852	
27	JASPER	20,678	0.515402247%	3,048.89	12,859.91	15,909	
28	KERSHAW	52,647	1.312234360%	7,762.60	12,859.91	20,623	
29	LANCASTER	61,351	1.529182864%	9,045.97	12,859.91	21,906	
30	LAURENS	69,567	1.733967894%	10,257.39	12,859.91	23,117	
31	LEE	20,119	0.501469088%	2,966.47	12,859.91	15,826	
* 32	LEXINGTON	216,014	5.384181304%	31,850.45	12,859.91	44,710 *	
33	McCORMICK	9,958	0.248204641%	1,468.27	12,859.91	14,328	
34	MARION	35,466	0.883995362%	5,229.33	12,859.91	18,089	
35	MARLBORO	28,818	0.718292966%	4,249.11	12,859.91	17,109	
36	NEWBERRY	36,108	0.899997308%	5,323.99	12,859.91	18,184	
37	OCONEE	66,215	1.650418792%	9,763.15	12,859.91	22,623	
38	ORANGEBURG	91,582	2.282695067%	13,503.42	12,859.91	26,363	
39	PICKENS	110,757	2.760634814%	16,330.70	12,859.91	29,191	
40	RICHLAND	320,677	7.992922254%	47,282.61	12,859.91	60,143	
41	SALUDA	19,181	0.478089298%	2,828.17	12,859.91	15,688	
42	SPARTANBURG	253,791	6.325778687%	37,420.52	12,859.91	50,280	
43	SUMTER	104,646	2.608317223%	15,429.66	12,859.91	28,290	
44	UNION	29,881	0.744788400%	4,405.84	12,859.91	17,266	
45	WILLIAMSBURG	37,217	0.927639299%	5,487.51	12,859.91	18,347	
46	YORK	164,614	4.103028605%	24,271.71	12,859.91	37,132	
	STATE TOTAL	4,012,012	100	\$591,556.00	\$591,556.00	\$1,183,112	
	Note: Population projections are readjusted to the 2000 Census count.						
	Source: US Bureau of the Census, 2000 Census (as of 2000)						

BUDGET AMENDMENT RESOLUTION

Amendment No. 07-031 Minutes Refer: August 22, 2006 Effective Date: July 1, 2006

It is hereby Resolved that the Current Budget be amended as follows:

() Appropriation Transfer: Amount: _____

<u>From:</u> _____	<u>To:</u> _____
Fund:	Fund:
Dept:	Dept:
Acct:	Acct:

(X) Supplemental Appropriation () Increase (X) Decrease Amount: (\$1,028 00)

<u>Appropriation</u>	<u>Revenue</u>
Fund: 2520 DHEC / EMS GRANT-IN-AID	Fund: 2520 DHEC / EMS GRANT-IN-AID
Dept: 131400 EMERGENCY MEDICAL SERVICES	Dept: 000000 NO COST CENTER
Acct: SEE ATTACHED	Source: SEE ATTACHED

PURPOSE (DESCRIBE):

TO REDUCE THE DHEC / EMS GRANT-IN-AID BUDGET TO THE AMOUNT ALLOCATED FOR LEXINGTON COUNTY

2006-07 APPROVED BUDGET	48,400
AMOUNT AWARDED	47,372
	<u>(1,028)</u>

Signatures:

Johnny W. Jeffcoat

John W. Carrigg Jr

George "Smokey" H. Davis

William C. Derrick

M. Todd Cullum

Joseph W. Owens

Debra B. Summers

James E. Kinard Jr

Bobby C. Keisler

COUNTY OF LEXINGTON
DHEC - EMS GRANT-IN-AID
Annual Budget
Fiscal Year - 2006-07

Object Code	Revenue Account Title	Actual 2004-05	11 Months Received Thru May 2005-06	Amended Budget Thru May 2005-06	Total Approved 2006-07	Revised Revenues 2006-07	BAR 07-031
* EMS Grant-In-Aid 2520:							
452220	DHEC - Gold Cross Ambulance Grant	2,842	2,842	5,108	0	0	0
452221	DHEC - Mobile Care Grant	0	0	1,980	0	0	0
452222	DHEC - American Med Response Grant	0	0	104	0	0	0
459100	DHEC - EMS Grant-In-Aid	28,094	28,095	35,367	45,738	44,710	-1,028
461000	Investment Interest	12	6	0	0	0	0
801000	Operating Transfer from General Fund	2,310	2,662	2,662	2,662	2,662	0
**Total Revenue		<u>33,258</u>	<u>33,605</u>	<u>45,221</u>	<u>48,400</u>	<u>47,372</u>	<u>-1,028</u>
***Total Appropriation					48,400	47,372	-1,028
FUND BALANCE							
Beginning of Year					<u>8</u>	<u>8</u>	<u>8</u>
FUND BALANCE - Estimated							
End of Year					<u><u>8</u></u>	<u><u>8</u></u>	<u><u>8</u></u>

COUNTY OF LEXINGTON
DHEC - EMS GRANT-IN-AID
Annual Budget
Fiscal Year - 2006-07

Fund 2520
Division: Public Safety
Organization: 131400 - Emergency Medical Services

		BUDGET					
Object Code	Expenditure Classification	2004-05 Expenditure	2005-06 Expenditure (Dec)	2005-06 Amended (Dec)	2006-07 Approved	2006-07 Revised	BAR 07-031
Personnel							
* Total Personnel		0	0	0	0	0	0
Operating Expenses							
521213	Public Education Supplies	396	0	0	400	0	-400
525210	Conference & Meeting Expense	0	34,650	34,650	45,000	47,372	2,372
525230	Subscriptions, Dues, & Books	0	0	0	3,000		-3,000
* Total Operating		396	34,650	34,650	48,400	47,372	-1,028
** Total Personnel & Operating		396	34,650	34,650	48,400	47,372	-1,028
Capital							
	All Other Equipment	31,112	2,739	2,775	0	0	0
** Total Capital		31,112	2,739	2,775	0	0	0

GRANT PERIOD: July 1, 2006 to April 30, 2007
GRANT AWARD: Federal \$44,710 and County \$2,662 = \$47,372
PERCENTAGE SHARED: 94.5% / 5.5%

***Total Budget Appropriation	31,508	37,389	37,425	48,400	47,372	-1,028
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COUNTY OF LEXINGTON
DHEC - EMS GRANT-IN-AID
Annual Budget
Fiscal Year - 2006-07

Fund. 2520
Division: Non-departmental
Organization: 999900 Non-departmental

Object Code	Expenditure Classification	<i>BUDGET</i>					BAR 07-031
		2004-05 Expenditure	2005-06 Expenditure (Dec)	2005-06 Amended (Dec)	2006-07 Approved	2006-07 Revised	
Personnel							
	* Total Personnel	0	0	0	0	0	0
Operating Expenses							
536029	DHEC - Gold Cross Ambulance Grant	2,842	0	5,108	0	0	0
536031	DHEC - Mobile Care Grant	0	0	1,980	0	0	0
536032	DHEC - American Med Response Grant	0	0	104	0	0	0
	* Total Operating	2,842	0	7,192	0	0	0
	** Total Personnel & Operating	2,842	0	7,192	0	0	0
Capital							
	** Total Capital	0	0	0	0	0	0
***Total Budget Appropriation		2,842	0	7,192	0	0	0

The Committee Minutes are left out intentionally until approved by the Committee. Upon the Committee's approval, the minutes will be available on the internet.

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ORDINANCE 06-05

LEXINGTON COUNTY, SOUTH CAROLINA

AN ORDINANCE

TO PROVIDE FOR THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS OF LEXINGTON COUNTY, SOUTH CAROLINA, SERIES 2006, TO PRESCRIBE THE PURPOSES FOR WHICH THE PROCEEDS SHALL BE EXPENDED, TO PROVIDE FOR THE PAYMENT THEREOF, AND OTHER MATTERS RELATING THERETO.

_____, 2006

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- EXHIBIT "A"** Form of Notice of Public Hearing
- EXHIBIT "B"** Form of Bond
- EXHIBIT "C"** Form of Notice of Sale
- EXHIBIT "D"** Form of Continuing Disclosure Certificate
- EXHIBIT "E"** Form of Bond Anticipation Note

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

ARTICLE I

FINDINGS OF FACT

As an incident to the adoption of this Ordinance, and the issuance of the bonds provided for herein, the Lexington County Council (the "Council"), the governing body of Lexington County, South Carolina (the "County"), finds that the facts set forth in this Article exist and the statements made with respect thereto are true and correct:

Section 1.01. Recital of Statutory Authorization. By virtue of Title 4, Chapter 15, Code of Laws of South Carolina, 1976, as amended, and supplemented by Title 11, Chapter 27, Code of Laws of South Carolina, 1976, as amended (collectively, the "Enabling Act"), the County is empowered to issue general obligation bonds for any "authorized purpose" as therein defined.

Section 1.02. Recital of Applicable Constitution Provisions. Section 14 of Article X of the Constitution of the State of South Carolina (the "Constitution") provides that the counties of the State may issue bonded indebtedness in an amount not exceeding eight percent (8%) of the assessed value of all taxable property therein, and provides further that no bonded indebtedness incurred on or prior to November 30, 1977, shall be charged against such eight percent (8%) debt limitation. Paragraph (6) of Section 14 of Article X of the Constitution further provides that general obligation debt authorized by a majority of the qualified electors of the issuer may be issued without consideration of the eight percent (8%) limit otherwise imposed by Section 14 of Article X. The Council is informed that assessed value of all taxable property located within the County for the year 2005 will upon completion be not less than the sum of \$825,000,000, and thus the eight percent (8%) debt limit of the County will be not less than \$66,000,000 at the time of the issuance of the general obligation bonds authorized by this ordinance. The County presently has outstanding \$8,660,000 aggregate principal amount of general obligation debt which chargeable against the eight percent (8%) limit. Thus, the Council will be authorized issue the sum of \$13,000,000 general obligation debt as provided herein without the authorization required by Section 14(6) of the Constitution.

Section 1.03. Recital of Purposes and Objectives of Expenditures; Findings. In order to promote economic development with the County, the Council has determined to finance the costs of the development of an industrial park, including the acquisition of certain land and the construction of public improvements thereupon, as well as certain site work and engineering and design services related thereto (collectively, the "Project") through the issuance of general obligation bonds of the County. The Project will include the purchase of approximately 500 acres of land, and the installation on that land of public roads, as well as waterworks and sewer infrastructure. The total amount of funds required to finance the Project, as well as the cost of issuance of the bonds authorized by this ordinance, is estimated to be \$13,000,000.

The Council hereby specifically finds and determines in connection with the acquisition and construction of the Project as follows:

- a. The ultimate goal of the acquisition and construction of the Project is to promote industrial development and thereby provide new job opportunities for citizens of the County.

b. The primary beneficiaries of the Project will be citizens of the County, who will enjoy an increase in job opportunities.

c. The Project is located along Interstate Highway 26 in an area well-suited for industrial development and is highly likely to provide the benefits desired therefrom within a reasonable period.

d. The Project will serve the public interest by preservation and development of a large tract suitable for industrial development, and by providing increased job opportunities to citizens of the County. The Council is informed that, upon completion, the Project will be the largest site within the County developed and available for industrial use.

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ARTICLE II

DEFINITIONS AND CONSTRUCTION

Section 2.01. Definitions. As used in this Ordinance unless the context otherwise requires, the following terms shall have the following respective meanings:

“Authorized Investments” mean and include any securities which are authorized for the investment of funds of counties by the Code of Laws of South Carolina, 1976, as amended.

“Authorized Officer” means the Chairman and Vice Chairman of the Council, the County Administrator, and any other official of the County appointed by the Council to discharge any responsibilities or undertakings with respect to this Ordinance or the Bonds.

“BANS” or **“Notes”** means Bond Anticipation Notes of the County issued in accordance with Section 3 21 herein.

“Bond” or **“Bonds”** means any of the Bonds of the County authorized by this Ordinance

“Bondholder” or **“Holder”** or **“Holders of Bonds”** or **“Owner”** or similar term means, when used with respect to a Bond or Bonds, any person who shall be registered as the owner of any Bond Outstanding.

“Bond Payment Date” means each February 1 and August 1 on which interest on any of the Bonds shall be payable or on which both the Principal Installment and interest shall be payable on any of the Bonds.

“Chairman” means the Chairman of the Council

“Code” means the Internal Revenue Code of 1986 as amended, and the Treasury Regulations applicable thereto.

“Corporate Trust Office”, when used with respect to any Paying Agent or Registrar, means the office at which its principal corporate trust business shall be administered.

“Council” means the Lexington County Council, South Carolina, the governing body of Lexington County or any successor governing body of said County.

“County” means Lexington County, South Carolina

“County Request” means a written request of the County signed by an Authorized Officer.

“Enabling Act” means Chapter 15, Title 4, Code of Laws of South Carolina, 1976, as amended and supplemented by Title 11, Chapter 27, Code of Laws of South Carolina, 1976, as amended.

“Fiduciary” means any financial institution appointed to serve as the Paying Agent, the Registrar and their successors and assigns.

“Government Obligations” means and includes direct general obligations of the United States of America or agencies thereof or obligations, the payment of principal or interest on which is fully and unconditionally guaranteed by the United States of America.

“Ordinance” means this Ordinance as the same may be amended or supplemented from time to time in accordance with the terms hereof

“Outstanding”, when used in this Ordinance with respect to Bonds, means as of any date, all Bonds theretofore authenticated and delivered pursuant to this Ordinance except

(i) any Bond canceled or delivered to the Registrar for cancellation on or before such date;

(ii) any Bond (or any portion thereof) deemed to have been paid in accordance with the provisions of Section 7.01 hereof, and

(iii) any Bond in lieu of or in exchange for which another Bond shall have been authenticated and delivered pursuant to Section 3.11 of this Ordinance.

“Paying Agent” means any bank, trust company or national banking association which is authorized to pay the principal or interest on any Bonds and having the duties, responsibilities and rights provided for in this Ordinance, and its successor or successors and any other corporation or association which at any time may be substituted in its place pursuant to this Ordinance. The institution named as Paying Agent may also act as Registrar

“Person” means an individual, a partnership, a corporation, a trust, a trustee, an unincorporated organization, or a government or an agency or political subdivision thereof

“Principal Installment” means, as of any date of calculation, the principal amount of all Bonds due on a specified date

“Record Date” means the fifteenth day of the month immediately preceding each Bond Payment Date.

“Registrar” means any bank, trust company, or national banking association which is authorized to maintain an accurate list of those who from time to time shall be the Holders of the Bonds and shall effect the exchange and transfer of Bonds in accordance with the provisions of this Ordinance and having the duties, responsibilities, and rights provided for in this Ordinance and its successor or successors and any other corporation or association which at any time may be substituted in its place pursuant to this Ordinance. The institution named as Registrar may also act as Paying Agent

“Securities Depository” shall mean The Depository Trust Company, New York, New York, or other recognized securities depository selected by the County, which securities depository maintains a book-entry system in respect of the Bonds, and shall include any substitute for or successor to the securities depository initially acting as Securities Depository.

“Securities Depository Nominee” shall mean, as to any Securities Depository, such Securities Depository or the nominee of such Securities Depository in whose name there shall be registered on the registration books maintained by the Registrar the Bond certificates to be delivered to and immobilized at such Securities Depository during the continuation with such Securities Depository of participation in its book-entry system.

“Series” or **“Series of Bonds”** shall mean such Bonds which have been authenticated and delivered on original issuance in a simultaneous transaction and designated as a single Series by the Chairman and any Bonds thereafter authenticated and delivered in lieu of or in substitution for (but not to

refund) such Bonds as herein provided, regardless of variations in maturity, interest rate or other provisions

“**Taxable Bonds**” shall mean Bonds of a Series designated as Series 2006B (Taxable Series) by the Chairman in accordance with Section 9.03 herein.

Section 2.02. Construction. In this Ordinance, unless the context otherwise requires:

(a) Articles and Sections referred to by number shall mean the corresponding Articles and Sections of this Ordinance.

(b) The terms “hereby”, “hercof”, “hereto”, “herein”, “hereunder” and any similar terms refer to this Ordinance, and the term “hereafter” shall mean after, and the term “heretofore” shall mean before, the date of adoption of this Ordinance.

(c) Words of the masculine gender shall mean and include correlative words of the female and neuter genders, and words importing the singular number shall mean and include the plural number and vice versa.

(d) Any Fiduciary shall be deemed to hold an Authorized Investment in which money is invested pursuant to the provisions of this Ordinance, even though such Authorized Investment is evidenced only by a book entry or similar record of investment

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ARTICLE III

ISSUANCE OF BONDS

Section 3.01. Ordering the Issuance of Bonds. Pursuant to the provisions of the Enabling Act, and for the purpose of obtaining funds to defray the costs of the Project described in Section 1.03 hereof, there shall be issued not more than Thirteen Million Dollars (\$13,000,000) of general obligation bonds of the County, the final amount to be determined by the Chairman with the advice of bond counsel. The Bonds shall be issued in no more than two Series, the first designated as "Series 2006A." If the issuance of a second Series, the interest upon which will not be excludable from gross income for federal income tax purposes, is determined by the Chairman, with the advice of bond counsel, to be in the best interests of the County, such second series shall be designated as "Series 2006B (Taxable Series)."

Section 3.02. Date; Maturity of Bonds. A Series of Bonds shall be dated as of the first day of the month in which the Bonds of such Series are delivered or such other date as shall be determined by the Chairman with the advice of bond counsel. The Chairman is further authorized to determine the maturity schedule for each Series of Bonds issued hereunder, provided, however, that the final maturity of the Bonds shall not occur not less than 5 nor more than 15 years from the dated date thereof. Interest on the Bonds shall be payable on February 1, 2007, and semiannually thereafter on February 1 and August 1 of each year until payment of the principal thereof.

Section 3.03. Interest Rates; Payment of Interest. The Bonds of a Series shall bear such rate or rates of interest as shall at the sale of such Bonds reflect the lowest net interest cost to the County calculated in the manner, and subject to the conditions, prescribed in the Notice of Sale attached hereto as Exhibit "C." The Bonds shall be authenticated on such dates as they shall, in each case, be delivered. The Bonds shall bear interest from the February 1 or the August 1 to which interest has been paid next preceding the authentication date thereof, unless the authentication date thereof is a February 1 or a August 1, in which case, from such authentication date, or from the February 1 or the August 1 to which interest has last been paid, or if dated prior to February 1, 2007, then from the original issue date of such Bonds. The interest to be paid on any February 1 or August 1 shall be paid to the Person in whose name such Bond is registered at the close of business on the Record Date next preceding such February 1 or August 1.

Section 3.04. Book-Entry System. The Bonds will initially be issued under the DTC Book-Entry Only System in fully registered form, registered in the name of Cede & Co. as the registered owner and securities depository nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as initial securities depository for the Bonds. Notwithstanding anything to the contrary herein, so long as the Bonds are being held under a book-entry system of a securities depository, transfers of beneficial ownership of the Bonds will be effected pursuant to rules and procedures established by such securities depository. DTC and any successor securities depositories are hereinafter referred to as the "Securities Depository." Cede & Co. and successor securities depository nominees are hereinafter referred to as the "Securities Depository Nominee."

(b) Notwithstanding any other provision of this Ordinance, as long as a book-entry system is in effect for the Bonds, the Securities Depository Nominee will be recognized as the holder of the Bonds for the purposes of (i) paying the principal, interest and redemption premium, if any, on such Bonds, (ii) if Bonds are to be redeemed in part, selecting the portions of such Bonds to be redeemed, (iii) giving any notice permitted or required to be given to Bondholders under this ordinance, (iv) registering the transfer of Bonds, and (v) requesting any consent or other action to be taken by the holders of such Bonds, and for all other purposes whatsoever, and the County shall not be affected by any notice to the contrary.

(c) The County shall not have any responsibility or obligation to any participant, any beneficial owner or any other person claiming a beneficial ownership in any Bonds which are registered to a Securities Depository Nominee under or through the Securities Depository with respect to any action taken by the Securities Depository as holder of such Bonds.

(d) The County shall pay all principal, interest and redemption premium, if any, on Bonds issued under a book-entry system only to the Securities Depository or the Securities Depository Nominee, as the case may be, for such Bonds, and all such payments shall be valid and effectual to fully satisfy and discharge the obligations with respect to the principal of and redemption premium, if any, and interest on such Bonds

(e) In the event that the County determines that it is in the best interest of the County to discontinue the book-entry system of transfer for the Bonds, or that the interests of the beneficial owners of the Bonds may be adversely affected if the book-entry system is continued, then the County shall notify the Securities Depository of such determination. In such event, the Registrar and Paying Agent shall authenticate, register and deliver physical certificates for the Bonds in exchange for the Bonds registered in the name of the Securities Depository Nominee.

(f) In the event that the Securities Depository for the Bonds discontinues providing its services, the County shall either engage the services of another Securities Depository or arrange with a Registrar and Paying Agent for the delivery of physical certificates in the manner described in (c) above.

(g) In connection with any notice or other communication to be provided to the holders of Bonds by the County or by the Registrar and Paying Agent with respect to any consent or other action to be taken by the holders of Bonds, the County or the Registrar and Paying Agent, as the case may be, shall establish a record date for such consent or other action and give the Securities Depository Nominee notice of such record date not less than 15 days in advance of such record date to the extent possible.

(h) At the closing of the Bonds and the delivery of the same to the purchaser thereof through the facilities of DTC, the Paying Agent and Registrar may maintain custody of Bond certificates on behalf of DTC in accordance with DTC's "FAST Closing" procedures.

(i) For as long as the Bonds are being held under a book-entry system of a securities depository, the County shall remit to the Paying Agent and Registrar by 1:00 p.m. New York time on each Bond Payment Date funds for all principal and interest payments due thereupon, or at such earlier time as required by the Paying Agent and Registrar to guarantee that DTC or successor Securities Depository will receive payment in same-day funds by 2:30 p.m. New York time on such Bond Payment Date. In addition, automated payment details receipt shall be provided by the Paying Agent by 12:00 noon New York time of each Bond Payment Date for interest payments and by 2:30 p.m. New York time for redemption and corporate action payments.

Section 3.05. Medium of Payment; Form and Denomination of Bonds; Place of Payment of Principal. (a) The Bonds shall be payable as to Principal Installment and interest at the rates per annum determined in the manner prescribed by Section 3.03 hereof (on the basis of a three hundred and sixty-day year of twelve (12) thirty-day months) in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts.

(b) The Bonds shall be issued in the form of fully registered Bonds. The Bonds shall be issued in the denomination of \$5,000 or any whole multiple thereof, not exceeding the principal amount of the Bonds maturing in such year. The Bonds of each Series shall be numbered from 1 upwards in such fashion as to maintain a proper record thereof.

(c) The Principal Installment of all Bonds shall be payable at the Corporate Trust Office of the Paying Agent and payment of the interest on each Bond shall be made by the Paying Agent to the Person appearing on each Record Date on the registration books of the County, which books shall be held by the Registrar as provided in Section 3.09 hereof, as the registered owner thereof, by check or draft mailed to such registered owner at his address as it appears on such registration books in sufficient time to reach such registered owner on the Bond Payment Date. Payment of the Principal Installment of all Bonds shall be made upon the presentation and surrender for cancellation of such Bonds as the same shall become due and payable.

Section 3.06. Agreement to Maintain Registrar and Paying Agent. As long as any of the Bonds remain Outstanding there shall be a Registrar and a Paying Agent each of which maintain Corporate Trust Offices where (i) the Bonds may be presented for registration of transfers and exchanges, (ii) notices and demands to or upon the County in respect of the Bonds may be served, and (iii) the Bonds may be presented for payment, exchange and transfer. The County Administrator is authorized to select a financial institution maintaining corporate trust offices to serve as Registrar and Paying Agent. The institution so chosen shall exercise both the functions of the Paying Agent and the Registrar for each Series of Bonds issued hereunder.

Section 3.07. Execution and Authentication. (a) The Bonds shall be executed in the name and on behalf of the County by the signature of an Authorized Officer, with its corporate seal impressed, imprinted or otherwise reproduced thereon, and attested by the signature of the Clerk of the Council or other Authorized Officer (other than the officer executing such Bonds). The signatures of the Authorized Officers and/or the Clerk of the Council may be manual or facsimile signatures. Bonds of a Series bearing the signature of any Person who shall have been such an Authorized Officer at the time such Bonds were so executed shall bind the County notwithstanding the fact that he or she may have ceased to be such Authorized Officer prior to the authentication and delivery of such Bonds or was not such Authorized Officer at the date of the authentication and delivery of such Bonds

(b) No Bond shall be valid or obligatory for any purpose or shall be entitled to any right or benefit hereunder unless there shall be endorsed on such Bond a certificate of authentication in the form set forth in this Ordinance, duly executed by the manual signature of the Registrar and such certificate of authentication upon any Bond executed on behalf of the County shall be conclusive evidence that the Bond so authenticated has been duly issued hereunder and that the Holder thereof is entitled to the benefit of the terms and provisions of this Ordinance.

Section 3.08. Exchange of Bonds. Bonds, upon surrender thereof at the office of the Registrar with a written instrument of transfer satisfactory to the Registrar, duly executed by the registered Holder or his duly authorized attorney, may, at the option of the registered Holder thereof, be exchanged for an equal aggregate principal amount of Bonds in authorized denominations of the same Series, interest rate, redemption provisions, if any, and maturity. So long as any of the Bonds remain Outstanding, the County shall make all necessary provisions to permit the exchange of Bonds at the Corporate Trust Office of the Registrar.

Section 3.09. Transferability and Registry. All Bonds shall at all times, when the same are Outstanding, be payable, both as to Principal Installment and interest to a Person, and shall be transferable, only in accordance with the provisions for registration and transfer contained in this Ordinance and in the Bonds. So long as any of the Bonds remain Outstanding, the County shall maintain and keep, at the Office of the Registrar, books for the registration and transfer of Bonds, and, upon presentation thereof for such purpose at the Corporate Trust Office of the Registrar, the County shall register or cause to be registered therein, and permit to be transferred thereon, under such reasonable regulations as it or the Registrar may

prescribe, any Bond, except that under no circumstances shall any Bond be registered or transferred to bearer. So long as any of the Bonds remain Outstanding, the County shall make all necessary provisions to permit the transfer of Bonds at the Corporate Trust Office of the Registrar

Section 3.10. Transfer of Bonds. Each Bond shall be transferable only upon the books of the County, which shall be kept for such purpose at the Corporate Trust Office of the Registrar which shall be maintained for such purpose by the Registrar, upon presentation and surrender thereof by the Holder of such Bond in person or by his attorney duly authorized in writing, together with a written instrument of transfer satisfactory to the Registrar duly executed by the registered Holder or his duly authorized attorney. Upon surrender for transfer of any such Bond, the County shall execute and the Registrar shall authenticate and deliver, in the name of the Person who is the transferee, one or more new Bonds of the same Series, aggregate principal amount, redemption provisions, if any, and maturity and rate of interest as the surrendered Bond. All action taken by the Registrar pursuant to this Section shall be deemed to be the action of the County.

Section 3.11. Regulations with Respect to Exchanges and Transfers. All Bonds surrendered in any exchanges or transfers shall forthwith be canceled by the Registrar. For each such exchange or transfer of Bonds, the County or the Registrar may make a charge sufficient to reimburse it or them for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer, which sum or sums shall be paid by the Holder requesting such exchange or transfer as a condition precedent to the exercise of the privilege or making such exchange or transfer. The County shall not be obligated to (i) issue, exchange or transfer any Bond during the 15 days next preceding any Bond Payment Date applicable thereto, (ii) issue, exchange or transfer any Bond of a Series during a period beginning at the opening of business 15 days next preceding any selection of Bonds of such Series to be redeemed and ending at the close of business on the date of the mailing of notice of such redemption, or (iii) transfer or exchange any Bonds called or being called for redemption in whole or in part.

Section 3.12. Mutilated, Destroyed, Lost and Stolen Bonds. (a) If any mutilated Bond is surrendered to the Registrar and the Registrar or the County receive evidence to their satisfaction of the destruction, loss or theft of any Bond, and there is delivered to the Registrar, or the County such security or indemnity as may be required by them to save each of them harmless, then, in the absence of notice that such Bond has been acquired by a *bona fide* purchaser, the County shall execute, and upon County request, the Registrar shall authenticate and deliver, in exchange for any such mutilated Bond or in lieu of any such destroyed, lost or stolen Bond, a new Bond of like Series, tenor principal amount and redemption provisions, bearing a number unlike that of a Bond contemporaneously Outstanding. The Registrar shall thereupon cancel any such mutilated Bond so surrendered. In case any such mutilated, destroyed, lost or stolen Bond has become or is about to become due and payable, the County in its discretion may, instead of issuing a new Bond, pay such Bond.

(b) Upon the issuance of any new Bond under this Section 3.12, the County may require the payment of a sum sufficient to cover any tax, fee or other governmental charge that may be imposed in relation thereto and any other expenses, including counsel fees or other fees, of the County or the Registrar connected therewith.

(c) Each new Bond issued pursuant to this Section in lieu of any destroyed, lost or stolen Bond, shall constitute an additional contractual obligation of the County, whether or not the destroyed, lost or stolen Bond shall at any time be enforceable by anyone, and shall be entitled to all the benefits hereof equally and proportionately with any and all other Bonds duly issued pursuant to this Ordinance. All Bonds shall be held and owed upon the express condition that the foregoing provisions are exclusive with respect to the replacement or payment of mutilated, destroyed, lost or stolen Bonds and shall preclude (to

the extent lawful) all other rights or remedies with respect to the replacement or payment of mutilated, destroyed, lost or stolen Bonds or securities.

Section 3.13. Holder As Owner of Bond. The County, the Registrar and any Paying Agent may treat the Holder of any Bond as the absolute owner thereof, whether such Bond shall be overdue or not, for the purpose or receiving payment of, or on account of, the Principal Installment of and interest on such Bond and for all other purposes, and payment of the Principal Installment and interest shall be made only to, or upon the order of, such Holder. All payments to such Holder shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and neither the County nor any Paying Agent shall be affected by any notice to the contrary

Section 3.14. Cancellation of Bonds. The Registrar shall destroy all Bonds surrendered to it for cancellation and shall deliver a certificate to that effect to the County. No such Bonds shall be deemed Outstanding under this Ordinance and no Bonds shall be issued in lieu thereof

Section 3.15. Conditions Relating to Naming of Interest Rates. The Bonds of a Series shall bear such rate or rates of interest as shall at the sale of such Bonds reflect the lowest net interest cost to the County calculated in the manner hereinafter prescribed in this Section 3.15 at a price of not less than par plus accrued interest to the date of delivery, but,

- (a) all Bonds of the same Series and maturity shall bear the same rate of interest;
- (b) no rate of interest named for a Series shall be more than two per centum (2%) higher than the lowest rate of interest so named;
- (c) each interest rate named shall be a multiple of 1/8th or 1/20th of one per centum (1%), and
- (d) any premium offered must be paid in cash as a part of the purchase price.

For the purpose of determining lowest net interest cost as to a Series, the aggregate of interest on all Bonds of such Series from their original issue date until their respective maturities, less any sum named by way of premium for such Series, shall be determined on each bid and the smallest amount to be paid by the County shall reflect lowest net interest cost.

Section 3.16. Payments Due on Saturdays, Sundays and Holidays. In any case where the Bond Payment Date for a Series of Bonds shall be a Saturday or Sunday or shall be, at the place designated for payment, a legal holiday or a day on which banking institutions are authorized by law to close, then payment of interest on or Principal Installment of the Bonds of such Series need not be made on such date but may be made on the next succeeding business day not a Saturday, Sunday or a legal holiday or a day upon which banking institutions are authorized by law to close, with the same force and effect as if made on the Bond Payment Date and no interest shall accrue for the period after such date.

Section 3.17. Tax Exemption in South Carolina. Both the Principal Installment and interest on the Bonds shall be exempt from all State, County, Municipal, School, County, and all other taxes or assessments of the State of South Carolina, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise, except inheritance, estate and transfer taxes, but the interest on the Bonds may be includable for certain franchise fees or taxes

Section 3.18. Order of Tax Levy to Pay Principal and Interest of Bonds. For the payment of the Principal Installment and interest on the Bonds as the same respectively mature and for the creation of such sinking fund as may be necessary therefor, the full faith, credit and taxing power of the County are hereby 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 on all taxable property in said County, sufficient to pay the Principal Installment and interest on such Bonds as they respectively mature, and to create such sinking fund as may be necessary therefor.

Section 3.19. Notice to Auditor and Treasurer to Levy Tax. The Auditor and Treasurer of Lexington County, South Carolina, shall be notified of the issuance of any Bonds pursuant to this Ordinance and directed to levy and collect, respectively, upon all taxable property in said County an annual tax sufficient to meet the payment of the Principal Installments and interest on said Bonds, as the same respectively mature, and to create such sinking fund as may be necessary therefor

Section 3.20. Form of Bonds. The form of the Bonds, and registration provisions to be endorsed thereon shall be substantially as set forth in Exhibit "B" attached hereto and made a part of this Ordinance.

Section 3.21. Bond Anticipation Notes. The Chairman may determine to issue one or more series of notes in anticipation of the issuance of the Bonds ("BANs") in accordance with this Section 3.21. The aggregate principal amount of BANs issued hereunder shall not exceed \$12,500,000.

(a) The BANs shall be dated and bear interest from the date of delivery thereof, payable upon the stated maturity thereof and shall mature on such date as selected by the County Administrator, without privilege of prepayment. The BANs may be issued in denominations of \$5,000 and integral multiples thereof. The BANs shall be in form substantially similar to that appearing as Exhibit "E" hereto, signed by an Authorized Officer, and the seal of the County shall be impressed thereon, attested by the signature of an Authorized Officer, other than the Authorized Officer who signed the BANs. An Authorized Office shall serve as registrar of the Notes (the "Note Registrar") and the County Treasurer of the County shall serve as paying agent of the Notes (the "Note Paying Agent"). In the event the BANs are no longer held in book-entry-only form and no other securities depository is named the County shall appoint a financial institution maintaining corporate trust offices to serve as Registrar/Paying Agent for the BANs.

(b) The BANs shall be initially issued under the DTC Book-Entry-Only System in the form of a single fully registered bond anticipation note, registered in the name of Cede & Co. as the registered owner and nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository for the BANs.

(i) Transfers of beneficial ownership of the BANs will be effected pursuant to rules and procedures established by such securities depository. The initial securities depository for the BANs will be DTC. DTC and any successor securities depositories are hereinafter referred to as the "Securities Depository." The BANs shall be registered in the name of Cede & Co., as the initial securities depository nominee for the BANs. Cede & Co. and successor securities depository nominees are hereinafter referred to as the "Securities Depository Nominee."

(ii) As long as a book-entry system is in effect for the BANs, the Securities Depository Nominee will be recognized as the holder of the BANs for the purposes of (a) paying the principal and interest on the BANs at the maturity thereof, (a) giving any notice permitted or required to be given to beneficial owners of the BANs under this Ordinance, (c) registering the transfer of beneficial ownership of the BANs, and (d) requesting any consent or other action to be taken by the holders of the BANs, and for all other purposes whatsoever, and the County shall not be affected by any notice to the contrary.

(iii) The County shall not have any responsibility or obligation to any participant, any beneficial owner or any other person claiming a beneficial ownership in the BANs when registered

to a Securities Depository Nominee under or through the Securities Depository with respect to any action taken by the Securities Depository as holder of the BANs.

(iv) Both the principal of and interest on the BANs shall be payable in any coin or currency of the United States of America which is, at the time of payment, legal tender for public and private debts.

(c) Bids for the purchase of the BANs shall be solicited pursuant to a preliminary offering memorandum with an accompanying notice of sale. Bids may be submitted in person and by electronic bidding system and facsimile transmission. The Chairman or, in his absence, the Vice Chairman, is authorized to award the BANs to the bidder offering to purchase the BANs at the lowest net interest cost to the County at a price of not less than par. Net interest cost will be determined by deducting premium, if any, from the interest on the BANs, until maturity

(d) Proposals for the purchase of the BANs shall be accompanied by a good faith check in an amount determined by the County Administrator; provided, however, that bidders may in lieu of a good faith check submit a financial surety bond in form satisfactory to the County Administrator

(e) The County shall cause books (herein referred to as the "registry books") to be kept at the offices of the Note Registrar, for the registration and transfer of the BANs. Upon presentation at its office for such purpose the Note Registrar shall register or transfer, or cause to be registered or transferred, on such registry books, the BANs under such reasonable regulations as the Note Registrar may prescribe.

(f) Each BAN shall be transferable only upon the registry books of the County, which shall be kept for such purpose at the principal office of the Note Registrar, by the registered owner thereof in person or by his duly authorized attorney upon surrender thereof together with a written instrument of transfer satisfactory to the Note Registrar duly executed by the registered owner or his duly authorized attorney. Upon the transfer of any such BAN the Note Registrar on behalf of the County shall issue in the name of the transferee a new fully registered BAN or BANs, of the same aggregate principal amount, interest rate and maturity as the surrendered BAN. Any BAN surrendered in exchange for a new registered BAN pursuant to this Section shall be cancelled by the Note Registrar.

(g) The County, the Note Registrar and the Note Paying Agent may deem or treat the person in whose name any fully registered BAN shall be registered upon the registry books as the absolute owner of such BAN, whether such BAN shall be overdue or not, for the purpose of receiving payment of the principal of and interest on such BAN and for all other purposes and all such payments so made to any such registered owner or upon his order shall be valid and effectual to satisfy and discharge the liability upon such BAN to the extent of the sum or sums so paid, and neither the County, the Note Registrar nor the Note Paying Agent shall be affected by any notice to the contrary. In all cases in which the privilege of transferring BANs is exercised, the County shall execute and the Note Registrar shall authenticate and deliver BANs in accordance with the provisions of this Ordinance. Neither the County nor the Note Registrar shall be obliged to make any such transfer of BANs during the period beginning on the day after the fifteenth calendar day preceding the maturity date thereof.

(h) In the event any BAN is mutilated, lost, stolen or destroyed, the County may execute a new BAN of like date and denomination as that mutilated, lost, stolen or destroyed;

provided that, in the case of any mutilated BAN, such mutilated BAN shall first be surrendered to the County, and in the case of any lost, stolen or destroyed BAN, there shall be first furnished to the County evidence of such loss, theft or destruction satisfactory to the County, together with indemnity satisfactory to it; provided that, in the case of a holder which is a bank or insurance company, the agreement of such bank or insurance company to indemnify shall be sufficient. In the event any such BAN shall have matured, instead of issuing a duplicate BAN, the County may pay the same without surrender thereof. The County may charge the holder of such BAN with its reasonable fees and expenses in this connection.

- (i) For the payment of the principal of and interest on the BANs as the same shall fall due, the full faith, credit, resources and taxing power of the County shall be pledged. In addition thereto, so much of the principal proceeds of the Bonds when issued shall and is hereby directed to be applied, to the extent necessary, to the payment of the BANs; and, further, the County covenants and irrevocably pledges to effect the issuance of the Bonds or, in the alternative, to refund or renew outstanding BANs in order that the proceeds thereof will be sufficient to provide for the retirement of any BANs issued pursuant hereto.
- (j) The Board hereby authorizes the County Administrator to prepare, or cause to be prepared, a Preliminary Offering Memorandum to be distributed physically or electronically to prospective purchasers of the BANs together with the Notice of Sale. The Board authorizes the County Administrator to designate the Preliminary Offering Memorandum as "near final" for purposes of Rule 15c2-12 of the Securities Exchange Commission. The County Administrator is further authorized to complete or cause the completion of the final form of the Offering Memorandum upon the sale of the BANs and to provide the same to the purchaser of the BANs.
- (k) The proceeds derived from the sale of the BANs issued pursuant to this Ordinance shall be paid to the Treasurer of Lexington County, South Carolina to defray the such costs of the Project and issuance costs as are applicable to the BAN. Pending the use of proceeds of the BANs, the same shall be invested and reinvested by the Treasurer of Lexington County, South Carolina, in such investments as are authorized by the Code of Laws of South Carolina, 1976, as amended, with respect to funds of the counties of the State of South Carolina. All earnings from such investments shall be applied to defray the cost of the respective improvements for which the BANs were issued or to pay costs of issuance associated with the BANs.
- (l) The Council hereby authorizes Authorized Officers to execute any and all such documents and instruments as may be necessary to effect the issuance of the BANs. All covenants made and requirements imposed in Section 9.03 and Section 9.04 pursuant to the Code shall apply with equal force to any BANs issued hereunder. In that regard, the Chairman, upon advice of bond counsel, is authorized to determine that interest on certain Notes is not excludable from income for federal income tax purposes, and, in such case, shall provide for the issuance of such Notes as taxable obligations. Such Notes shall bear a title substantially similar to "Taxable General Obligation Bond Anticipation Note of 2006" or other such year of issuance.
- (m) All rules, regulations, Ordinances and parts thereof, procedural or otherwise, in conflict herewith or the proceedings authorizing the issuance of the BANs are, to the extent of such conflict, hereby repealed and this Ordinance shall take effect and be in full force from and after its adoption.

ARTICLE IV

REDEMPTION OR PURCHASE OF BONDS

Section 4.01. Bonds Subject to Redemption. All Bonds maturing subsequent to February 1, 2017, if any, shall be subject to redemption at the option of the County in whole or in part at any time on and after February 1, 2017 at a redemption price equal to the par amount of Bonds to be redeemed. In the event less than all of the Bonds are to be redeemed, the Bonds shall be redeemed in such order of maturities as shall be determined by the County. The Chairman may, upon the advice of bond counsel, elect that Bonds of a Series Outstanding be subject to redemption beginning on a Bond Payment Date which is earlier than February 1, 2017. The Chairman may further elect that Bonds of a Series be subject to redemption at redemption prices greater than par, but in no event greater than 102% of the principal amount of Bonds to be redeemed.

Section 4.02. County's Election to Redeem. In the event that the County shall, in accordance with the provisions of Section 4.01, elect to redeem Bonds, it shall give notice to the Registrar and Paying Agent, of each optional redemption. Each such notice shall specify the date fixed for redemption and the Bonds which are to be redeemed. Such notice shall be given at least sixty (60) days prior to the date fixed for redemption or such lesser number of days as shall be acceptable to the Registrar.

Section 4.03. Notice of Redemption. (a) When any Bonds are to be redeemed, the Registrar shall give notice of the redemption of the Bonds in the name of the County specifying (i) the Bonds and maturities to be redeemed; (ii) the redemption date; (iii) the redemption price; (iv) the Series, numbers and other distinguishing marks of the Bonds to be redeemed unless all of the Bonds Outstanding are to be redeemed; (v) the place or places where amounts due upon such redemption will be payable; and (vi) in the case of Bonds to be redeemed in part only, the respective portions of the principal thereof to be redeemed. Such notice shall further state that on such date there shall become due and payable upon each Bond to be redeemed the redemption price thereof, together with interest accrued to the redemption date, and that, from and after such date, interest thereon shall cease to accrue. The Registrar shall mail by registered mail a copy of such notice, postage prepaid, not less than thirty (30) days before the redemption date to the registered Holders of all Bonds or portions of Bonds which are to be redeemed at their addresses which appear upon the registration books, but failure to so mail any such notice to any of such Holders shall not affect the validity of the proceedings for the redemption of Bonds held by Holders to whom written notice has been mailed. The obligation of the Registrar to give the notice required by this Section 4.03 shall not be conditioned upon the prior payment to the Paying Agent of money or the delivery to the Paying Agent of Authorized Investments or Government Obligations sufficient to pay the redemption price of the Bonds to which such notice relates or the interest thereon to the redemption date.

(b) Notice of redemption having been given as provided in subsection (a) hereof, the Bonds or portions thereof so to be redeemed shall, on the date fixed for redemption, become due and payable at the redemption price specified therein plus accrued interest to the redemption date, and upon presentation and surrender thereof at the place specified in such notice, such Bonds or portions thereof shall be paid at the redemption price, plus accrued interest to the redemption date. On and after the redemption date (unless the County shall default in the payment of the redemption price and accrued interest), such Bonds shall cease to bear interest, and such Bonds shall no longer be considered as Outstanding hereunder. If money sufficient to pay the redemption price and accrued interest has not been made available by the County to the Paying Agent on the redemption date, such Bonds shall continue to bear interest until paid at the same rate as they would have borne, had they not been called for redemption, until the same shall have been paid.

Section 4.04. Selection by Registrar of Bonds to Be Redeemed. (a) If less than all of the Bonds of like maturity are to be redeemed, the particular Bonds or portions of Bonds to be redeemed shall be selected, not less than forty-five (45) days prior to the date fixed for redemption, by the Registrar by lot.

(b) In making such selection, the Registrar shall treat each Bond to be redeemed as representing that number of Bonds of the lowest authorized denomination as is obtained by dividing the principal amount of such Bond by such denomination. If any Bond is to be redeemed in part, the portion to be so redeemed shall be in a principal amount of an authorized denomination. For so long as the Bonds are held in book-entry only form, the selection of Bonds to be redeemed hereunder shall be in accordance with the rules of the Securities Depository

(c) The Registrar shall promptly notify the County in writing of the Bonds so selected for redemption.

Section 4.05. Deposit of Redemption Price. On or before any date fixed for redemption of any Bonds, cash and/or a principal amount of non-callable Government Obligations maturing or redeemable at the option of the Holder thereof not later than the date fixed for redemption which, together with income to be earned on such Government Obligations prior to such date fixed for redemption, will be sufficient to provide cash to pay the redemption price of and accrued interest on all Bonds or portions thereof which are to be redeemed on such date, shall be deposited with the Paying Agent unless such amount shall have been previously deposited with the Paying Agent.

Section 4.06. Partial Redemption of Bonds. In the event part but not all of a Bond Outstanding shall be selected for redemption, upon presentation and surrender of such Bond by the Holder thereof or his attorney duly authorized in writing (with, if the County or the Paying Agent so requires, due endorsement by, or a written instrument of transfer in form satisfactory to the County and the Registrar duly executed by, the Holder thereof or his attorney duly authorized in writing) to the Registrar, the County shall execute and the Registrar shall authenticate and deliver to or upon the order of such Holder, without charge therefor, for the unredeemed portion of the principal amount of the Bond so surrendered, a Bond or Bonds of any authorized denomination of like tenor. Bonds so presented and surrendered shall be canceled in accordance with Section 3.14 hereof.

Section 4.07. Purchases of Bonds Outstanding. Purchases of Bonds Outstanding may be made by the County at any time with money available to it from any source. Upon any such purchase the County shall deliver such Bonds to the Registrar for cancellation.

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ARTICLE V

SALE OF BONDS; APPROVAL
OF OFFICIAL STATEMENT

Section 5.01. Determination of Time to Receive Bids -- Form of Notice of Sale. Each Series of Bonds shall be sold at public sale at a price of not less than par and accrued interest to the date of delivery. Bids for the Bonds of a Series shall be received until 12:00 Noon (local time) on a date or dates to be selected by the Chairman. The Bonds shall be advertised for sale in *THE BOND BUYER*, a financial journal published in the City of New York, or in *The State*, and which shall appear at least once, not less than seven (7) days before the date set for said sale. The form of the Notice of Sale shall be substantially as set forth in Exhibit "C" attached hereto and the conditions of sale of the Bonds shall be as set forth in the Notice of Sale; provided, however, that a summary notice of sale may be published in *THE BOND BUYER* or *The State*.

Section 5.02. Award of Bonds. Unless all bids are rejected, the award of the Bonds of a Series shall be made by the Chairman, or, in his absence, the Vice Chairman of the Council, following the receipt of bids as provided in this Ordinance, to the bidder offering the lowest net interest cost therefor.

Section 5.03. Approval of Official Statement. The County Administrator is hereby authorized to deem a preliminary Official Statement to be "final" within the meaning of Rule 15(c)(2)-(12) of the United States Securities and Exchange Commission as of its date, and the Council hereby authorizes the distribution of such preliminary Official Statement, when so deemed final, to prospective bidders. Such distribution may be made in electronic form or by way of printed documents. The Council further authorizes and approves the distribution and delivery of a final Official Statement in print and in electronic format by the successful bidders in connection with the reoffering and sale of the Bonds by the successful bidders.

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ARTICLE VI

DISPOSITION OF PROCEEDS OF SALE OF BONDS

Section 6.01. Disposition of Bond Proceeds Including Temporary Investments. The proceeds derived from the sale of a Series of Bonds issued pursuant to this Ordinance shall be paid to the Treasurer of Lexington County, to be deposited in a Bond Account Fund for the County, and shall be expended and made use of by the Council as follows:

(a) any accrued interest shall be applied to the payment of the first installment of interest to become due on such Series of Bonds;

(b) any premium shall be applied to the payment of the first installment of principal of such Series of Bonds;

(c) the remaining proceeds shall be expended and made use of by the Council to defray the cost of issuing such Series of Bonds and to defray those costs of the Project as described in Section 1.03 hereof which are applicable to such Series. Pending the use of Bond proceeds, the same shall be invested and reinvested by the Treasurer of Lexington County in Authorized Investments. Subject to the obligation of the County to rebate certain investment earnings to the United States Treasury in accordance with Section 148(f) of the Code, earnings from such investments shall be applied, at the direction of the Council, either (1) to defray the cost of the undertakings for which the Bonds are issued and if not required for this purpose, then (2) to pay the first maturing installments of interest on the applicable Series of Bonds, and

(d) if any balance remains, it shall be expended on County capital projects as shall be authorized by ordinance supplemental hereto or held by the Treasurer of Lexington County in a special fund and used to effect the retirement of the applicable Series of Bonds.

Neither the purchasers nor any Holder of the Bonds shall be liable for the proper application of the proceeds thereof.

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ARTICLE VII

DEFEASANCE OF BONDS

Section 7.01. Discharge of Ordinance -- Where and How Bonds Are Deemed to Have Been Paid and Defeased. (a) If all of the Bonds issued pursuant to this Ordinance and all interest thereon shall have been paid and discharged, then the obligations of the County under this Ordinance and all other rights granted hereby shall cease and determine. The Bonds shall be deemed to have been paid and discharged within the meaning of this Article under any of the following circumstances, viz:

(i) If the Paying Agent shall hold, at the stated maturities of the Bonds, in trust and irrevocably appropriated thereto, sufficient moneys for the payment of the Principal Installment and interest thereof; or

(ii) If default in the payment of the principal of the Bonds or the interest thereon shall have occurred on any Bond Payment Date, and thereafter tender of payment shall have been made, and at such time as the Paying Agent shall hold in trust and irrevocably appropriated thereto sufficient moneys for the payment thereof to the date of the tender of payment; or

(iii) If the County shall have deposited with the Paying Agent, in an irrevocable trust, either moneys in an amount which shall be sufficient, or direct general obligations of the United States of America, which are not subject to redemption by the issuer prior to the date of maturity thereof, as the case may be, the principal of and interest on which, when due, and without reinvestment thereof, will provide moneys, which, together with the moneys, if any, deposited with the Paying Agent at the same time, shall be sufficient to pay, when due, the principal, interest, and redemption premium or premiums, if any, due and to become due on the Bonds and prior to the maturity date or dates of the Bonds, or, if the County shall elect to redeem the Bonds prior to their stated maturities, and shall have irrevocably bound and obligated itself to give notice of redemption thereof in the manner provided in the form of the Bonds herein, on and prior to the redemption date or dates of the Bonds, as the case may be; or

(iv) If there shall have been deposited with the Paying Agent either moneys in an amount which shall be sufficient, or direct general obligations of the United States of America the principal of and interest on which, when due, will provide moneys which, together with the moneys, if any, deposited with the Paying Agent at the same time, shall be sufficient to pay, when due, the principal and interest due and to become due on the Bonds on the maturity thereof.

(b) In addition to the above requirements of paragraphs (i), (ii), (iii), and (iv), in order for this Ordinance to be discharged, all other fees, expenses and charges of the Paying Agent have been paid in full at that time.

(c) Notwithstanding the satisfaction and discharge of this Ordinance, the Paying Agent shall continue to be obligated to hold in trust any moneys or investments then held by the Paying Agent for the payment of the principal of, premium, if any, and interest on, the Bonds, to pay to the owners of Bonds the funds so held by the Paying Agent as and when payment becomes due.

(d) Any release under this Section shall be without prejudice to the rights of the Paying Agent to be paid reasonable compensation for all services rendered under this Ordinance and all reasonable expenses, charges, and other disbursements and those of their respective attorneys, agents, and employees, incurred on and about the performance of the powers and duties under this Ordinance

(e) Any moneys which at any time shall be deposited with the Paying Agent by or on behalf of the County for the purpose of paying and discharging any Bonds of a Series shall be and are hereby assigned, transferred, and set over to the Paying Agent in trust for the respective holders of the Bonds of such Series, and the moneys shall be and are hereby irrevocably appropriated to the payment and discharge thereof. If, through lapse of time or otherwise, the holders of such Bonds shall no longer be entitled to enforce payment of their obligations, then, in that event, it shall be the duty of the Paying Agent to transfer the funds to the County.

(f) In the event any Bonds are not to be redeemed within the sixty (60) days next succeeding the date the deposit required by this Section 7.01(a)(iii) or (iv) is made, the County shall give the Registrar irrevocable instructions to mail, as soon as practicable by registered or certified mail, a notice to the owners of the Bonds at the addresses shown on the registry books that (i) the deposit required by subparagraph (a)(iii) or (a)(iv) of this Section 7.01 has been made with the Paying Agent, (ii) the Bonds are deemed to have been paid in accordance with this Section and stating the maturity or redemption dates upon which moneys are to be available for the payment of the principal of, and premium, if any, and interest on, the Bonds, and (iii) stating whether the County has irrevocably waived any rights to redeem the Bonds, or any of them, prior to the maturity or redemption dates set forth in the preceding clause (ii).

(g) The County covenants and agrees that any moneys which it shall deposit with the Paying Agent shall be deemed to be deposited in accordance with, and subject to, the applicable provisions of this Section, and whenever it shall have elected to redeem Bonds, it will irrevocably bind and obligate itself to give notice of redemption thereof, and will further authorize and empower the Registrar to cause notice of redemption to be given in its name and on its behalf.

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ARTICLE VIII

CONCERNING THE FIDUCIARIES

Section 8.01. Fiduciary; Appointment and Acceptance of Duties. A financial institution chosen to act as Paying Agent and Registrar hereunder shall accept the duties and trusts imposed upon it by this Ordinance and shall agree in writing to perform such trusts but only upon the terms and conditions set forth in this Article VIII. Similarly, each financial institution appointed as a successor Registrar or as a successor Paying Agent shall signify its acceptance of the duties and trusts imposed by this Ordinance by a written acceptance.

Section 8.02. Responsibilities of Fiduciaries. The recitals of fact herein and in the Bonds contained shall be taken as the statements of the County and no Fiduciary assumes any responsibility for the correctness of the same except in respect of the authentication certificate of the Registrar endorsed on the Bonds. No Fiduciary makes any representations as to the validity or sufficiency of this Ordinance or of any Bonds or as to the security afforded by this Ordinance, and no Fiduciary shall incur any liability in respect thereof. No Fiduciary shall be under any responsibility or duty with respect to the application of any moneys paid to any other Fiduciary. No Fiduciary shall be under any obligation or duty to perform any act which would involve it in expense or liability or to institute or defend any suit in respect hereof or to advance any of its own moneys, unless indemnified to its reasonable satisfaction. No Fiduciary shall be liable in connection with the performance of its duties hereunder except for its own negligence or willful misconduct.

Section 8.03. Evidence on Which Fiduciaries May Act. (a) Each Fiduciary, upon receipt of any notice, resolution, request, consent order, certificate, report, opinion, bond, or other paper or document furnished to it pursuant to any provision of this Ordinance, shall examine such instrument to determine whether it conforms to the requirements of this Ordinance and shall be protected in acting upon any such instrument believed by it to be genuine and to have been signed or presented by the proper party or parties. Each Fiduciary may consult with counsel, who may or may not be of counsel to the County, and the opinion of such counsel shall be full and complete authorization and protection in respect of any action taken or suffered by it under this Ordinance in good faith and in accordance therewith.

(b) Whenever any Fiduciary shall deem it necessary or desirable that a matter to be proved or established prior to taking or suffering any action under this Ordinance, such matter (unless other evidence in respect thereof be therein specifically prescribed) may be deemed to be conclusively proved and established by a certificate of an Authorized Officer, and such certificate shall be full warrant for any action taken or suffered in good faith under the provisions of this Ordinance upon the faith thereof; but in its discretion the Fiduciary may in lieu thereof accept other evidence of such fact or matter or may require such further or additional evidence as to it may deem reasonable.

(c) Except as otherwise expressly provided in this Ordinance any request, order, notice or other direction required or permitted to be furnished pursuant to any provision thereof by the County to any Fiduciary shall be sufficiently executed if executed in the name of the County by an Authorized Officer.

Section 8.04. Compensation. The County shall pay to each Fiduciary from time to time reasonable compensation based on the then standard fee schedule of the Fiduciary for all services rendered under this Ordinance, and also all reasonable expenses, charges, counsel fees and other disbursements, including those of its attorneys, agents, and employees, incurred in and about the performance of their powers and duties under this Ordinance; provided, however, that any specific agreement between the County and a Fiduciary with respect to the compensation of such Fiduciary shall control the compensation to be paid to such Fiduciary. Subject to the provisions of Section 8.02 hereof, the County further agrees to indemnify and save each Fiduciary harmless against any liabilities which it may incur in the exercise and performance of its powers and duties hereunder and which are not due to its negligence or willful misconduct.

Section 8.05. Certain Permitted Acts. Any Fiduciary may become the owner or underwriter of any Bonds, notes or other obligations of the County or conduct any banking activities with respect to the County, with the same rights it would have if it were not a Fiduciary. To the extent permitted by law, any Fiduciary may act as depositary for, and permit any of its officers or directors to effect or aid in any reorganization growing out of the enforcement of the Bonds or this Ordinance.

Section 8.06. Resignation of Any Fiduciary. Any Fiduciary may at any time resign and be discharged of the duties and obligations created by this Ordinance by giving not less than sixty (60) days' written notice to the County and not less than thirty (30) days' written notice to the Holders of the Bonds as established by the books of registration prior to the next succeeding Bond Payment Date and such resignation shall take effect upon the date specified in such notice unless previously a successor shall have been appointed by the County pursuant to Section 8.08 hereof in which event such resignation shall take effect immediately on the appointment of such successor. In no event, however, shall such a resignation take effect until a successor has been appointed.

Section 8.07. Removal of Fiduciary. Any Fiduciary may be removed at any time by an instrument or concurrent instruments in writing, filed with the County and such Fiduciary, and signed by the Bondholders representing a majority in principal amount of the Bonds then Outstanding or their attorneys in fact duly authorized, excluding any Bonds held by or for the account of the County.

Section 8.08. Appointment of Successor Fiduciaries. In case any Fiduciary hereunder shall resign or be removed, or be dissolved, or shall be in the course of dissolution or liquidation, or otherwise become incapable or acting hereunder, or in case it shall be taken under the control of any public officer or officers, or of a receiver appointed by a court, a successor shall be appointed by the County. Every such Fiduciary appointed pursuant to the provisions of this Section shall be a trust company or bank organized under the laws of the United States of America or any state thereof and which is in good standing, within or outside the State of South Carolina, having a stockholders' equity of not less than \$50,000.000 if there be such an institution willing, qualified and able to accept the trusts upon reasonable and customary terms.

If in a proper case no appointment of a successor Fiduciary shall be made by the County pursuant to the foregoing provisions of this Section within forty-five (45) days after any Fiduciary shall have given to the County written notice as provided in Section 8.06 hereof or after a vacancy in the office of such Fiduciary shall have occurred by reason of its removal or inability to act, the former Fiduciary or any Bondholder may apply to any court of competent jurisdiction to appoint a successor. Said court may thereupon, after such notice, if any, as such court may deem proper, appoint a successor.

Section 8.09. Transfer of Rights and Property to Successor. Any successor Fiduciary appointed under this Ordinance shall execute, acknowledge and deliver to its predecessor, and also to the County, an instrument accepting such appointment, and thereupon such successor, without any further act, deed or conveyance, shall become fully vested with all moneys, estates, properties, rights, powers, duties

and obligations of such predecessor Fiduciary, with like effect as if originally named in such capacity; but the Fiduciary ceasing to act shall nevertheless, on the written request of the County, or of the successor, execute, acknowledge and deliver such instruments of conveyance and further assurance and do such other things as may reasonably be required for more fully and certainly vesting and confirming in such successor all the right, title and interest of the predecessor Fiduciary in and to any property held by it under this Ordinance, and shall pay over, assign and deliver to the successor Fiduciary any money or other property subject to the trusts and conditions herein set forth. Should any deed, conveyance or instrument in writing from the County be required by such successor Fiduciary for more fully and certainly vesting in and confirming to such successor any such estates, rights, powers and duties, any and all such deeds, conveyances and instruments in writing shall, on request, and so far as may be authorized by law, be executed, acknowledged and delivered by the County. Any such successor Fiduciary shall promptly notify the Paying Agent and depositaries, if any, of its appointment as Fiduciary.

Section 8.10. Merger or Consolidation. Any company into which any Fiduciary may be merged or converted or with which it may be consolidated or any company resulting from any merger, conversion or consolidation to which it may be party or any company to which any Fiduciary may sell or transfer all or substantially all of its corporate trust business, provided such company shall be a bank or trust company organized under the laws of any state of the United States or a national banking association, and shall be authorized by law to perform all the duties imposed upon it by this Ordinance, shall be the successor to such Fiduciary without the execution or filing of any paper or the performance of any further act.

Section 8.11. Adoption of Authentication. In case any of the Bonds contemplated to be issued under this Ordinance shall have been authenticated but not delivered, any successor Registrar may adopt the certificate of authentication of any predecessor Registrar so authenticating such Bonds and deliver such Bonds so authenticated. In case any such Bonds shall not have been authenticated, any successor Registrar may authenticate such Bonds in the name of the predecessor Registrar or in the name of the successor Registrar, and in all such cases such certificate shall be of full force and effect.

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ARTICLE IX

MISCELLANEOUS

Section 9.01. Failure to Present Bonds. Anything in this Ordinance to the contrary notwithstanding, any money held by the Paying Agent in trust for the payment and discharge of any of the Bonds, or the interest thereon, which remains unclaimed for such period of time, after the date when such Bonds have become due and payable, that the Holder thereof shall no longer be able to enforce the payment thereof, the Paying Agent shall at the written request of the County pay such money to the County as its absolute property and free from trust, and the Paying Agent shall thereupon be released and discharged with respect thereto and the Bondholders shall look only to the County for the payment of such Bonds; provided, however, the Paying Agent shall forward to the County all moneys which remain unclaimed during a period five (5) years from a Bond Payment Date, provided, however, that before being required to make any such payment to the County, the Paying Agent, at the expense of the County, may conduct such investigations as may in the opinion of the Paying Agent be necessary to locate the Holders of those who would take if the Holder shall have died.

Section 9.02. Holding of Public Hearing and Notice Thereof. Pursuant to the provisions of Section 4-9-130 of the Code of Laws of South Carolina, 1976, as amended, a public hearing, after giving reasonable notice, shall be conducted prior to the third and final reading of this Ordinance by the Council. In accordance with this provision, a public hearing shall be conducted and due notice shall be provided all as required by said Section 4-9-130. The form of the notice to be published, with such changes as may be approved by the County Administrator, is attached hereto as Exhibit "A".

Section 9.03. Tax Laws Covenants. The Council hereby covenants and agrees that it will comply with the requirements of the Code, compliance with which is required in order that interest on the Bonds, other than Taxable Bonds, be and remain excludable from the gross income of the Holders for Federal income tax purposes, including, but not limited to, the obligation to rebate certain investment earnings to the United States Treasury. The Council further covenants to file Internal Revenue Service form 8038-G at the time and in the place required therefor under the Code. Prior to the issuance of any Bonds, the Chairman will consult with bond counsel, and designate as Series 2006B (Taxable Series) any Bonds to be issued for purposes inconsistent with the private activity limitations of the Code described in Section 9.04 herein. The Chairman of Council, with the advice of bond counsel, is authorized to designate the Bonds, other than the Taxable Bonds, as "qualified tax-exempt obligations" pursuant to Section 265(b)(3)(B) of the Code if he reasonably determines that the total amount of tax-exempt obligations to be issued by the County and entities subordinate thereto in calendar year 2006, excepting certain private activity bonds, will not exceed \$10 million.

Section 9.04. Ability to Meet Arbitrage Requirement; Private Activity Limitations. Careful consideration has been given to the time in which the expenditure of the proceeds of the Bonds, other than Taxable Bonds, will be made, and it has been ascertained that all of the money received from the proceeds of such Bonds will be expended within the limitations imposed by the Internal Revenue Code of 1986 as amended (the "Code"); accordingly the Council will be able to certify upon reasonable grounds that the Bonds are not "arbitrage bonds" within the meaning of Section 148 of the Code.

The Council hereby covenants to comply with all of the restrictions and requirements of the Code as its provisions are applicable to the Bonds, other than the Taxable Bonds in order that such Bonds shall be and remain exempt from federal income taxation. Without limiting the generality of the foregoing, the Council specifically covenants that

(a) All property provided by the net proceeds of such Bonds will be owned by the County in accordance with the rules governing the ownership of property for federal income tax purposes.

(b) The County shall not permit the proceeds of such Bonds or any facility financed with the proceeds of such Bonds to be used in any manner that would result in (a) ten percent (10%) or more of such proceeds being considered as having been used directly or indirectly in any trade or business carried on by any natural person or in any activity carried on by a person other than a natural person other than a governmental unit as provided in Section 141(b) of the Code, or (b) five percent (5%) or more of such proceeds being considered as having been used directly or indirectly to make or finance loans to any person other than a governmental unit as provided in Section 141(c) of the Code

(c) The County is not a party to nor will it enter into any contracts with any person for the use or management of any facility provided with the proceeds of such Bonds that do not conform to the guidelines set forth in Revenue Procedure 97-13, as modified by the Code or subsequent pronouncements by the Internal Revenue Service, or the County obtains the opinion of nationally recognized bond counsel that such arrangement will not adversely affect the tax exemption of such Bonds.

(d) The County will not sell or lease the Project or any property provided by such Bonds to any person unless it obtains the opinion of nationally recognized bond counsel that such lease or sale will not affect the tax exemption of such Bonds.

(e) The Bonds will not be federally guaranteed within the meaning of Section 149(b) of the Code. The County is not a party to any leases or sales or service contracts with any federal government agency with respect to the Project and will not enter into any such leases or contracts unless it obtains the opinion of nationally recognized bond counsel that such action will not affect the tax exemption of such Bonds.

Section 9.05. Continuing Disclosure. (a) In accordance with Act No. 442 of the Acts and Joint Resolutions of the General Assembly of the State of South Carolina, 1994, the County represents and covenants that it will file with www.disclosureUSA.com or other municipal securities information repository upon request a copy of its annual independent audit within thirty (30) days of its receipt and acceptance and event-specific information, within thirty (30) days of an event adversely affecting more than five percent (5%) of its revenues or five percent (5%) of its tax base.

(b) The Council hereby covenants and agrees that it will comply with the requirements of (i) Rule 15c-12 promulgated by the Securities and Exchange Commission and (ii) Section 11-1-85, Code of Laws of South Carolina, 1976, as such may be amended. In this regard, the County Administrator is hereby authorized to execute and deliver on behalf of the County a Continuing Disclosure Certificate in substantially the form of Exhibit "D" hereto, with such changes as may be approved by the County Administrator, his approval to be evidenced by her execution thereof.

Section 9.06. Severability of Invalid Provisions. If any one or more of the covenants or agreements provided in this Ordinance should be contrary to law, then such covenant or covenants or agreement or agreements shall be deemed severable from the remaining covenants and agreements, and shall in no way affect the validity of the other provisions of this Ordinance.

Section 9.07. Successors. Whenever in this Ordinance the County is named or referred to, it shall be deemed to include any entity, which may succeed to the principal functions and powers of the County, and all the covenants and agreements contained in this Ordinance or by or on behalf of the County shall bind and inure to the benefit of said successor whether so expressed or not.

Section 9.08. Ordinance to Constitute Contract. In consideration of the purchase and acceptance of the Bonds by those who shall purchase and hold the same from time to time, the provisions of this Ordinance shall be deemed to be and shall constitute a contract between the County and the Holders from time to time of the Bonds, and such provisions are covenants and agreements with such Holders which the County hereby determined to be necessary and desirable for the security and payment thereof. The pledge hereof and the provisions, covenants, and agreements herein set forth to be performed on behalf of the County shall be for the equal benefit, protection, and security of the Holders of any and all of the Bonds, all of which shall be of equal rank without preference, priority or distinction of any Bonds over any other Bonds.

Section 9.09. Filing of Copies of Ordinance. Copies of this Ordinance shall be filed in the offices of the Council, the office of the Clerk of Court for Lexington County (as a part of the Transcript of Proceedings) and at the offices of each of the Paying Agent and Registrar.

Section 9.10. Further Action by Offices of County. The proper officers of the County are fully authorized and empowered to take the actions required to implement the provisions of this Ordinance and to furnish such certificates and other proofs as may be required of them, which includes but is not limited to providing the notice and conducting the public hearing described in Section 9.02 hereof.

Section 9.11. Effective Date of Ordinance. This Bond Ordinance shall take effect upon its third reading and shall be forthwith codified in the Code of County Ordinances and indexed under the general heading "Bond Issue – Not Exceeding \$13,000,000 General Obligation Bonds, Series 2006A/B, of Lexington County, South Carolina."

* * * *

DONE IN MEETING DULY ASSEMBLED, this ____ day of _____, 2006.

(SEAL)

Chairman, Lexington County Council

Attest:

Clerk, Lexington County Council

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Lexington County Council, State of South Carolina, at its meeting on the _____ day of _____, 2006, in County Council Chambers, Lexington County Administration Building, 212 South Lake Drive, Lexington, South Carolina, at ____ p.m., will conduct a public hearing on the proposed adoption of an Ordinance entitled **"TO PROVIDE FOR THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS OF LEXINGTON COUNTY, SOUTH CAROLINA, SERIES 2006, TO PRESCRIBE THE PURPOSES FOR WHICH THE PROCEEDS SHALL BE EXPENDED, TO PROVIDE FOR THE PAYMENT THEREOF, AND OTHER MATTERS RELATING THERETO."**

Pursuant to the Ordinance, the County Council proposes the issuance of not exceeding \$13,000,000 of general obligation bonds of the County to defray the cost of acquisition and improvement of land for use as an industrial park, as well as certain costs associated therewith and costs of issuance of such bonds. For the payment of the principal of and interest on the bonds authorized by said Ordinance, there shall be pledged the full faith, credit and taxing power of Lexington County and there shall be levied *ad valorem* taxes sufficient in amount to pay said principal and interest on the bonds.

At the time and place fixed for said public hearing all taxpayers, residents or other interested persons who appear will be given an opportunity to express their views for or against the adoption of the Ordinance. Assistance is available for those who are visually or hearing-impaired. For assistance, call the Clerk to Lexington County Council, telephone (803) 785-8103.

Chairman, Lexington County Council

(FORM OF BOND)

**UNITED STATES OF AMERICA
STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON
GENERAL OBLIGATION BOND, SERIES 2006(A/B)(TAXABLE SERIES)**

No. _____

INTEREST RATE	MATURITY DATE	ISSUE DATE	CUSIP
		_____ 1, 2006	

Registered Holder:

Principal Amount: _____ **DOLLARS**

LEXINGTON COUNTY, SOUTH CAROLINA (the "County"), acknowledges itself indebted and for value received hereby promises to pay, solely as hereinafter provided, to the Registered Holder (named above) or registered assigns, the Principal Amount set forth above on the Maturity Date stated above, unless this Bond be subject to redemption and shall have been redeemed prior thereto as hereinafter provided, upon presentation and surrender of this Bond at the Corporate Trust Office of _____ in the City of _____, State of _____ (the "Paying Agent"), and to pay interest on such Principal Amount as hereinafter provided at the annual Interest Rate stated above (calculated on the basis of a three hundred and sixty-day year of twelve (12) thirty-day months), until the obligation of the County with respect to the payment of such Principal Amount shall be discharged.

This Bonds shall bear interest from the February 1 or the August 1 to which interest has been paid next preceding the authentication date thereof, unless the authentication date thereof is a February 1 or a August 1, in which case, from such authentication date, or from the February 1 or the August 1 to which interest has last been paid, or if dated prior to February 1, 2007, then from the original issue date of such Bonds. The interest to be paid on any February 1 or August 1 shall be paid to the Person in whose name such Bond is registered at the close of business on the Record Date next preceding such February 1 or August 1. Interest on this Bond is payable on February 1 and August 1 of each year beginning February 1, 2007, at which time interest for _____ () months will be due. The interest so payable on any February 1 or August 1 shall be payable to the person in whose name this Bond is registered at the close of business on the fifteenth day of the February or on the fifteenth day of the August next preceding such February 1 or August 1.

Interest hereon shall be payable by check or draft mailed at the times provided herein from the office of the Paying Agent to the person in whose name this Bond is registered at the address shown on the registration books. The principal of and interest on this Bond are payable in any coin or currency of the

United States of America which at the time of payment is legal tender for the payment of public and private debts; provided, however, that payment of the interest on this Bond shall be effected by check or draft as set forth above.

This Bond is one of an issue of Bonds in the aggregate principal amount of _____ Dollars (\$_____) of like tenor, except as to number, rate of interest, date of maturity and redemption provisions, issued pursuant to and in accordance with the Constitution and Statutes of the State of South Carolina, including particularly the provisions of Title 4, Chapter 15, Code of Laws of South Carolina, 1976, as amended, as amended and supplemented by Title 11, Chapter 27, Code of Laws of South Carolina, 1976, as amended (the "Enabling Act"), and an Ordinance duly adopted by the County Council of the County (the "Ordinance").

Certain capitalized terms used herein and not otherwise defined shall have the meanings ascribed thereto in the Ordinance. Certified copies of the Ordinance are on file in the office of the Registrar, in the office of the Paying Agent and in the office of the Clerk of Court of Lexington County, South Carolina.

For the prompt payment hereof, both principal and interest, as the same shall become due, the full faith, credit and taxing power of the County are irrevocably pledged.

This Bond and the interest hereon are exempt from all State, county, municipal, school district, and all other taxes or assessments imposed within the State of South Carolina, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise, except inheritance, estate and transfer taxes, but the interest hereon may be includable for franchise fees and taxes.

The Bonds are issuable only as fully registered Bonds without coupons in the denomination of \$5,000 or any multiple thereof not exceeding the principal amount of the Bonds maturing in such year.

[All Bonds maturing subsequent to February 1, 2017, shall be subject to redemption at the option of the County in whole or in part at any time on and after February 1, 2017 at a redemption price equal to the par amount of Bonds to be redeemed. In the event less than all of the Bonds are to be redeemed, the Bonds shall be redeemed in such order of maturities as shall be determined by the County and by lot within a maturity.]

When any Bonds are to be redeemed, the Registrar shall give notice of the redemption of the Bonds in the name of the County specifying (i) the Bonds and maturities to be redeemed; (ii) the redemption date; (iii) the redemption price; (iv) the Series, numbers and other distinguishing marks of the Bonds to be redeemed unless all of the Bonds Outstanding are to be redeemed; (v) the place or places where amounts due upon such redemption will be payable; and (vi) in the case of Bonds to be redeemed in part only, the respective portions of the principal thereof to be redeemed. Such notice shall further state that on such date there shall become due and payable upon each Bond to be redeemed the redemption price thereof, together with interest accrued to the redemption date, and that, from and after such date, interest thereon shall cease to accrue. The Registrar shall mail by registered mail a copy of such notice, postage prepaid, not less than thirty (30) days before the redemption date to the registered Holders of all Bonds or portions of Bonds which are to be redeemed at their addresses which appear upon the registration books, but failure to so mail any such notice to any of such Holders shall not affect the validity of the proceedings for the redemption of Bonds held by Holders to whom written notice has been mailed. Interest on the Bonds to be redeemed shall cease to accrue from and after the redemption date specified in such notice, unless the County defaults in making due provision for the payment of the redemption price thereof.

The Bonds are being issued by means of a book-entry system with no physical distribution of Bond certificates to be made except as provided in the Ordinance. One Bond certificate with respect to

each date on which the Bonds are stated to mature, registered in the name of the Securities Depository Nominee (as defined in the Ordinance), is being issued and required to be deposited with the Securities Depository and immobilized in its custody. The book-entry system will evidence positions held in the Bonds by the Securities Depository's Participants, beneficial ownership of the Bonds in the principal amount of \$5,000 or any multiple thereof being evidenced in the records of such Participants. Transfers of ownership shall be effected on the records of the Securities Depository and its Participants pursuant to rules and procedures established by the Securities Depository and its Participants. The County, the Registrar and the Paying Agent will recognize the Securities Depository Nominee, while the registered owner of this Bond, as the owner of this Bond for all purposes, including payments of principal of and interest on, this Bond, notices and voting. Transfer of principal and interest to Participants of the Securities Depository will be the responsibility of the Securities Depository, and transfer of principal and interest to beneficial owners of the Bonds by Participants of the Securities Depository will be the responsibility of such Participants and other nominees of such beneficial owners. The County will not be responsible or liable for such transfers of payments or for maintaining, supervision or reviewing the records maintained by the Securities Depository, the Securities Depository Nominee, its Participants or persons acting through such Participants. While the Securities Depository Nominee is the owner of this Bond, notwithstanding the provision hereinabove contained, payments of principal of and interest on, this Bond shall be made in accordance with existing arrangements between the Paying Agent or its successors under the Ordinance and the Securities Depository.

This Bond is transferable, as provided in the Ordinance, only upon the registration books kept for that purpose at the (Corporate Trust Office) of the Registrar by the Registered Holder in person or by his duly authorized attorney, upon (i) surrender of this Bond together with a written instrument of transfer satisfactory to the Registrar duly executed by the Registered Holder or his duly authorized attorney and (ii) payment of the charges, if any, prescribed in the Ordinance. Thereupon a new fully registered Bond or Bonds of like maturity, interest rate, and redemption provisions and in a like aggregate principal amount shall be issued to the transferee in exchange therefor as provided in the Ordinance. The County, the Paying Agent and the Registrar may deem and treat the person in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of or on account of the principal and interest due hereon and for all other purposes.

For every exchange or transfer of the Bonds, the County, the Paying Agent, or the Registrar may make a charge sufficient to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer.

It is hereby certified and recited that all conditions, acts and things required by the Constitution and Statutes of the State of South Carolina to exist, be performed or happen precedent to or in the issuance of this Bond, exist, have been performed and have happened, that the amount of this Bond, together with all other indebtedness of the County, does not exceed any limit prescribed by such Constitution or Statutes, and that provision has been made for the allocation, on an annual basis, of sufficient tax revenues to provide for the punctual payment of the principal of and interest on this Bond and the issue of Bonds of which this Bond is one.

This Bond shall not be valid or obligatory for any purpose until the Certificate of Authentication hereon shall have been duly executed by the Registrar.

IN WITNESS WHEREOF, Lexington County, South Carolina, has caused this Bond to be signed in its name by the manual signature of the Chairman of the Lexington County Council and its corporate seal to be hereon reproduced and attested to by the manual signature of the Clerk to the Lexington County Council.

LEXINGTON COUNTY, SOUTH CAROLINA

(SEAL)

By _____
Chairman, Lexington County Council

Attest:

Clerk, Lexington County Council

CERTIFICATE OF AUTHENTICATION

This Bond is one of the Bonds of the issue described in the within mentioned Ordinance.

REGISTRAR

By _____
Authorized Officer

Authentication Date:

(FORM OF ASSIGNMENT)

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto

(please print or type name and address of Transferee and Social Security or other identifying number of Transferee)

the within Bond and all rights and title thereunder, and hereby irrevocably constitutes and appoints _____, attorney to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Date: _____

OFFICIAL NOTICE OF SALE

**\$13,000,000
GENERAL OBLIGATION BONDS, SERIES 2006(A/B)(TAXABLE SERIES)
LEXINGTON COUNTY, SOUTH CAROLINA**

Time and Place of Sale: NOTICE IS HEREBY GIVEN that sealed proposals, addressed to the undersigned, will be received by the County Council, the governing body of Lexington County, South Carolina (the "County"), until 12:00 Noon (local time) on

_____, _____, 2006

at which time said proposals will be publicly opened in the Office of the County Administrator, Lexington County Administration Building, 212 South Lake Drive, Lexington, South Carolina for the purchase of \$_____ General Obligation Bonds, Series 2006(A/B)(Taxable Series), of Lexington County, South Carolina (the "Bonds").

Details of the Bonds: The Bonds will be issued initially under the DTC book-entry only system in the form of single, fully registered bonds in the aggregate principal amount maturing in each year, registered in the name of Cede & Co., as the registered owner and nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository for the Bonds. The Bonds will be dated as of _____ 1, 2006; will be numbered from R-1 upward; and will mature serially in successive annual installments, on February 1 in each of the years and in the principal amounts as follows:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
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SAID BONDS will bear interest from _____ 1, 2006, at a rate or rates to be named by the bidder, payable on February 1 and August 1 of each year (the "Bond Payment Dates") commencing February 1, 2007, at which time interest for _____ () months will be due.

Registrar and Paying Agent: A financial institution maintaining corporate trust offices will be selected by the County to serve at Registrar and Paying Agent. So long as the Bonds remain outstanding in book-entry form with DTC, all payments of principal and interest with respect to the Bonds shall be through the facilities of DTC.

Redemption Provisions: All Bonds maturing subsequent to February 1, 2017, shall be subject to redemption at the option of the County in whole or in part at any time on and after February 1, 2017 at a redemption price equal to par. In the event less than all of the Bonds are to be redeemed, the Bonds shall be redeemed in such order of maturities as shall be determined by the County and by lot within a maturity.

When any Bonds are to be redeemed, the Registrar shall give notice of the redemption of the Bonds in the name of the County specifying (i) the Bonds and maturities to be redeemed; (ii) the redemption date; (iii) the redemption price; (iv) the Series, numbers and other distinguishing marks of the Bonds to be redeemed unless all of the Bonds Outstanding are to be redeemed; (v) the place or places where amounts due upon such redemption will be payable; and (vi) in the case of Bonds to be redeemed in part only, the

respective portions of the principal thereof to be redeemed. Such notice shall further state that on such date there shall become due and payable upon each Bond to be redeemed the redemption price thereof, together with interest accrued to the redemption date, and that, from and after such date, interest thereon shall cease to accrue. The Registrar shall mail by registered mail a copy of such notice, postage prepaid, not less than thirty (30) days before the redemption date to the registered Holders of all Bonds or portions of Bonds which are to be redeemed at their addresses which appear upon the registration books, but failure to so mail any such notice to any of such Holders shall not affect the validity of the proceedings for the redemption of Bonds held by Holders to whom written notice has been mailed. Interest on the Bonds to be redeemed shall cease to accrue from and after the redemption date specified in such notice, unless the County defaults in making due provision for the payment of the redemption price thereof.

Bid Requirements: Bidders are invited to name the rate or rates of interest which the Bonds are to bear, and unless all bids are rejected, they will be awarded to the bidder offering to purchase them at the lowest net interest cost to the County at a price of not less than par and accrued interest to the date of delivery. Bidders may name any number of rates of interest, in any variations selected by the bidder except that.

(a) all Bonds of the same maturity shall bear the same rate of interest:

(b) no rate of interest shall be more than two per centum (2%) higher than the lowest rate of interest named;

(c) each interest rate named shall be a multiple of one-twentieth (1/20th) or one-eighth (1/8) of one per centum (1%); and

(d) any sum named by way of premium shall be paid in cash as a part of the purchase price.

Interest cost will be determined by deducting premium, if any, from the aggregate of interest on the Bonds from _____ 1, 2006, until their respective maturities. Bidders are requested to present tabulations showing aggregate interest cost in dollars and cents, but such tabulations are not required and will not be regarded as a part of the bid. The right is reserved to reject all proposals, and to waive technicalities, but no auction sale will be conducted.

Proposals may be delivered by hand or by mail or by facsimile transmission to (803) ___-___, but no proposal shall be considered which is not actually received by the County at the place, date and time appointed. The County shall not be responsible for any failure, misdirection or error in the means of transmission selected by any bidder. No agent or employee of the County will undertake to receive proposals by means of oral communication.

Electronic bids must be submitted to the Parity Electronic Bid Submission System ("PARITY"). No other form of bid or provider of electronic bidding services will be accepted. Such bids are to be publicly opened and read at such time and place on said day. For the purposes of both the written sealed bid process and the electronic bidding process, the time as maintained by PARITY shall constitute the official time with respect to all bids submitted.

If any provisions of this Official Notice of Sale conflict with information provided by PARITY as the approved provider of electronic bidding services, this Official Notice of Sale shall control. Further information about PARITY may be obtained from PARITY, 1359 Broadway, 2nd Floor, New York, NY 10018, telephone (212) 849-5025

Written bids must be submitted on the Official Bid Form included with the Preliminary Official Statement or on a reasonable facsimile thereof. Electronic bids must be submitted to *PARITY*. Both written bids and electronic bids must be unconditional and received by the County and/or *PARITY*, respectively, before the time stated above. Each bid must be accompanied by a Good Faith Deposit or Financial Surety Bond (see below). The County is not liable for any costs incurred in the preparation, delivery, acceptance or rejection of any bid, including, without limitation, the providing of a bid security deposit.

Bids will be accepted or rejected by 2:00 p.m. (local time) on the day of the sale. No proposal for the purchase of less than all of the Bonds, or, at a price less than par and accrued interest to the date of delivery, will be considered.

Bidders shall specify the rate or rates of interest per annum which such Bonds are to bear, to be expressed in multiples of 1/20th or 1/8th of 1% with no greater difference than 2% between the highest and lowest rates of interest named by a bidder. Bidders are not limited as to the number of rates of interest named, but the rate of interest on each separate maturity must be the same single rate for the Bonds of that maturity from their date to such maturity date. A bid for less than all the Bonds, or at a price less than par, will not be considered. In addition to the bid price, the successful bidder must pay accrued interest from the date of the Bonds to the date of full payment of the purchase price. Any premium offered must be paid as part of the purchase price of the Bonds at the delivery thereof.

Award of Bonds on NIC Basis: The Bonds will be awarded to the bidder or bidders offering to purchase the Bonds at the lowest net interest cost to the County, such interest cost to be determined by computing the total dollar interest cost from the date of the Bonds to the respective maturity dates and deducting therefrom the amount of the premium offered, if any, over and above the principal amount. The County reserves the right to reject any and all bids or to waive irregularities in any bid.

Good Faith Check: A Good Faith Deposit ("Deposit") in the form of a certified or cashier's check or a Financial Surety Bond in the amount of \$_____, payable to the order of the County, is required for each bid to be considered. If a check is used, it must accompany each bid. If a Financial Surety Bond is used, it must be from an insurance company licensed to issue such a bond in the State of South Carolina, and such bond must be submitted to the County prior to the opening of the bids. The Financial Surety Bond must identify each bidder whose Deposit is guaranteed by such Financial Surety Bond. If the Bonds are awarded to a bidder utilizing a Financial Surety Bond, that purchaser ("Purchaser") is required to submit its Deposit to the County in the form of a cashier's check (or wire transfer such amount as instructed by the County) not later than 3:30 p.m. (local time) on the next business day following the award. If such Deposit is not received by that time, the Financial Surety Bond may be drawn by the County to satisfy the Deposit requirement. No interest on the Deposit will accrue to the Purchaser. The Deposit will be applied to the purchase price of the Bonds. In the event the Purchaser fails to honor its accepted bid, the Deposit will be retained by the County.

Municipal Bond Insurance. If a bidder for the Bonds desires to have the Bonds insured, the bidder shall specify in its bid whether bond insurance will be purchased and the premium of such bond insurance must be paid at or prior to closing by the successful bidder.

Bid Form: Each bid shall be enclosed in a sealed envelope and marked "proposal for \$_____ General Obligation Bonds, Series 2006(A/B)(Taxable Series), of Lexington County, South Carolina" and should be directed to the undersigned at the address in the first paragraph hereof. Each bid shall be conditioned in accordance with this Notice of Sale. It is requested but not required that you submit your bid on the Proposal for Purchase of Bonds supplied with the Preliminary Official Statement.

Security: The Bonds shall constitute binding general obligations of the County and the full faith, credit, resources and taxing power of the County are irrevocably pledged for the payment of the Bonds. There shall be levied and collected annually in the same manner as all other county taxes are levied and collected, a tax, without limit, on all taxable property in the County sufficient to pay the principal and interest of the Bonds as they respectively mature and to create such sinking fund as may be necessary therefor.

Purpose: The Bonds are issued for the purpose of providing funds for various costs of acquiring and constructing facilities for the County and defraying the cost and expenses of issuance of the Bonds.

Legal Opinion: Purchasers will be furnished with the Bonds and an opinion on their validity by Haynsworth Sinkler Boyd, P.A., Attorneys at Law, Columbia, South Carolina, bond counsel, a copy of which will be attached to each Bond and with the usual closing proofs, which will include (a) a certificate that there is no litigation threatened or pending to restrain the issuance or sale of said Bonds, (and (b) certificates establishing that the Bonds are not "arbitrage" bonds, within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, and the applicable regulations issued thereunder as in effect on the occasion of the delivery of the Bonds.)

[The Purchaser will also be furnished with the opinion of Haynsworth Sinkler Boyd, P.A. to the effect that the Bonds are "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.]

[*Certificate as to Issue Price and Yield:* Within forty-eight (48) hours after the award of the Bonds, the successful bidder shall submit to the County a certificate, in form and substance satisfactory to bond counsel, specifying for each maturity the expected *bona fide* reoffering price of the Bonds of each maturity, as of the date of the award of the Bonds, and the "yield" on the Bonds calculated in accordance with Section 148 of the Internal Revenue Code of 1986, as amended. Prior to delivery of the Bonds, the successful bidder must submit to the County a certificate, in form and substance satisfactory to bond counsel, stating that a *bona fide* offering of the Bonds was made to the public at the prices indicated in the first certificate, and identifying the amounts, maturities, and prices at which any Bonds were actually sold to institutions or other investors at a discount from the offering prices to the public. For purposes of this paragraph, sales of Bonds to other securities brokers or dealers will not be counted as sales to the public]

Delivery: The Bonds will be delivered to DTC on or about _____, 2006, against payment in federal or other immediately available funds. The certificates and other documents relating to the Bonds will be delivered to the Purchasers on the date of delivery of the Bonds. The Bonds will be delivered within thirty (30) days of the date of sale, in New York, New York, at the expense of the County, or at such other place as may be agreed upon with the Purchasers at the expense of the Purchaser. The balance of the purchase price then due (including the amount of accrued interest) must be paid in Federal funds or other immediately available funds.

Official Statement: The Preliminary Official Statement dated _____, 200__ has been deemed final by the County for purposes of paragraph (b)(1) of Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") but is subject to revision, amendment and completion in a final Official Statement as provided in the Rule. The Preliminary Official Statement may be accessed via the Internet at www.i-dealprospectus.com. The County shall deliver, at closing, a certificate executed by an appropriate official of the County to the effect that as of the date of delivery the information contained in the Official Statement, and any supplement to the Official Statement, relating to the County and the Bonds is true and correct in all material respects, and that the Official Statement does not contain any untrue statement of a material fact or omit to state a material fact necessary to make the statements therein, in light of the circumstances under which they were made, not misleading.

The County will furnish without cost up to one hundred (100) copies of the Official Statement to the successful bidder within seven (7) working days after the award of the Bonds. The successful bidder must notify the County in writing within five (5) working days of the award of the Bonds if the bidder requires additional copies of the Official Statement. The cost for the additional copies will be paid by the successful bidder.

Continuing Disclosure: In order to assist bidders in complying with the provisions of the Rule, the County will undertake, pursuant to the Bond Ordinance and a Continuing Disclosure Certificate, to provide certain annual information reports and notices of certain events. A description of this undertaking is set forth in the Preliminary Official Statement and will also be set forth in the final Official Statement. The delivery by the County of a fully executed Continuing Disclosure Certificate by the County dated the date of delivery of the Bonds, is a condition precedent to the delivery of the Bonds as described in the Notice of Sale. Failure by the County to deliver such Continuing Disclosure Certificate will relieve the successful bidder of its contractual obligation arising from the acceptance of its bid. The Preliminary Official Statement has been deemed final by the County for purposes of paragraph (b)(1) of the Rule but is subject to revision, amendment and completion in the final Official Statement as provided in the Rule.

In accordance with Section 1-11-85 of the Code of Laws of South Carolina, 1976, as amended, the County has covenanted in the Bond Ordinance authorizing the issuance of the Bonds to file with a central repository for availability in the secondary bond market when requested an annual independent audit, within thirty (30) days of the County's receipt of the audit, and event-specific information, within thirty (30) days of an event adversely affecting more than five percent (5%) of the County's revenue or tax base. The only remedy for failure by the County to comply with this covenant shall be an action for specific performance. Moreover, the County has specifically reserved the right to amend the covenant to reflect any change in Section 1-11-85 without the consent of any bondholder.

CUSIP Numbers It is anticipated that CUSIP identification numbers will be printed on the Bonds, but neither the failure to print such numbers on any Bond nor any error with respect thereto shall constitute cause for failure or refusal by the Purchaser thereof to accept delivery of and pay for said Bonds. All expenses of preparation of the Bonds shall be paid by the County, but the CUSIP Bureau charge for the assignment of the numbers shall be paid by the Purchaser of the Bonds

Additional Information: Persons seeking information should communicate with Katherine Doucette, County Administrator, Lexington County, Lexington County Administration Building, 212 S. Lake Drive, Lexington, South Carolina 29072, (telephone (803) 785-8100) or Theodore B. DuBose, Esquire, Haynsworth Sinkler Boyd, P.A., 1201 Main Street, Columbia, South Carolina 29201 (telephone (803) 779-3080).

This Notice is given to evidence the County's intent to receive bids for and award the Bonds on the date stated above. Such sale may be postponed prior to the time bids are to be received and as published on Thomson Municipal Market Monitor, Bloomberg, or other electronic information service. If canceled, the sale may be thereafter rescheduled within 60 days of the date of the publication of this Official Notice of Sale, and notice of such rescheduled date of sale will be posted at least 48 hours prior to the time for receipt of bids on Thomson Municipal Market Monitor, Bloomberg, i-dealprospectus.com or other electronic information service.

County Administrator
Lexington County, South Carolina

FORM OF CONTINUING DISCLOSURE CERTIFICATE

This Continuing Disclosure Certificate (the "Disclosure Certificate") is executed and delivered this ___ day of _____, 2006, by Lexington County, South Carolina (the "County" or the "Issuer") in connection with the issuance of the County's \$_____ General Obligation Bonds, Series 2006(A/B)(Taxable Series) (the "Bonds")

The Bonds are being issued pursuant to an Ordinance (the "Ordinance") adopted _____, 2006 (the "Ordinance"), by the County Council of the County (the "County Council") authorizing the issuance of the Bonds. The County covenants and agrees as follows

Section 1. Purpose of the Disclosure Certificate. This Disclosure Certificate is being executed and delivered by the County for the benefit of the holders and Beneficial Owners of the Bonds and in order to assist the Participating Underwriters in complying with S.E.C Rule 15c2-12(b)(5)

Section 2. Definitions. In addition to the definitions set forth in the Ordinance, which apply to any capitalized terms used in this Section, the following capitalized terms shall have the following meanings:

"Annual Report" means the annual report provided by the County pursuant to, and as described in, Sections 3 and 4 of this Disclosure Certificate.

"Beneficial Owner" means any person which (a) has the power, directly or indirectly, to vote or consent with respect to, or to dispose of ownership of, any Bonds (including persons holding Bonds through nominees, depositories or other intermediaries), or (b) is treated as the owner of any Bonds for federal income tax purposes

"Dissemination Agent" means any person designated in writing by the County and which has filed with the County a written acceptance of such designation

"Listed Events" means any of the events listed in Section 5(a) of this Disclosure Certificate.

"National Repository" means any Nationally Recognized Municipal Securities Information Repository for purposes of the Rule. The National Repositories currently approved by the Securities and Exchange Commission are set forth in Exhibit "A". To the extent permitted by United States Securities and Exchange Commission, the filing of any information hereunder with the facilities of the Texas Municipal Council at www.disclosureusa.com shall constitute a filing of the same with all National Repositories.

"Official Statement" means the Official Statement dated _____, 2006, prepared in connection with the Bonds.

"Participating Underwriter" means any of the original underwriters of the Bonds required to comply with the Rule in connection with the offering of the Bonds.

"Repository" means each National Repository and each State Repository.

“Rule” means Rule 15c2-12(b)(5) adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time.

“State” means the State of South Carolina.

“State Repository” means any public or private repository or entity designated by the State as a state repository for purposes of the Rule and recognized as such by the Securities and Exchange Commission. As of the date of this Disclosure Certificate, there is no State Repository.

Section 3. Provision of Annual Reports. (a) The County shall, not later seven (7) months from the end of the County's fiscal year (currently June 30), commencing with the report for the fiscal year ending June 30, 2006, provide to each Repository an Annual Report which is consistent with the requirements of Section 4 of this Disclosure Certificate. The Annual Report may be submitted as a single document or as separate documents comprising a package, and may cross-reference other information as provided in Section 4 of this Certificate; *provided, however*, that the audited Comprehensive Annual Financial Report of the County for the fiscal year ending June 30, 2006, and for each subsequent fiscal year may be submitted separately from the remainder of the Annual Report, and later than the date required for the filing of the Annual Report if they are not available by that date. The County shall make a copy of any Annual Report available to any person who requests a copy at a cost not exceeding the reasonable cost of duplication and delivery. If the County's fiscal year changes, it shall give notice of such change in the same manner as for a Listed Event under Section 5(a).

(b) If the County is unable to provide to the Repositories an Annual Report by the date required in subsection (a) above, the County shall send a notice to each Repository in substantially the form attached hereto as Exhibit “B”.

(c) In the event that there is a Dissemination Agent, then not later than fifteen (15) business days prior to each due date, commencing _____, _____, the County shall provide the Annual Report to the Dissemination Agent for distribution to the Repositories. In connection with this distribution of the Annual Report, the Dissemination Agent shall:

(i) determine each year prior to the date for providing the Annual Report the name and address of each National Repository and each State Repository, if any, and

(ii) file a report with the County certifying that the Annual Report has been provided pursuant to this Disclosure Certificate, stating the date it was provided and listing all the Repositories to which it was provided.

Section 4. Contents of Annual Reports. The Annual Report shall contain or incorporate by reference the following:

(a) The audited Comprehensive Annual Financial Report of the County for the fiscal year ended on the previous June 30, prepared in accordance with generally accepted accounting principles applicable to government entities from time to time by the Governmental Accounting Standards Board. If the County's audited financial statements are not available by the time the Annual Report is required to be filed pursuant to Section 3(a), the Annual Report shall include unaudited financial statements in a format similar to the financial statements contained in the Official Statement or summarized under the heading, “THE COUNTY FINANCIAL AND TAX INFORMATION – Five Year Summary of General Fund Operations”, and the audited financial statements shall be filed in the same manner as the Annual Report when they become available.

- (b) Total expected appropriations to the Issuer from the State of South Carolina for the then current Fiscal Year;
- (c) Most recently finalized Market Value/Assessment Summary, including manufacturers' property exempt from taxes of Issuer;
- (d) Tax levy and collections for prior Fiscal Year;
- (e) Ten Largest Taxpayers for prior Fiscal Year;
- (f) Tax Levy (in mills) for then current Fiscal Year,
- (g) Summary of General Fund Budget for then current Fiscal Year.

The Annual Report may consist of one or more documents. Any or all of the items listed above may be included by specific reference to other documents, including official statements of debt issues of the County, which have been submitted by the County to each of the Repositories. If the document included by reference is a final official statement, it must be available from the Municipal Securities Rulemaking Board. The County shall clearly identify each such other document so included by reference.

Section 5. Reporting of Significant Events. (a) Pursuant to the provisions of this Section 5, the County shall give, or cause to be given, notice of the occurrence of any of the following events with respect to the Bonds, if material:

- (i) principal and interest payment delinquencies;
- (ii) non-payment related defaults;
- (iii) unscheduled draws on debt service reserves reflecting financial difficulties;
- (iv) unscheduled draws on credit enhancement reflecting financial difficulties;
- (v) substitution of the credit or liquidity providers or their failure to perform;
- (vi) adverse tax opinions or events affecting the tax-exempt status of the Bonds;
- (vii) modifications to rights of bondholders;
- (viii) bond calls;
- (ix) defeasances;
- (x) release, substitution, or sale of property securing repayment of the securities; and
- (xi) rating changes.

(b) Whenever the County obtains knowledge of the occurrence of a Listed Event, the **County Administrator** shall as soon as possible determine if such event would be material under federal securities laws.

(c) If the **County Administrator** determines that knowledge of the occurrence of a Listed Event would be material under applicable federal securities laws, the County shall promptly file a notice of such occurrence with the Municipal Securities Rulemaking Board and each Repository, *provided*, that any notice of any event listed under (a)(viii) or (ix) above need not be given any earlier than the notice (if any) of such event is given to holders of affected Bonds pursuant to the Ordinance

Section 6. Termination of Reporting Obligation. The County's obligations under this Disclosure Certificate shall terminate upon the legal defeasance, prior redemption or payment in full of all of the Bonds. If such termination occurs prior to the final maturity of the Bonds, the County shall give notice of such termination in the same manner as for a Listed Event under Section 5(c).

Section 7. Dissemination Agent. The County may, from time to time, appoint or engage a Dissemination Agent to assist in its carrying out its obligations under this Disclosure Certificate, and may discharge any such Dissemination Agent, with or without appointing a successor Dissemination Agent. The Dissemination Agent shall not be responsible in any manner for the content of any notice or report prepared by the County pursuant to this Disclosure Certificate.

Section 8. Amendment; Waiver. Notwithstanding any other provision of this Disclosure Certificate, the County may amend this Disclosure Certificate, and any provision of this Disclosure Certificate may be waived, provided that the following conditions are satisfied:

(a) If the amendment or waiver relates to the provisions of Sections 3(a), 4 or 5(a), it may only be made in connection with a change in circumstances that arises from a change in legal requirements or change in law;

(b) The undertaking, as amended or taking into account such waiver, would, in the opinion of nationally recognized bond counsel, have complied with the requirements of the Rule at the time of the original issuance of the Bonds, after taking into account any amendments or interpretations of the Rule, as well as any change in circumstances; and

(c) The amendment or waiver does not, in the opinion of nationally recognized bond counsel, materially impair the interests of the holders or Beneficial Owners of the Bonds.

In the event of any amendment or waiver of a provision of this Disclosure Certificate, the County shall describe such amendment in the next Annual Report, and shall include, as applicable, a narrative explanation of the reason for the amendment or waiver and its impact on the type (or in the case of a change of accounting principles, on the presentation) of financial information or operating data being presented by the County. In addition, if the amendment relates to the accounting principles to be followed in preparing financial statements, (i) notice of such change shall be given in the same manner as for a Listed Event under Section 5(c), and (ii) the Annual Report for the year in which the change is made should prepare a comparison (in narrative form and also, if feasible, in quantitative form) between the financial statements as prepared on the basis of the new accounting principles and those prepared on the basis of the former accounting principles.

Section 9. Additional Information. Nothing in this Disclosure Certificate shall be deemed to prevent the County from disseminating any other information, using the means of dissemination set forth in this Disclosure Certificate or any other means of communication, or including any other information in any Annual Report or notice of occurrence of a Listed Event, in addition to that which is required by this Disclosure Certificate. If the County chooses to include any information in any Annual Report or notice of occurrence of a Listed Event in addition to that which is specifically required by this Disclosure Certificate,

the County shall have no obligation under this Disclosure Certificate to update such information or include it in any future Annual Report or notice of occurrence of a Listed Event.

Section 10. Default. In the event of a failure of the County to comply with any provision of this Disclosure Certificate, any holder or Beneficial Owner of the Bonds may take such actions as may be necessary and appropriate, including seeking *mandamus* or specific performance by court order, to cause the County to comply with its obligations under this Disclosure Certificate. A default under this Disclosure Certificate shall not be deemed an event of default under the Ordinance, and the sole remedy under this Disclosure Certificate in the event of any failure of the County to comply with this Disclosure Certificate shall be an action to compel performance.

Section 11. Duties, Immunities and Liabilities of the Dissemination Agent. The Dissemination Agent shall have only such duties as are specifically set forth in this Disclosure Certificate, and the County agrees, to the extent permitted by law, to indemnify and save that Dissemination Agent, its officers, directors, employees and agents, harmless against any loss, expense and liabilities which it may incur arising out of or in the exercise or performance of its powers and duties hereunder, including the costs and expenses (including attorneys' fees) of defending against any claim of liability, but excluding liabilities due to the Dissemination Agent's negligence or willful misconduct. The obligations of the County under this Section shall survive resignation or removal of the Dissemination Agent and payment of the Bonds.

Section 12. Beneficiaries. This Disclosure Certificate shall inure solely to the benefit of the County, the Dissemination Agent, the Participating Underwriters and holders and Beneficial Owners from time to time of the Bonds, and shall create no rights in any other person or entity. This Disclosure Certificate is not intended to create any monetary rights on behalf of any person.

Section 13. State-Mandated Continuing Disclosure. In addition to the requirements set forth in Section 3 of this Disclosure Certificate (with respect to the filing of the Annual Report) and in Section 5 of this Disclosure Certificate (with respect to the reporting of Listed Events), the County further agrees, pursuant to the requirements of S.C. Code Section 1-11-85, to file upon request with a central information repository (a) its annual independent audit within thirty (30) days of its receipt, and (b) event-specific information within thirty (30) days of an event adversely affecting more than five percent (5%) of its revenue or tax base. The County expects that, in meeting the requirements of Sections 3 and 5 of this Disclosure Certificate, it also will meet the requirements of this Section 13; however, to the extent that certain information is required to be filed pursuant to State law which is not required to be filed under the Rule or the other provisions of this Disclosure Certificate, the County will provide notice of such information to each Repository.

LEXINGTON COUNTY, SOUTH CAROLINA

County Administrator, Lexington County,
South Carolina

Dated: _____, 2006

EXHIBIT "A"

The following are National Recognized Municipal Securities Repositories approved by the Securities and Exchange Commission as of _____, 2006:

Bloomberg Municipal Repository

100 Business Park Drive
Skillman, NJ 08558-3629
Phone: (609) 279-3225
Fax (609) 279-5962
Email: munis@bloomberg.com

FT Interactive Data

Attn: NRMSIR
100 William Street, 15th Floor
New York, NY 10038
Phone: (212) 771-6999
Fax: (212) 771-7390 (Secondary Market Info.)
Fax: (212) 771-7391 (Primary Market Information)
Email: nrmsir@ftid.com

Standard & Poor's Securities Evaluations, Inc.

55 Water Street, 45th Floor
New York, NY 10041
Phone: (212) 438-4595
Fax: (212) 438-3975
Email: nrmsir_repository@sandp.com

DPC Data, Inc.

One Executive Drive
Fort Lee, NJ 07024
Phone: (201) 346-0701
Fax: (201) 947-0107
Email: nrmsir@dpdata.com

EXHIBIT "B"

NOTICE TO REPOSITORIES OF FAILURE TO FILE ANNUAL REPORTS

Name of Issuer: Lexington County, South Carolina

Name of Bond Issue: \$_____ General Obligation Bonds, Series 2006(A/B)(Taxable Series)

Date of Issuance: _____1, 2006

NOTICE IS HEREBY GIVEN that the Issuer has not provided an Annual Report with respect to the above-referenced Bonds as required by Section 3 of the Continuing Disclosure Certificate dated _____, 2006. The Issuer anticipates that the Annual Report will be filed by _____.

Dated: _____, _____

LEXINGTON COUNTY, SOUTH CAROLINA

BY: Title

(FORM OF BOND)

**UNITED STATES OF AMERICA
STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON
(TAXABLE) GENERAL OBLIGATION BOND ANTICIPATION NOTE OF 2006**

No. 1 \$_____

<u>INTEREST RATE</u>	<u>MATURITY DATE</u>	<u>ORIGINAL ISSUE DATE</u>	<u>CUSIP</u>
%			

Registered Holder:

Principal Amount:

KNOW ALL MEN BY THESE PRESENTS that Lexington County, South Carolina (the "County") hereby acknowledges itself indebted, and for value received promises to pay to the registered owner hereof (named above) or registered assigns, the principal sum of _____ DOLLARS at Office of the County Treasurer of Lexington County in the City of Lexington, State of South Carolina on the ____ day of _____, 200_, and to pay interest, calculated on the basis of a 360-day year consisting of twelve 30-day months, on said principal sum from the date hereof, at the rate of _____ per centum (___%) per annum, payable upon the maturity of this note. This note is not subject to prepayment prior to its maturity.

Both the principal of and interest on this note are payable in any coin or currency of the United States of America which is, at the time of payment, legal tender for the payment of public and private debts.

This note is the single Bond Anticipation Note (the "Note"), issued by the County, pursuant to the authorization of Title 11, Chapter 17, Code of Laws of South Carolina, 1976, as amended, in anticipation of the receipt of the proceeds to be derived from the general obligation bonds of the County (the "Bonds") to be issued pursuant to and in accordance with the provisions of the Constitution and Laws of the State of South Carolina including Article X, Section 14 of the Constitution of the State of South Carolina, 1895, as amended; Title 11, Chapter 27, Code of Laws of South Carolina 1976, as amended; Title 4, Chapter 15 of the Code of Laws of South Carolina 1976, as amended, and an Ordinance duly adopted by the County Council of the County on _____, 2006 (the "Ordinance"). The full faith, credit, resources and taxing power of the County and the proceeds to be derived from the sale of Bonds are pledged for the payment of the principal of and interest on the Notes.

This Note and the interest hereon are exempt from all state, county, municipal, school County, and all other taxes or assessments of the State of South Carolina, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise, except inheritance, estate or transfer taxes, but the interest hereon may be included as franchise fees or taxes.

This Note is being issued by means of a book-entry system with no physical distribution of certificates to be made. This Note, registered in the name of the Securities Depository Nominee, is being issued and required to be deposited with the Securities Depository and immobilized in its custody. The book-entry system will evidence positions held in the Note by the Securities Depository's Participants, beneficial ownership of the Note in the principal amount of \$5,000 or any multiple thereof being evidenced in the records of such Participants. Transfers of ownership shall be effected on the records of the Securities Depository and its Participants pursuant to rules and procedures established by the Securities Depository and its Participants. The County and the Registrar/Paying Agent will recognize the Securities Depository Nominee, while the registered owner of this Note, as the owner of this Note for all purposes, including payments of principal of and interest on this Note, notices and voting. Transfer of principal and interest payments to Participants of the Securities Depository will be the responsibility of the Securities Depository, and transfer of principal and interest payments to beneficial owners of this Note by Participants of the Securities Depository will be the responsibility of such Participants and other nominees of such beneficial owners. The County will not be responsible or liable for such transfers of payments or for maintaining, supervision or reviewing the records maintained by the Securities Depository, the Securities Depository Nominee, its Participants or persons acting through such Participants. While the Securities Depository Nominee is the owner of this Note, notwithstanding the provision hereinabove contained, payments of principal of and interest on this Note shall be made in accordance with existing arrangements between the Registrar/Paying Agent or its successors under the Ordinance and the Securities Depository.

IT IS HEREBY CERTIFIED AND RECITED that all acts, conditions and things required by the Constitution and Statutes of the State of South Carolina to exist, to happen, or to be performed precedent to or in the issuance of this Note do exist, have happened, and have been performed in regular and due time, form and manner, and the amount of this Note does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, Lexington County, South Carolina, has caused this Note to be signed in its name by the manual signature of the Chairman of the Lexington County Council and its corporate seal to be hereon reproduced and attested to by the manual signature of the Clerk to the Lexington County Council.

LEXINGTON COUNTY, SOUTH CAROLINA

(SEAL)

By _____
Chairman, Lexington County Council

Attest:

Clerk, Lexington County Council

CERTIFICATE OF AUTHENTICATION

This Note is one of the Note of the issue described in the within mentioned Ordinance.

REGISTRAR

By _____
Authorized Officer, Lexington County, South Carolina

Authentication Date:

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

I, the undersigned, Clerk of the County Council of Lexington County, South Carolina ("County Council"), **DO HEREBY CERTIFY:**

That the foregoing constitutes a true, correct and verbatim copy of an Ordinance which was given three (3) readings on three (3) separate days, with an interval of not less than seven (7) days between the second and third readings. That each of said meetings was duly called, and all members of the County Council were notified of the same; that all/a majority of the membership were notified of each meeting and remained throughout the proceedings incident to the adoption of this Ordinance. Such Ordinance has not been amended, modified or rescinded as of the date hereof. The original of this Ordinance is duly entered in the permanent records of minutes of meetings of the County Council, in my custody as such Clerk..

IN WITNESS WHEREOF, I have hereunto set my Hand and the Seal of the County, this _____ day of _____, 2006.

(SEAL)

Clerk, County Council of Lexington County,
South Carolina

First reading: _____, 2006

Second reading: _____, 2006

Public Hearing: _____, 2006

Third reading: _____, 2006

ORDINANCE NO. 06-11

AN ORDINANCE TO DEVELOP A JOINT INDUSTRIAL/BUSINESS PARK IN CONJUNCTION WITH SALUDA COUNTY, SUCH INDUSTRIAL/BUSINESS PARK TO BE INITIALLY GEOGRAPHICALLY LOCATED IN SALUDA COUNTY AND ESTABLISHED PURSUANT TO SECTION 4-1-170 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED; AND TO PROVIDE FOR A WRITTEN AGREEMENT WITH SALUDA COUNTY TO PROVIDE FOR THE EXPENSES OF THE PARK, THE PERCENTAGE OF REVENUE APPLICATION, AND DISTRIBUTION OF FEES IN LIEU OF AD VALOREM TAXATION.

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

SECTION I: Lexington County is hereby authorized to jointly develop an industrial and business park with Saluda County (the "Park"). The Park shall be located initially on lands located in Saluda County only as authorized by Sec. 4-1-170 of the South Carolina Code of Laws 1976, as amended.

SECTION II: Lexington County will enter into a written agreement to develop the Park jointly with Saluda County in substantially the form attached hereto as Exhibit A and incorporated herein by reference (the "Park Agreement"). The Chairman of Lexington County Council is hereby authorized to execute the Park Agreement on behalf of Lexington County, with such changes thereto as the Chairman shall deem, upon advice of counsel, necessary and do not materially change the import of the matters contained in the form of agreement set forth in Exhibit A.

SECTION III: The businesses or industries located in the Park will pay a fee in lieu of ad valorem taxes as provided for in the Park Agreement. With respect to properties located in the Lexington County portion of the Park, the fee paid in lieu of ad valorem taxes shall be paid to the Treasurer of Lexington County. That portion of such fee allocated pursuant to the Park Agreement to Saluda County shall be thereafter paid by the Treasurer of Lexington County to the Treasurer of Saluda County within thirty (30) business days of receipt for distribution in accordance with the terms of the agreement. With respect to properties located in the Saluda County portion of the Park, the fee paid in lieu of ad valorem taxes shall be paid to the Treasurer of Saluda County. That portion of such fee allocated pursuant to the Park Agreement to Lexington County shall thereafter be paid by the Treasurer of Saluda County to the Treasurer of Lexington County within thirty (30) business days of receipt for distribution in accordance with the terms of the Park Agreement. Payments of fees in lieu of taxes will be made on or before the due date for taxes for a particular year. Penalties for late payment will be at the same rate as late tax payment. Any late payment beyond said date will accrue interest at the rate of statutory judgment interest. The counties, acting by and through the Treasurers of Lexington County and Saluda County, shall maintain all liens and rights to foreclose upon liens provided for counties in the collection of ad valorem taxes.

SECTION IV: Any ordinances of Lexington County and Saluda County concerning zoning, health and safety regulations, and building code requirements will apply for the respective portions of the Park in Lexington County and Saluda County.

SECTION V: The Sheriff's Departments of Lexington County and Saluda County will have jurisdiction to make arrests and exercise all authority and power within the boundaries of the respective portions of the Park in Lexington County and Saluda County.

SECTION VI: Revenues generated from industries or businesses located in the Lexington County portion of the Park and to be retained by Lexington County pursuant to the Park Agreement shall be distributed within Lexington County in the following manner:

First, unless Lexington County elects to pay or credit the same from only those revenues which Lexington County would otherwise be entitled to receive as provided under "Third" below, to pay annual debt service on any special source revenue bonds issued by Lexington County pursuant to, or to be utilized as a credit in the manner provided in the second paragraph of, Section 4-1-175, Code of Laws of South Carolina 1976, as amended, or any successor statutes or provisions, payable in whole or in part by or from revenues generated from any properties in the Park; and

Second, at the option of Lexington County, to reimburse Lexington County for any expenses incurred by it in the development, operation, maintenance and promotion of the Park or the businesses located therein;

Third, to those taxing districts, which overlap the applicable properties within Lexington County's portion of the Park, in a pro-rata fashion based on comparative millage rates for the year in question of such taxing districts;

provided, however, that (i) all taxing districts which overlap the applicable properties within the Park shall receive at least some portion of the revenues generated from such properties; and (ii) all revenues receivable by a taxing entity in a fiscal year shall be allocated to operations and maintenance and to debt service as determined by the governing body of such taxing entity; and (iii) the County may, by ordinance, from time to time, amend the distribution of the fee in lieu of tax payments to all taxing entities.

SECTION VII: This Ordinance shall supercede and amend in its entirety any other ordinances or resolutions of Lexington County Council pertaining to the Park.

SECTION VIII: Should any section of this Ordinance be, for any reason, held void or invalid, it shall not affect the validity of any other section hereof which is not itself void or invalid.

SECTION IX: This Ordinance shall be effective after third and final reading thereof.

DONE in meeting duly assembled this ____ day of _____, 2006.

LEXINGTON COUNTY, SOUTH CAROLINA

Chairman, Lexington County Council

ATTEST:

Lexington County Manager

1st Reading: _____, 2006

2nd Reading: _____, 2006

3rd Reading _____, 2006

Public Hearing _____, 2006

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)

I, the undersigned Clerk to County Council of Lexington County, South Carolina, do hereby certify that attached hereto is a true, accurate and complete copy of an ordinance which was given reading, and received majority approval, by the County Council at meetings of _____, _____, and _____ which meetings a quorum of members of County Council were present and voted, and an original of which ordinance is filed in the permanent records of the County Council.

Clerk, Lexington County Council

Dated: _____, 2006

STATE OF SOUTH CAROLINA)	AGREEMENT FOR THE DEVELOPMENT OF
)	A JOINT COUNTY INDUSTRIAL
COUNTY OF SALUDA)	AND BUSINESS PARK
COUNTY OF LEXINGTON)	
		SALUDA AND LEXINGTON COUNTIES

THIS AGREEMENT for the development of a joint county industrial and business park to be located within Saluda County and Lexington County is made and entered into as of this ____ day of _____, 2006, by and between Lexington County and Saluda County.

WITNESSETH:

WHEREAS, Saluda County, South Carolina (“Saluda County”) and Lexington County, South Carolina (“Lexington County”), are contiguous counties which, pursuant to ordinance no. 09-06 adopted by Saluda County Council on _____, 2006, and ordinance no. ____ adopted by Lexington County Council on _____, 2006 (collectively, the “Enabling Ordinances”), have each determined that, in order to promote economic development and thus provide additional employment opportunities within both of said counties, there should be established in Saluda County and Lexington County a Joint County Industrial and Business Park (the “Park”), initially to be located upon property described in Exhibit A hereto; and

WHEREAS, as a consequence of the establishment of the Park, property comprising the Park and all property having a situs therein shall be exempt from ad valorem taxation pursuant to Article VIII, Section 13 of the South Carolina Constitution, but the owners or lessees of such property shall pay annual fees in an amount equal to that amount for which such owner or lessee would be liable except for such exemption;

NOW, THEREFORE, in consideration of the mutual agreement, representations and benefits contained in this Agreement and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. Binding Agreement. This Agreement serves as a written instrument setting forth the entire agreement between the parties and shall be binding on Saluda County and Lexington County, and their successors and assigns.

2. Authorization. Article VIII, Section 13(D) of the Constitution of South Carolina provides that counties may jointly develop an industrial or business park with other counties within the geographical boundaries of one or more of the member counties, provided that certain conditions specified therein are met and further provided that the General Assembly of the State of South Carolina provides by law a manner in which the value of property in such park will be considered for purposes of bonded indebtedness of political subdivisions and school districts and for purposes of computing the index of taxpaying ability pursuant to any provision of law which measures the relative fiscal capacity of a school district to support its schools based on the assessed valuation of taxable property in the district as compared to the assessed valuation of taxable property in all school districts in South Carolina. Section 4-1-70, Code of Laws of South Carolina 1976, as amended (the "Code") satisfied the conditions imposed by Article VIII, Section 13(D) of the Constitution and provides the statutory vehicle whereby a joint county industrial or business park may be created.

3. Location of the Park.

(A) As of the date of this Agreement, the Park consists of properties located in Saluda County only, as further identified in Exhibit A (Saluda) hereto. It is specifically recognized that the Park may, from time to time, consist of non-contiguous properties within each county. The boundaries of the Park may be enlarged or diminished from time to time as authorized by ordinances of the County Councils of both Saluda County and Lexington County. If the Park

encompasses all or a portion of a municipality, the counties must obtain the consent of the municipality prior to creation of the Park.

(B) In the event of any enlargement or diminution of the boundaries of the Park, this Agreement shall be deemed amended and there shall be attached hereto a revised Exhibit A (Saluda) or Exhibit B (Lexington) as the case may be, which shall contain a legal description of the boundaries of the Park, as enlarged or diminished, together with a copy of the ordinances of Saluda County Council and Lexington County Council pursuant to which such enlargement or diminution was authorized.

(C) Prior to the adoption by Saluda County Council and by Lexington County Council of ordinances authorizing the diminution of the boundaries of the Park, separate public hearings shall first be held by Saluda County Council and by Lexington County Council. Notice of such public hearings shall be published in newspapers of general circulation in Saluda County and Lexington County, respectively, at least once and not less than fifteen (15) days prior to such hearing. Notice of such public hearings shall also be served in the manner of service of process at least fifteen (15) days prior to such public hearing upon the owner and, if applicable, the lessee of any real property which would be excluded from the Park by virtue of the diminution.

(D) The owner, or, if applicable, lessee of any property located within the Park, may remove personal property from the Park at any time, and the owner of property may sell the property owned by such owner at any time, unless specifically prohibited otherwise.

4. Fee in Lieu of Taxes. Pursuant to Article VIII, Section 13(D), South Carolina Constitution, property located in the Park shall be exempt from ad valorem taxation. The owners or lessees of any property situated in the Park shall pay in accordance with this Agreement an amount (referred to as fees in lieu of ad valorem property taxes) equivalent to the ad valorem

property taxes that would have been due and payable but for the location of such property within the Park.

5. Allocation of Expenses. Saluda County and Lexington County shall bear expenses, including, but not limited to, development, operation, maintenance and promotion of the Park and the cost of providing public services, in the following proportions:

If property is in Saluda County portion of the Park:

- | | | |
|-----|------------------|------|
| (1) | Saluda County | 100% |
| (2) | Lexington County | 0% |

If property is in Lexington County portion of the Park:

- | | | |
|----|------------------|------|
| A. | Saluda County | 0% |
| B. | Lexington County | 100% |

6. Allocation of Revenues. Saluda County and Lexington County shall receive an allocation of all revenue generated by the Park through payment of fees in lieu of ad valorem property taxes or from any other source in the following proportions:

If property is in Saluda County portion of the Park:

- | | | |
|----|------------------|-----|
| A. | Saluda County | 99% |
| B. | Lexington County | 1% |

If property is in Lexington County portion of the Park:

- | | | |
|----|------------------|-----|
| A. | Saluda County | 1% |
| B. | Lexington County | 99% |

7. Revenue Allocation Within Each County.

(A) Revenues generated by the Park through the payment of fees in lieu of ad valorem property taxes shall be distributed to Saluda County and to Lexington County, as the case may

be, according to the proportions established by Paragraph 6 herein. With respect to revenues allocable to Saluda County or Lexington County by way of fees in lieu of taxes generated within its own County (the "Host County"), such revenue shall be distributed within the Host County in the manner provided by ordinance of the county council of the Host County; provided, that (i) all taxing districts which overlap the applicable revenue-generating portion of the Park shall receive at least some portion of the revenues generated from such portion, and (ii) with respect to amounts receivable in any fiscal year by a taxing entity, the governing body of such taxing entity shall allocate the revenues received to operations and/or debt service of such entity. Each Host County is hereby specifically authorized to use a portion of revenue for economic development purposes as permitted by law and as established by act of the County Council of the Host County.

(B) Revenues allocable to Saluda County by way of fees in lieu of taxes generated within Lexington County shall be distributed solely to Saluda County. Revenues allocated to Lexington County by way of fees in lieu of taxes generated within Saluda County shall be distributed solely to Lexington County.

8. Fees In Lieu of Taxes Pursuant to Title 4, Code of Laws of South Carolina. It is hereby agreed that the entry by Saluda County into any one or more fee in lieu of tax agreements pursuant to Title 4 or Title 12 of the Code with respect to property located within the Saluda County portion of the Park and the terms of such agreements shall be at the sole discretion of Saluda County. Likewise, entry by Lexington County into any one or more fee in lieu of tax agreements pursuant to Title 4 or Title 12, of the Code as amended, with respect to property located within the Lexington County portion of the Park and the terms of such agreements shall be at the sole discretion of Lexington County.

9. Assessed Valuation. For the purpose of calculating the bonded indebtedness limitation and for the purpose of computing the index of taxpaying ability pursuant to Section 59-20-20(3) of the Code, allocation of the assessed value of property within the Park to Saluda County and Lexington County and to each of the taxing entities within the participating counties shall be identical to the allocation of revenue received and retained by each of the counties and by each of the taxing entities within the participating counties, pursuant to Paragraph 6 and 7 herein.

10. Severability. In the event and to the extent (and only to the extent) that any provision or any part of a provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable the remainder of that provision or any other provision or part of a provision of this Agreement.

11. Termination. Notwithstanding any provision of this Agreement to the contrary, Saluda County and Lexington County agree that this Agreement shall terminate after ____ years from the effective date hereof, provided, however, that the parties may agree to extend the term of this Agreement by written instrument duly authorized by each County.

[Signature Page Follows.]

WITNESS our hands and seals as of the date first above written.

SALUDA COUNTY, SOUTH CAROLINA

(SEAL)

Chairman, Saluda County Council

ATTEST:

Clerk to Council, Saluda County Council

LEXINGTON COUNTY, SOUTH CAROLINA

(SEAL)

Chairman, Lexington County Council

ATTEST:

Clerk to Council, Lexington County Council

EXHIBIT A

SALUDA COUNTY PROPERTIES

EXHIBIT B

LEXINGTON COUNTY PROPERTIES

None as of ___/___/2006

The Committee Minutes are left out intentionally until approved by the Committee. Upon the Committee's approval, the minutes will be available on the internet.

RESOLUTION

IN SUPPORT OF THE ISSUANCE BY THE SOUTH CAROLINA JOBS-ECONOMIC DEVELOPMENT AUTHORITY OF ITS ECONOMIC DEVELOPMENT REVENUE BONDS (GOODWILL INDUSTRIES OF UPPER SOUTH CAROLINA, INC. PROJECT) SERIES 2006, PURSUANT TO THE PROVISIONS OF TITLE 41, CHAPTER 43, OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$14,000,000.

WHEREAS, the South Carolina Jobs-Economic Development Authority (the "Authority") is authorized and empowered under and pursuant to the provisions of Title 41, Chapter 43, of the Code of Laws of South Carolina 1976, as amended (the "Act"), to utilize any of its program funds to establish loan programs for the purpose of reducing the cost of capital to business enterprises which meet the eligibility requirements of Section 41-43-150 of the Act and for other purposes described in Section 41-43-160 of the Act and thus provide maximum opportunities for the creation and retention of jobs and improvement of the standard of living of the citizens of the State of South Carolina; and

WHEREAS, the Authority is further authorized by Section 41-43-110 of the Act to issue revenue bonds, payable by the Authority solely from a revenue producing source and secured by a pledge of said revenues, to defray the cost a business enterprise as defined in the Act; and

WHEREAS, the Authority and Goodwill Industries of Upper South Carolina, Inc., a South Carolina corporation (the "Borrower"), entered into an Inducement Agreement dated April 17, 2006 (the "Inducement Agreement"), pursuant to which and in order to implement the public purposes enumerated in the Act, and in furtherance thereof to comply with the undertakings of the Authority pursuant to the Inducement Agreement, the Authority proposes, subject to such approval of the State Budget and Control Board of South Carolina and Lexington County as may be required by law, to issue not exceeding \$14,000,000 aggregate principal amount of its Economic Development Revenue Bonds (Goodwill Industries of Upper South Carolina, Inc Project) Series 2006 (the "Bonds"), under and pursuant to Section 41-43-110 of the Act for the purpose of financing or refinancing, as applicable, all or a portion of the following: (a) the costs of the acquisition, construction, renovation, equipping and installation, as applicable, of land, buildings, equipment, fixtures and furnishings constituting facilities related to providing opportunity for work and employment for and training of people with disabilities and other barriers to employment, to include centers for the donation, processing and resale and/or auction of various household goods and vehicles, and office space and related facilities and activities in furtherance of the Borrower's mission on an approximately 2 acre lot located on the north side of West Main Street immediately west of 754 West Main Street in Lexington, South Carolina (the "Project"); and (b) costs pertaining to the issuance of the Bonds; and

WHEREAS, the Project will be owned by or leased to and operated by the Borrower, an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended; and

WHEREAS, the Borrower is projecting that the assistance of the Authority by the issuance of the Bonds will result in maintaining employment of approximately 5 full-time people and by providing employment for approximately 2 additional full-time people within 12 months from Lexington County and surrounding areas and that the portion of the Project located in Lexington County will stimulate the

economy of Lexington County and surrounding areas by increased payrolls, capital investment and tax revenues; and

WHEREAS, the County Council of Lexington County and the Authority have on this date jointly held a public hearing, duly noticed by publication in a newspaper having general circulation in Lexington County, not less than 15 days prior to the date hereof, at which all interested persons have been given a reasonable opportunity to express their views;

NOW, THEREFORE, BE IT RESOLVED by the County Council of Lexington County, South Carolina, as follows:

SECTION 1. It is hereby found, determined and declared that the Project is anticipated to benefit the general public welfare of Lexington County by providing services, employment, recreation, or other public benefits not otherwise provided locally.

SECTION 2. The Project will not give rise to any pecuniary liability of Lexington County or a charge against its general credit or taxing power.

SECTION 3. The amount of bonds required to finance the Project is set forth above. No reserve fund is required to be established.

SECTION 4. The County Council of Lexington County supports the Authority in its determination to issue the Bonds to defray the costs related to the Project

SECTION 5. All orders and resolutions and parts thereof in conflict herewith are to the extent of such conflict hereby repealed, and this resolution shall take effect and be in full force from and after its adoption.

Adopted this ____ day of September, 2006.

LEXINGTON COUNTY, SOUTH CAROLINA

(SEAL)

By: _____
Chairman, County Council of
Lexington County, South Carolina

Attest:

Clerk to County Council of
Lexington County, South Carolina

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

I, the undersigned Clerk of the County Council of Lexington County, South Carolina, do hereby certify that the foregoing is a true, correct and verbatim copy of a Resolution duly adopted at a meeting of said County Council held on September __, 2006, at which meeting a quorum was at all times present.

WITNESS MY HAND this _____ day of September, 2006.

Clerk to County Council of
Lexington County, South Carolina



July 26, 2006

Mr. Bobby Keisler
163 Gravedigger Road
Lexington, SC 29073

Dear Mr. Keisler:

Enclosed is a Resolution for consideration by your governing body regarding the request by the Town of South Congaree to become a member of the Commission. They have completed all other requirements for membership.

Please have this matter considered by your governing body at your next meeting. If you have any questions, please feel free to call me.

Sincerely,

William C. Bull
General Manager

WCB:srm

cc: Stephanie R. Morton, Commission Clerk

A JOINT RESOLUTION APPROVING THE APPLICATION OF THE TOWN OF SOUTH CONGAREE TO JOIN THE LEXINGTON COUNTY JOINT MUNICIPAL WATER AND SEWER COMMISSION AND OTHER MATTERS RELATING THERETO

WHEREAS, the Town of South Congaree, South Carolina, is a body politic and corporate and a political subdivision of the State of South Carolina (the "Member") with full power and authority to operate a water and sewer system within its service area; and

WHEREAS, the Joint Municipal Water Systems Act, Title 6, Chapter 25 of the Code of Laws of South Carolina, 1976, as amended (the "Act") authorizes municipalities (as defined in the Act to include counties, towns, and cities, consolidated political subdivisions; commissioners of public works; and, any agency or public body created by the General Assembly or under the laws of South Carolina and engaged in the sale and service of water for industrial and domestic purposes) to form a joint municipal water system under the Act for the purposes of planning, financing, developing, constructing, acquiring, improving, enlarging, selling, leasing, maintaining, and operating a project for the present and future needs of their service areas and of the areas of the State in which they serve; and

WHEREAS, the Lexington County Joint Municipal Water and Sewer Commission (the "System") was chartered on October 7, 1992, and its members include Lexington County, South Carolina, and the municipalities of Cayce, Pelion, Swansea, West Columbia, Lexington, Batesburg-Leesville, Springdale, Gaston and the Gilbert Summit Rural Water District (collectively the "Participants"), and

WHEREAS, the Member has filed a resolution with the Commission indicating its desire to join the Participants in the System for the following reasons:

(i) The Member and the Participants provide services in Lexington County, South Carolina (the "County") which has no dominant supplier of water and sewer services capable of providing such services throughout the County;

(ii) Much of the County is underserved for water and sewer services which lack of service adversely affects the ability of the County to attract new industrial, commercial, and residential development,

(iii) Many of the smaller municipal systems in the County face requirements for the upgrade of existing systems to new federal and state standards, the cost which cannot reasonably be borne by the relatively small rate base of such systems;

(iv) There is a need in the County for a vehicle by which the existing providers may coordinate their activities and investment in new capacity for treatment, collection, and distribution so as to provide water and sewer services at rates that are reasonable for the residents of the County and the municipalities located therein and to attract new industrial, commercial, and residential development,

(v) The absence of countywide systems and the need for upgrading existing systems poses potential health hazards to the residents of the Member and the Participants;

(vi) The Member believes that joining the System will facilitate the development of the use and the capacity of the Plant and that by joining the Participants, the System will become

a better vehicle to undertake new projects for the provision of water and sewer treatment services which cannot feasibly be undertaken without such a joint agency; and

WHEREAS, this resolution is being presented in separate meeting to each of the Participants for adoption as a joint resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE COUNTY OF LEXINGTON, SOUTH CAROLINA, IN MEETING DULY CALLED AND ASSEMBLED:

SECTION 1. The application of the Member to join with the Participants in the System is hereby approved.

SECTION 2. Each of the Participants hereby authorizes its Mayor (County Administrator in the case of the County) and its representative to the System to execute such documents and thing as are necessary to proceed with the acceptance of the Member into the System and the filing of a statement of change in membership with the Secretary of State of South Carolina.

Done in meeting duly assembled this ___ day of August, 2006.

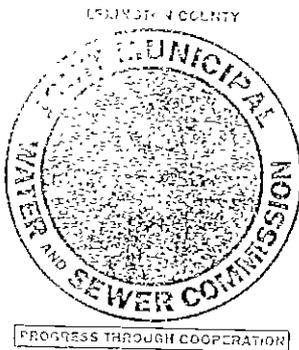
COUNTY OF LEXINGTON, SOUTH CAROLINA

By: _____
Mayor of Town Council

(SEAL)

ATTEST:

Clerk



July 17, 2006

Ms Katherine Doucett
Lexington County Administrator
212 South Lake Drive
Lexington, SC 29072

Re Requested change to the 208 Water Quality Management Plan for the
Central Midlands Region (relates only to sewer).

Dear Katherine

Lexington County Joint Municipal Water and Sewer Commission has enclosed the signed and dated letters that indicated that the following municipalities support the change from Lexington County to the Lexington County Joint Municipal Water and Sewer Commission

The City of Cayce has not acted on this request as of the date of this letter, once they have approved or disapproved the request it will be forwarded

The Commission request that Lexington County Council review this information, and request and support this issue at Central Midlands.

Commission employees are available to meet with Lexington County Council to discuss and answer any questions

Sincerely,

Stephen H. Mann
Assistant General Manager

SHM:srm

cc Bobby Keisler
William C. Bull, LCJMWSC



May 2, 2006

Mayor Avery Wilkerson, Jr.
 PO Box 8087
 Columbia, SC 29202

Dear Mayor:

There apparently was a misunderstanding recently involving the Lexington County Council and the Commission regarding the issue of Management Agency Designation for the 208 Water Quality Management Plan for the Central Midlands Region (relates only to sewer).

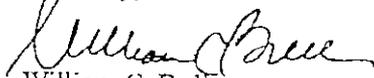
The role of the Management Agency is to implement the Water Quality Management Plan for its designated area to ensure effective regional planning, to promote orderly development of sewer infrastructure, to meet projected demands, and to foster economic development. It does NOT mean that the Management Agency must be the sewer service provider.

In that Lexington County is no longer in the sewer business, and the Commission needs to be able to accomplish its role as Management Agency from a planning perspective, the Commission has requested that County Council support a revision of the current 208 Plan, through the Central Midlands COG, designating the Commission as the Management Agency for a portion of the area currently assigned to Lexington County. This change will NOT affect current public service providers who, by contract or otherwise, serve areas within the designated planning area.

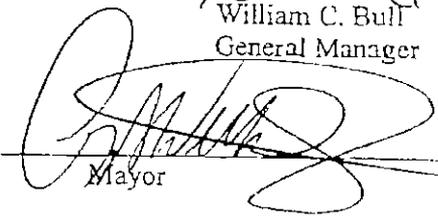
The overall 208 Plan is rather complicated and, therefore, could be misunderstood. The Commission has been directed by County Council to seek approval from public entities within the affected area to ensure that there is no conflict in considering this change.

If you have no concern regarding this matter, we request that the Mayor sign and return this letter to the Commission. If you have a concern, I request that you let me know so we can meet with you to address any and all concerns you may have. We look forward to working with you on this matter, and continuing to cooperate with all Commission members in meeting the needs of Lexington County.

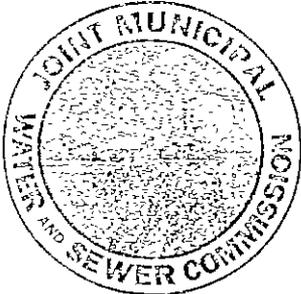
Sincerely,


 William C. Bull
 General Manager

8-8-2006
 Date


 Mayor

LEXINGTON COUNTY



PROCESS THROUGH COOPERATION

June 21, 2006

~~Administrator~~
Town of Lexington
Post Office Box 397
Lexington, SC 29071

Dear Mayor:

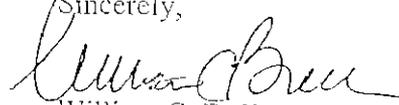
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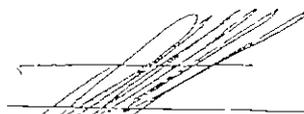
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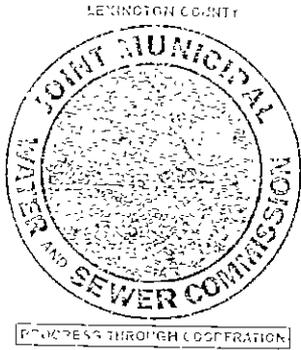
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Sincerely,

William C. Bull
General Manager

6/27/06
Date



Mayor



May 2, 2006

Mayor Pat Smith
2915 Platt Springs Rd
Springdale, SC 29170

Dear Mayor:

There apparently was a misunderstanding recently involving the Lexington County Council and the Commission regarding the issue of Management Agency Designation for the 208 Water Quality Management Plan for the Central Midlands Region (relates only to sewer)

The role of the Management Agency is to implement the Water Quality Management Plan for its designated area to ensure effective regional planning, to promote orderly development of sewer infrastructure, to meet projected demands, and to foster economic development. It does NOT mean that the Management Agency must be the sewer service provider.

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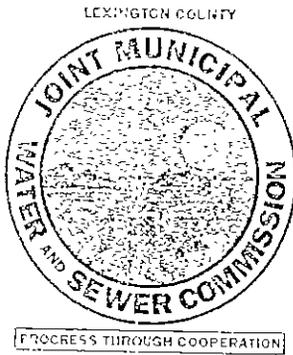
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Sincerely,

William C. Bull
General Manager

Mayor

5/10/06
Date



May 2, 2006

Mayor James L. Sharpe
PO Box 164
Gaston, SC 29053

Dear Mayor:

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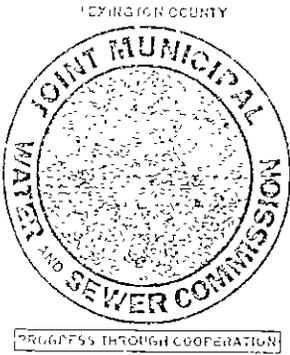
Sincerely,

William C. Bull
General Manager

5-5-06

Date

Mayor



May 2, 2006

Mayor Bobby E. Hotton
PO Box 4044
West Columbia, SC 29171

Dear Mayor:

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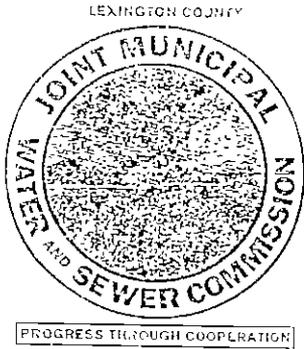
Sincerely,

William C. Bull
General Manager

5/8/06

Date

Mayor



May 2, 2006

Mayor James Wiszowaty
660 W. Columbia Ave
Batesburg-Leesville, SC 29070

Dear Mayor

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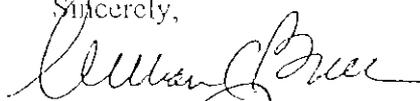
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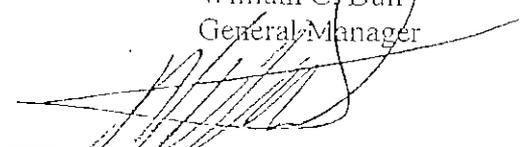
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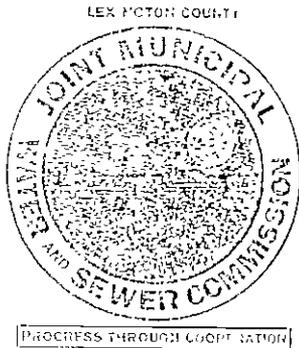


William C. Bull
General Manager

5/8/06
Date



Mayor James E. Wiszowaty



June 21, 2006

Mayor Charles W. Haggard
Town of Pelton
PO Box 7
Pelton, SC 29123

Dear Mayor

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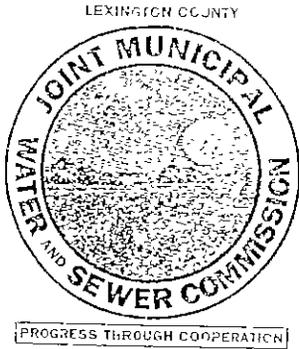
If you have no concern regarding this matter, we request that the Mayor sign and return this letter to the Commission. If you have a concern, I request that you let me know so we can meet with you to address any and all concerns you may have. We look forward to working with you on this matter, and continuing to cooperate with all Commission members in meeting the needs of Lexington County

Sincerely,

William C. Bull
General Manager

6/22/06
Date

Charles W. Haggard
Mayor



May 2, 2006

Mayor Ray Spires
PO Box 429
Swansea, SC 29160

Dear Mayor:

There apparently was a misunderstanding recently involving the Lexington County Council and the Commission regarding the issue of Management Agency Designation for the 208 Water Quality Management Plan for the Central Midlands Region (relates only to sewer).

The role of the Management Agency is to implement the Water Quality Management Plan for its designated area to ensure effective regional planning, to promote orderly development of sewer infrastructure, to meet projected demands, and to foster economic development. It does NOT mean that the Management Agency must be the sewer service provider.

In that Lexington County is no longer in the sewer business, and the Commission needs to be able to accomplish its role as Management Agency from a planning perspective, the Commission has requested that County Council support a revision of the current 208 Plan, through the Central Midlands COG, designating the Commission as the Management Agency for a portion of the area currently assigned to Lexington County. This change will NOT affect current public service providers who, by contract or otherwise, serve areas within the designated planning area.

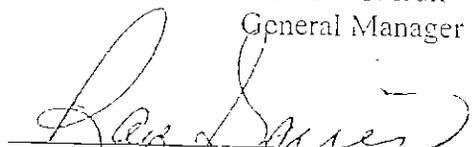
The overall 208 Plan is rather complicated and, therefore, could be misunderstood. The Commission has been directed by County Council to seek approval from public entities within the affected area to ensure that there is no conflict in considering this change.

If you have no concern regarding this matter, we request that the Mayor sign and return this letter to the Commission. If you have a concern, I request that you let me know so we can meet with you to address any and all concerns you may have. We look forward to working with you on this matter, and continuing to cooperate with all Commission members in meeting the needs of Lexington County.

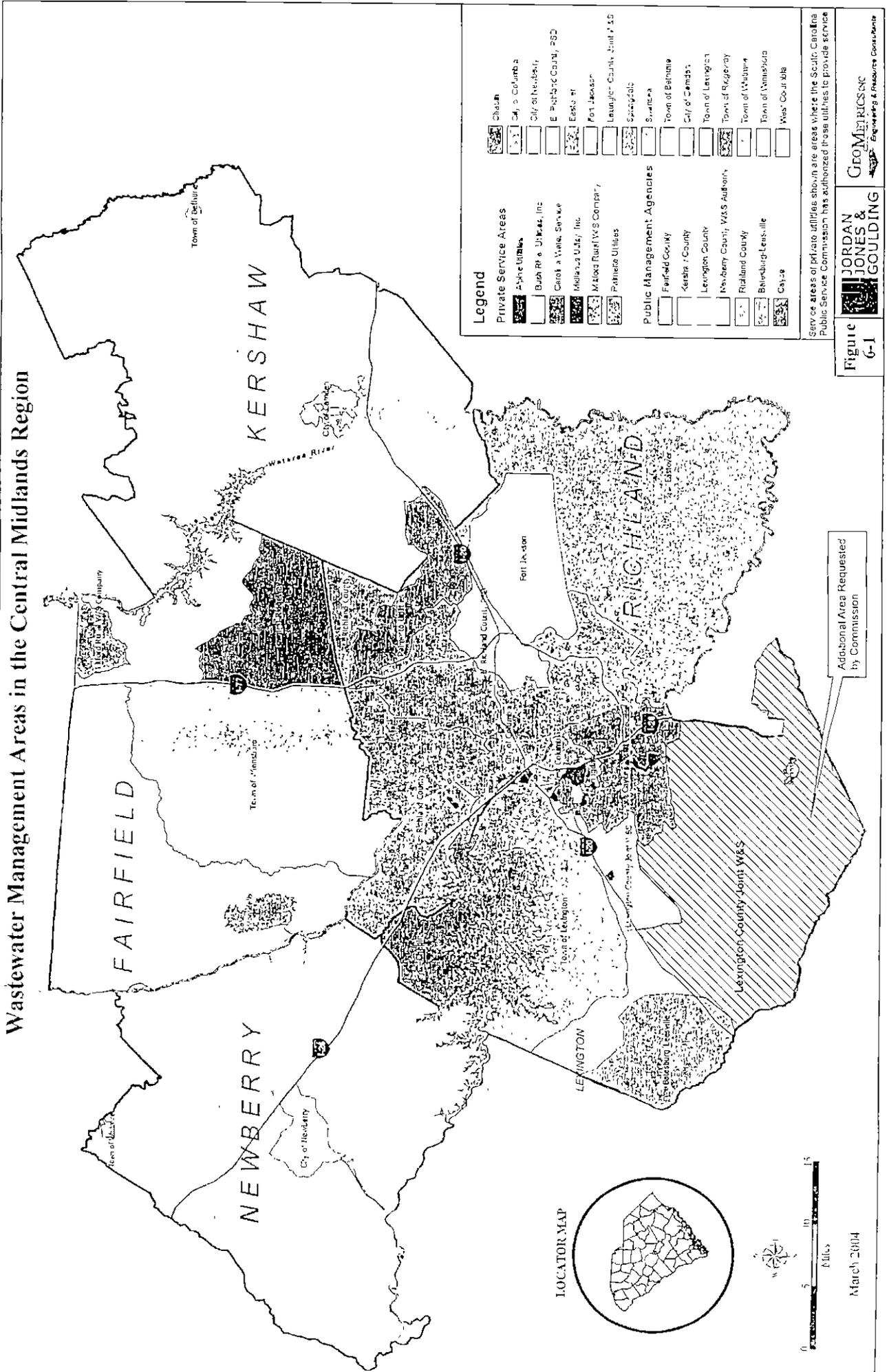
Sincerely,


William C. Bull
General Manager

5-15-06
Date


Mayor

Wastewater Management Areas in the Central Midlands Region



Service areas of private utilities shown are areas where the South Carolina Public Service Commission has authorized those utilities to provide service

JORDAN JONES & GOULDING
Engineering & Resource Consultants

Figure 6-1

March 2004

The Committee Minutes are left out intentionally until approved by the Committee. Upon the Committee's approval, the minutes will be available on the internet.

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

August 22, 2006

JIM KINARD

Children's Shelter - Suzanne Clark - Term expires 06/30/06 - Eligible for reappointment

Planning Commission - Warren L. Cope - Terms expires 08/26/06 - Eligible for reappointment

BILLY DERRICK

Museum Commission - Louise J. Riley - Term expires 11/01/06 - Not eligible for reappointment

SMOKEY DAVIS

Children's Shelter - David S. Hipp - Term expires 06/30/06 - Not eligible for reappointment

Museum Commission - Kelley Mintz - Term expires 11/01/06 - Eligible for reappointment

BOBBY KEISLER

Planning Commission - Billy F. Irwin - Term expires 08/26/06 - Eligible for reappointment

JOHNNY JEFFCOAT

Assessment Appeals Board - Vacant - Term expires 09/21/07

Museum Commission - Sandra Burdett - Term expired 11/01/05 - Not eligible for reappointment

JOHN CARRIGG

Assessment Appeals Board - Vacant - Term expires 09/21/06

Children's Shelter - Vacant - Term expired 6/30/01

Museum Commission - Vacant - Term expires 11/01/06

TODD CULLUM

Children's Shelter - Vacant - Term expired 6/30/03

Board of Zoning Appeals - Marvin Stanley Smith - Term expired 12/31/05 - Eligible for reappointment

AIKEN/BARNWELL/LEXINGTON COUNTIES COMMUNITY ACTION COMMISSION, INC.

Juanice Aaron - Term expired 12/31/05 - Eligible for reappointment

BUILDING CODE BOARD OF APPEALS

Plumbing - Perry Kimball - Term expired 8/13/03 - Not eligible for reappointment

MIDLANDS WORKFORCE DEVELOPMENT BOARD

Vacant - Term expires 06/30/07

cc: Todd
8/10/06 qrb



MIDLANDS WORKFORCE DEVELOPMENT BOARD

Working Together for Tomorrow's Workforce

August 4, 2006

Mr. Todd Cullum, Chairman
Lexington County Council
212 South Lake Drive
Lexington, SC 29072

Dear Mr. Cullum:

Enclosed are two nomination forms for the vacancy of the Vocational Rehabilitation seat. This seat was previously occupied by Todd Blake and his term expires on June 30, 2007. Mr. Blake has moved recently and is no longer in compliance with the County's residence request.

The two nominations from SC Vocational Rehabilitation both meet the residency requirement by residing in Lexington County. Mr. Hewett served as the Lexington Area Supervisor and Ms. Brasher is a Counselor in the Lexington Vocational Rehabilitation office. We are requesting one of these nominations be appointed to the Midlands Workforce Development Board to complete Mr. Blake's term.

The Board and I appreciate the continued support of Council as we work together to serve the residents of Lexington County and improve their standard of living and quality of life. If you need any additional information, please do not hesitate to contact me at (803) 744-1670 ext 101.

Sincerely,

Bonnie Austin, Director
Midlands Workforce Investment Area

Enclosure



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

Name of Board/Commission: Midlands Workforce Development Board

Nominee: Mr. Roy Hewett

Address: 132 Twin Hickory Court, Lexington, SC 29072

Employed by: SC Vocational Rehabilitation

Address: 1330 Boston Avenue, Columbia, SC 29170

Home Telephone: 356-2759 Business Telephone: 896-6377

Mobile Phone: 730-0938 Beeper Number: N/A

Fax Number: 896-6373

Is nominee aware of board/commission activities and responsibilities: As Area Supervisor of the Lexington SCVR office, Mr Hewett has assigned an employee to work closely with the One-Stop Centers in identifying and addressing the needs of people with disabilities in order to assist them with the needed services to help them become gainfully employed. This is a great resource for our clients as they assess training and employment opportunities through the One-Stop Centers

Background information (include education, community- service activities, previous service on county boards/commissions):

Bachelor of Science – Limestone college

Master of Public Administration – University of South Carolina

Member of the Lexington Chamber of Commerce

Member of the Lexington Technology Center Advisory Board

Former member of the Columbia Chamber of Commerce

Active member of First Baptist Church - Lexington

Submitted by: 

Date: 6-19-06

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

Name of Board/Commission: Midlands Workforce Development Board

Nominee: Mrs. Tracy Brasher

Address: 261 Hallmark Drive, Lexington, SC 29072

Employed by: SC Vocational Rehabilitation

Address: 1330 Boston Avenue, Columbia, SC 29170

Home Telephone: (803)358-6557 Business Telephone: (803)896-6333

Mobile Phone: none Beeper Number: none

Fax Number: (803) 896-6373

Is nominee aware of board/commission activities and responsibilities: As a Vocational Rehabilitation Counselor in the Lexington SCVR office, Mrs. Brasher identifies and addresses the needs of people with disabilities in order to assist them with the needed services to help them become gainfully employed. She uses the One Stop centers as a great resource for our clients.

Background information (include education, community- service activities, previous service on county boards/commissions):

Mrs. Brasher has her Master's of Education in Rehabilitation Counseling and a B.A. in Psychology. She is a Certified Rehabilitation Counselor (CRC) and a Certified Brain Injury Specialist (CBIS). She works closely with the Brain Injury Alliance of South Carolina and is currently serving on their Awareness and Prevention Committee.

Submitted by: Tracy Brasher

Date: 6/19/06

LEXINGTON COUNTY COUNCIL
BOARD/COMMISSION NOMINATION FORM

Name of Board/Commission: Planning Commission
Nominee: Robert L. Spices, Sr
Address: 221 L Ave West Columbia, SC 29172
Employed by: Palmetto Infusion Services
Address: 172 McSwain Dr West Columbia, SC 29169
Home Telephone: 803-755-9574 Business Telephone: 803-771-7740
Mobile Phone: 803-309-5722 Beeper Number: _____
Fax Number: _____

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):

BS in Pharmacy, USC, 1970
MS in Pharmacy, USC, 1982
Treasurer of South Carolina Council - 2001-2005
President Elect - S.C. Society of Health-System Pharmacists
Pharmacy Technician Advisory Committee Midland Tech College
S.C. Board of Pharmacy - 1991-1997
Treasurer - Dunns Chapel Church
Board of Stewards - Dunns Chapel Church
Team Leader - Kids Kamp
House of Delegate member - American Society of Health-System Pharmacists

Submitted by: Bobby [Signature]
Date: 8-15-06

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

COUNTY OF LEXINGTON

Procurement Services

MEMORANDUM

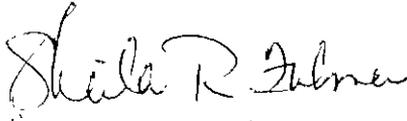
(O) 785-8319

(F) 785-2240

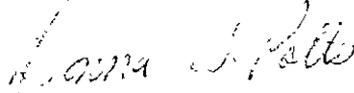
DATE: August 9, 2006

TO: Katherine Doucett
County Administrator

THROUGH: Sheila R. Fulmer, CPPB
Procurement Manager



FROM: Donna J. Potts, CPPB
Procurement Officer



SUBJECT: Dell Poweredge Server with Linux Operating System - Clerk of Court

We have received a purchase request for one (1) Dell Powcredge Server with Linux Operating System for the Clerk of Court. The server will be purchased directly from the manufacturer (Dell) through the South Carolina State Contract #05-S6656-A11104.

The database server currently used by General Sessions and Family Court cannot be upgraded from Progress Version 9.1C without upgrading the UnixWare operating system. Information Services is migrating all UnixWare operating systems to Linux. Linux is less expensive to purchase and maintain, and is more widely supported by Progress and other software vendors. Although the State Case Management System will eliminate the use of the current General Sessions system, the Family Court System will see at least another four to five years of usage.

Jim Schafer, Director of Information Services has reviewed and recommended this purchase.

The total cost including applicable sales tax is \$8,437.92.

Funds are appropriated in the following account:

1000-141100-5A7123 – Linux Operating System - \$8,437.92

I concur with the above recommendation and further recommend that this purchase be placed on County Council's agenda for their next scheduled meeting on August 22, 2006.

copy: Larry Porth, Director of Finance/Assistant County Administrator
Beth Carrigg, Clerk of Court
Jim Schafer, Director of Information Services

COUNTY OF LEXINGTON

Procurement Services

MEMORANDUM

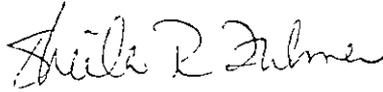
(O) 785-8385

(F) 785-2240

DATE: August 11, 2006

TO: Katherine L. Doucett
County Administrator

THROUGH: Sheila R. Fulmer, CPPB
Procurement Manager



FROM: Janice A. Bell, CPPB
Procurement Officer



SUBJECT: Fleet Vehicle Replacement – Public Safety / EMS

We have received a requisition for the purchase of one (1) New 2007 Ford Crown Victoria Patrol Sedan for the Public Safety / EMS Department. This vehicle will replace the 1992 Crown Victoria used by the EMS Coordinator which has met or exceeded the expected capital recovery and is recommended and approved in accordance with the Fleet Management Policy by Ellis Gammons, Fleet Manager. This vehicle is available from Vic Bailey Ford through South Carolina State Contract Number 05-S6673-A11156.

The cost of this vehicle is \$20,978.00 including applicable sales tax.

Funds are appropriated in the following account.

1000-131400-5A7098	(1) Sedan – Replacement	\$20,978.00
--------------------	-------------------------	-------------

I concur with the above recommendation and further recommend that this purchase be placed on County Council's agenda for their next scheduled meeting on August 22, 2006.

copy: Larry Porth, Director of Finance/Assistant County Administrator
Chief Bruce Rucker, Assistant Sheriff / Director of Public Safety & Homeland Security
Chief Brian Hood, EMS Coordinator
Ellis Gammons, Fleet Manager

COUNTY OF LEXINGTON

Procurement Services

MEMORANDUM

(O) 785-8385

(F) 785-2240

DATE: August 10, 2006

TO: Katherine L. Doucett
County Administrator

THROUGH: Sheila R. Fulmer, CPPB
Procurement Manager

FROM: Janice A. Bell, CPPB
Procurement Officer

SUBJECT: Fleet Vehicle Replacements
Public Safety/Fire Service




We received requisitions for the purchase of one (1) New 2007 Ford E-350 Club Wagon and two (2) New 2007 Ford F-450 Cab and Chassis Trucks for Public Safety/Fire Service. The Club Wagon is available from Benson Ford Mercury through South Carolina State Contract Number 05-S6673-A11160. The trucks are available from Burns Automotive through South Carolina State Contract Number 05-S6667-A11151. These vehicles will require accessories to be installed. Quotations were obtained for these accessories and recommended award as shown below (see attached bid tabulation). These vehicles are recommended and approved in accordance with the Fleet Management Policy by Ellis Gammons, Fleet Manager.

The Club Wagon has been recommended to replace a 1997 Ford Taurus and is to have emergency lighting installed. The trucks are used for transporting specialized equipment and personnel to emergency scenes. The Insurance Service Office and the National Fire Protection Association recognize these trucks as vital pieces of firefighting equipment.

The cost for the Ford Cab and Chassis Trucks is \$92,323.58 including applicable taxes. The cost for the Ford Club Wagon is \$18,262.00 including applicable taxes. The cost for the emergency lighting and accessories is \$17,068.75 including applicable taxes. The total cost including applicable sales tax is \$127,654.33. It is recommended to process purchase orders to the following vendors:

Benson Ford Mercury	\$18,262.00
Burns Automotive	92,323.58
West Chatham Warning Devices	10,772.97
Hansens Gold Leaf	1,367.40
Motorola, Inc.	3,416.88
Carolina Rim & Wheel	579.82
Slagle's Fire Equipment & Supply	931.68

Funds are appropriated in the following accounts:

1000-131500-5A7106	(2) Service Truck Replacements	\$108,694.93
1000-131500-5A7107	(1) Vehicle Replacement	18,959.40

I concur with the above recommendation and further recommend that these purchases be placed on County Council's agenda for their next scheduled meeting on August 22, 2006.

Attachment

copy: Larry Porth, Director of Finance/Assistant County Administrator
Chief Bruce Rucker, Assistant Sheriff / Director of Public Safety & Homeland Security
Chief Russell Rawl, Fire Service Coordinator
Ellis Gammons, Fleet Manager

County of Lexington

Bid Tabulation

FLEET VEHICLE ACCESSORIES

Quantity	Description	West Chatham		Palmetto Distributors		Slagle's Fire Equipment	
		Unit Price	Total	Unit Price	Total	Unit Price	Total
4	WHE-50R03ZCF LED Sync	\$87.00	\$348.00	\$80.00	\$320.00	\$123.14	\$492.56
4	WHE-5TSMAB Surface Mt Kit	\$5.10	\$20.40	\$7.00	\$28.00	No Bid	
4	WHE-702000RU Linstroke Red	\$73.20	\$292.80	\$75.00	\$300.00	\$112.00	\$448.00
4	WHE-7EGRILB Housing Kit	\$32.40	\$129.60	\$36.00	\$144.00	No Bid	
16	WHE-58EC20RL Strobe Red	\$102.60	\$1,641.60	\$96.00	\$1,536.00	\$96.31	\$1,540.96
16	WHE-508TRIM Cromer Trim Ring	\$7.50	\$120.00	\$7.00	\$112.00	No Bid	
4	WHE-58EC20AL Strobe Amber	\$102.60	\$410.40	\$96.00	\$384.00	\$96.81	\$387.24
4	WHE-508TRIM Chrome Trim Ring	\$7.50	\$30.00	\$7.00	\$28.00	No Bid	
6	WHE-UPS690 Strobe Power Supply	\$290.00	\$1,740.00	No Bid		\$470.32	\$2,821.92
2	WHE-PCCHD1 Heavy Duty Switch Box	\$178.80	\$357.60	\$184.00	\$368.00	\$273.97	\$547.94
2	WHE-295HFS A1 Siren Amplifier	\$223.80	\$447.60	\$231.00	\$462.00	\$345.37	\$690.74
4	WHE-SA340STS Speaker	\$151.20	\$604.80	\$156.00	\$624.00	\$232.02	\$928.08
2	JOT-CCFSERIE Dash Mounted Console	\$245.00	\$490.00	\$260.00	\$520.00	\$263.27	\$526.54
2	WHE-9M142000 Strobe Red	\$540.00	\$1,080.00	\$800.00	\$1,600.00	\$871.05	\$1,742.10
2	Labor to Install	\$950.00	\$1,900.00	No Bid		\$2,641.00	\$5,282.00
	Sub-Total		\$9,612.80				
	Tax		\$462.77				
	Grand Total		\$10,075.57				

Rejected Palmetto Distributors and Slagle's Fire Equipment - did not bid on all items.

Janice A. Bell, CPPB
 Procurement Officer



COUNTY OF LEXINGTON

Procurement Services

MEMORANDUM

(O) 785-8319

(F) 785-2240

DATE: August 9, 2006

TO: Katherine Doucett
County Administrator

THROUGH: Sheila R. Fulmer, CPPB
Procurement Manager *Sheila R. Fulmer*

FROM: Donna J. Potts, CPPB
Procurement Officer *Donna J. Potts*

SUBJECT: **Roadway Improvements Roscoe Road - "C" Funds - Public Works
BID NO. B07003-07/06/06H**

Invitations for bids were advertised and solicited from qualified contractors for Roadway Improvements Roscoe Road. The project includes the construction of approximately 1.5 miles of asphalt roadway and other appurtenances for Roscoe Road. There is an estimated 2,259 L.F. of 18", 208 L.F. of 24", 1,056 L.F. of 30", 140 L.F. of 36" and 112 L.F. of 54" R.C. pipe, 14,000 C.Y. of Excavation, 335 S.Y. Rip Rap for headwalls, 24,617 S.Y. Compacted Mccadam Base and 23,770 S.Y. of Type I Asphalt Surface Course. We received bids from eight (8) contractors (see attached bid tab).

Bids were evaluated by John Fachtel, Director of Public Works; Jim Starling, Engineering Associate III, Public Works; Joseph D. McIntyre, P.E., Power Engineering Company Incorporated; and Donna J. Potts, Procurement Officer. It is our recommendation to award this contract to CBG, Incorporated as being the lowest responsive bidder. The total bid for the project, based on estimated quantities, is \$922,563.32.

Funds are appropriated in account: 2700-121300-5R0015 – Roscoe Road

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 August 22, 2006.

Attachments

copy: Larry Porth, Director of Finance / Assistant County Administrator
John Fachtel, Director of Public Works

COUNTY OF LEXINGTON

BID TABULATION SHEET

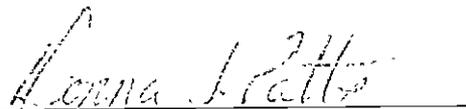
BID: B07003-07/06/06H

DATE: August 10, 2006

ROADWAY IMPROVEMENTS ROSCOE ROAD

BIDDER	TOTAL BID
CBG, Incorporated	\$922,563.32
Cherokee, Incorporated	\$970,329.22
Mabus Brothers Construction Company, Incorporated	\$1,021,374.79
C. R. Jackson, Incorporated	\$1,084,497.40
Plowden Construction Company, Incorporated	\$1,086,142.00
Eagle Construction Company, Incorporated	\$1,094,534.75
U. S. Constructors, Incorporated	\$1,237,420.00
Rea Contracting, LLC	\$1,275,745.60

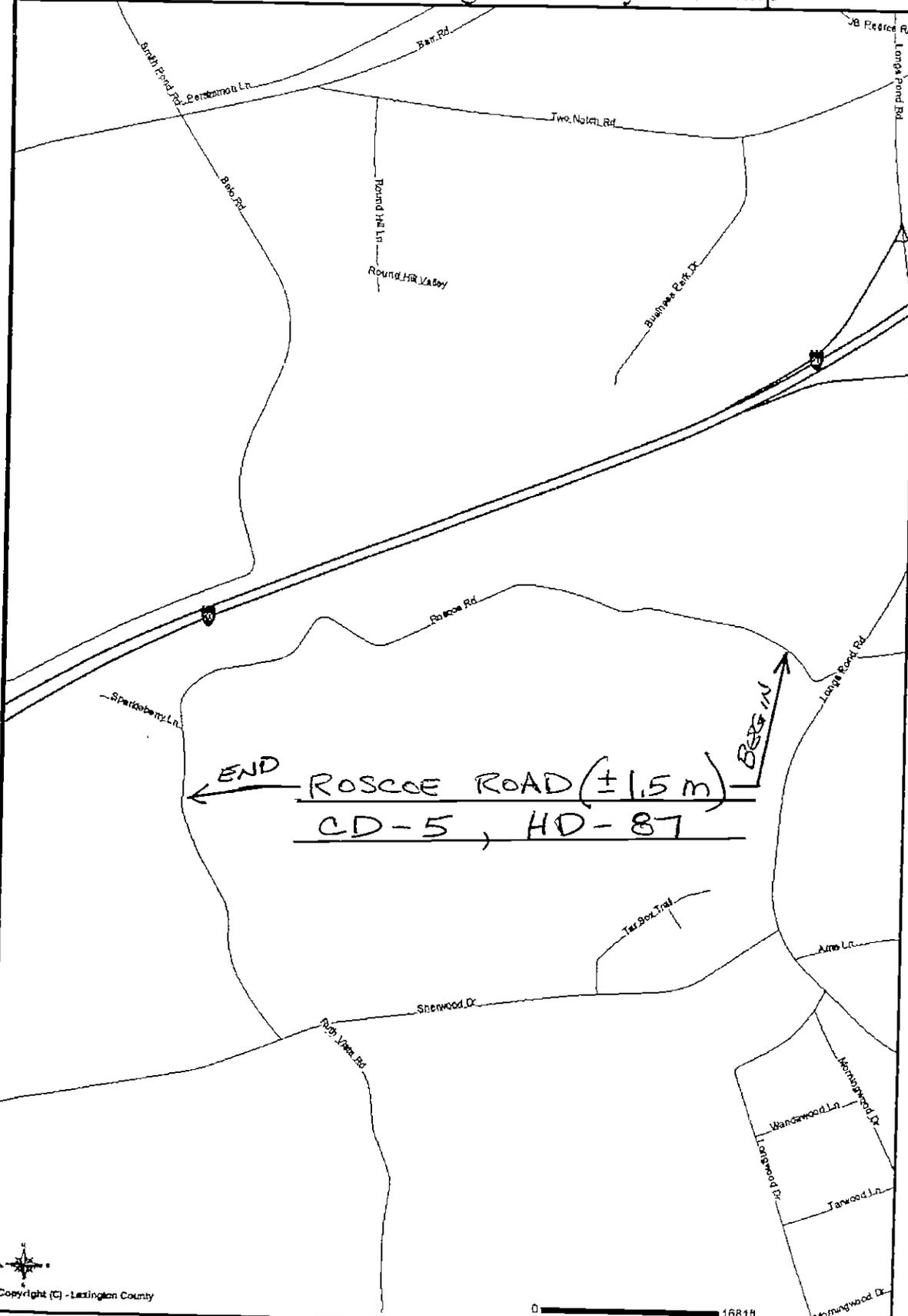
Bids Opened: July 6, 2006 @ 3:00 p.m.



Donna J. Potts, CPPB
Procurement Officer

Lexington County GIS Map

- Legend**
- Lake Murray
 - Lake River
 - Local Roads
 - Collector Roads
 - Arterial Roads
 - Interstates
 - County Outline
 - Municipality
 - Incorporated Areas



← END ROSCOE ROAD (± 1.5 m) BEGIN →
CD-5, HD-87

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COUNTY OF LEXINGTON

Procurement Services

MEMORANDUM

(O) 785-8385

(F) 785-2240

DATE: August 9, 2006

TO: Katherine L. Doucett
County Administrator

THROUGH: Sheila R. Fulmer, CPPB *Sheila R Fulmer*
Procurement Manager

FROM: Janice A. Bell, CPPB *J Bell*
Procurement Officer

SUBJECT: New 2007 Chevrolet Tahoe
Bid No. B07006-08/08/06B
Sheriff's Department / Fleet Vehicle Replacement

Competitive bids were solicited and advertised for a New 2007 Chevrolet Tahoe for the Sheriff's Department. The requested vehicle is replacing an unmarked Blazer and is recommended and approved in accordance with the Fleet Management Policy by Ellis Gammons, Fleet Manager. We received six (6) bids (see attached bid tabulation). Bids were evaluated by Ellis Gammons, Fleet Manager; Chief Keith Kirchner, Assistant Sheriff; and Janice A. Bell, Procurement Officer.

We recommend award to Burns Automotive as the low bidder meeting specifications. This vehicle will require emergency equipment to be installed. The emergency equipment and installation is available from Light-N-Up through County Contract #C05011-02/09/05B.

The cost for the Chevrolet Tahoe is \$35,049.00 including applicable sales tax. The cost for the emergency equipment and installation is \$240.00. The total cost including applicable sales tax is \$35,289.00.

Funds are appropriated in the following account:

1000-151200-5A7355 (1)Unmarked Vehicle with Equipment \$35,289.00

I concur with the above recommendation and further recommend that this bid be placed on County Council's agenda for their next scheduled meeting on August 22, 2006.

Attachment

copy: Larry Porth, Director of Finance/Assistant County Administrator
Sheriff James Metts
Chief Bruce Rucker, Assistant Sheriff / Director of Public Safety & Homeland Security
Chief Keith Kirchner, Assistant Sheriff
Ellis Gammons, Fleet Manager
Colonel Alan Paavel, Sheriff's Department
Sylvia Dillon, Sheriff's Department

County of Lexington

Bid Tabulation

B07006-08/08/06B

NEW 2007 CHEVROLET TAHOE

Quantity	Description	Burns Automotive		Whiteside Chevrolet		Herndon Chevrolet	
		Unit Price	Total	Unit Price	Total	Unit Price	Total
1	2007 Tahoe	\$34,413.00	\$34,413.00	\$35,990.00	\$35,990.00	\$35,118.00	\$35,118.00
1	Locking differential	\$236.00	\$236.00	\$240.00	\$240.00	\$256.00	\$256.00
1	Trailer towing pkg	Standard	\$0.00	N/C	\$0.00	Standard	\$0.00
1	White lettered tires	\$100.00	\$100.00	\$110.00	\$110.00	\$112.00	\$112.00
	Tax		\$300.00		\$300.00		\$300.00
	Grand Total		\$35,049.00		\$36,640.00		\$35,786.00

Quantity	Description	Whiteside Chevrolet		Capital Chevrolet		Capital Chevrolet	
		Unit Price	Total	Unit Price	Total	Unit Price	Total
1	2007 Tahoe	\$35,980.00	\$35,980.00	\$34,677.23	\$34,667.23	\$34,677.23	\$34,667.23
1	Locking differential	\$240.00	\$240.00	\$259.60	\$259.60	\$259.60	\$259.60
1	Trailer towing pkg	Included	\$0.00	Standard	\$0.00	Standard	\$0.00
1	White lettered tires	\$110.00	\$110.00	\$110.00	\$110.00	\$132.00	\$132.00
	Tax		\$300.00		\$300.00		\$300.00
	Grand Total		\$36,630.00		\$35,336.83		\$35,358.83

Opened. August 8, 2006

Janice A. Bell, CPPB
 Procurement Officer



COUNTY OF LEXINGTON

Procurement Services

MEMORANDUM

(O) 785-8319

(F) 785-2240

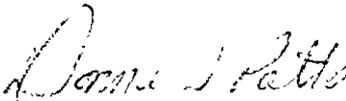
DATE: August 10, 2006

TO: Katherine Doucett
County Administrator

THROUGH: Sheila R. Fulmer, CPPB
Procurement Manager



FROM: Donna J. Potts, CPPB
Procurement Officer



SUBJECT: Accurate Compactors / Sole Source Procurement - Solid Waste Management

We have received a purchase request from the Department of Solid Waste Management for the purchase of two (2) Accurate Compactors. These two (2) compactors will be installed at the Bailey Collection Station. Inclusion of these machines in the new version of this Collection Station will bring the station in line with recently established station equipment standards and allow for a higher level of efficiency and better service to the citizens of the County.

This has been deemed a Sole Source through Amick Equipment Company, as they are the sole authorized dealer for South Carolina.

The cost of this purchase is \$59,237.04 including shipping, installation, sales tax and one-year manufacturers warranty.

Funds are appropriated in the following account:

5700-121203-5A7322 – (2) Solid Waste Compactors - \$59,237.04

I concur with the above recommendation and further recommend that this purchase be placed on County Council's agenda for their next scheduled meeting on August 22, 2006.

copy: Larry Porth, Director of Finance/Assistant County Administrator
Joe Mergo, III, Director of Solid Waste Management

COUNTY OF LEXINGTON

Procurement Services

MEMORANDUM

(O) 785-8319

(F) 785-2240

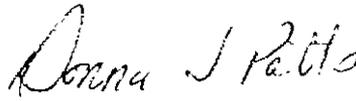
DATE: August 10, 2006

TO: Katherine Doucett
County Administrator

THROUGH: Sheila R. Fulmer, CPPB
Procurement Manager



FROM: Donna J. Potts, CPPB
Procurement Officer



SUBJECT: Pyramat Matting / Sole Source Procurement - Solid Waste Management

We have received a purchase request from the Department of Solid Waste Management for the purchase of Pyramat Matting to include sod staples. This item(s) was originally funded in FY05-06 as a non-capital item. These funds were carried forward from FY05-06 and budgeted as a Capital Item for FY06-07. Installation of this matting is the next step towards completing an ongoing effort to abate erosion problems in the landfill. Lexington County Public Works and Solid Waste Management personnel have been actively involved in this abatement process for the past several months. This Pyramat matting and component supplies are necessary to meet South Carolina Department of Health and Environmental Control (DHEC) requirements for Sediment and Erosion Control in the landfill. This particular product meets the recommended specifications of both DHEC and the County's contracted environmental engineers. Solid Waste Management has used this product in the past for this same purpose in other areas of the landfill with very positive results. The product comes with a lifetime warranty.

This has been deemed a Sole Source through Pennington Seed Incorporated, as they are the sole authorized dealer for South Carolina.

The cost of this purchase is \$34,296.30 including, shipping and applicable sales tax.

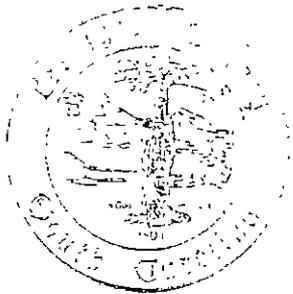
Funds are appropriated in the following account:

5700-121204-5A6523 - Erosion Control Pyramat w/Staples - \$34,296.30

I concur with the above recommendation and further recommend that this purchase be placed on County Council's agenda for their next scheduled meeting on August 22, 2006.

copy: Larry Porth, Director of Finance/Assistant County Administrator
Joe Mergo, III, Director of Solid Waste Management

The Minutes are left out intentionally until approved by Lexington County Council. Upon Council's approval, the minutes will be available on the internet.



COUNTY OF LEXINGTON, SOUTH CAROLINA

Community Development
County Administration Building (803) 785-8121
212 South Lake Drive Lexington, South Carolina 29072

ZONING TEXT AMENDMENT APPLICATION # T05-11

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

Article 2 - Application of Regulations; Chapter 3, Buffering Restrictions

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

In order to address the unique scenic vistas of waterways in Lexington County, this text amendment proposes to review the height regulations of the Zoning Ordinance as they apply to the shores of the Saluda River, the Edisto River, the Congaree River, and Lake Murray. The attached draft is proposed as a starting point for discussion.

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

Date 12/13/05

Signature

[Handwritten signature]

Name (print) Charles M. Compton, Planning Director
for Lexington County Council

Address 212 South Lake Drive

Lexington, South Carolina 29072

Telephone # (803) 785-8121

- 1. 12/13/05 Application Received
2. /NA/ Fee Received
3. 06/01/06 Newspaper Advertisement

7/20/05 Planning Commission Recommendation: Planning Commission

Recommends Approval.

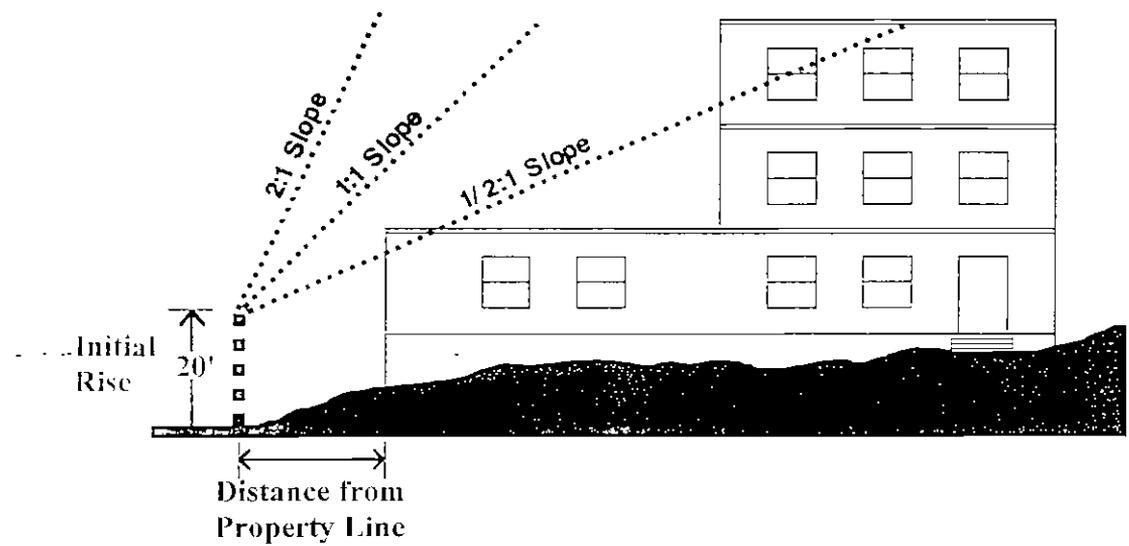
12/15 First Reading 6/20/06 Public Hearing 7/27/06 Second Reading / / Third Reading

Results.

Chapter 3. Buffering Restrictions

23.00 Height Regulations

Height regulations are based on the establishment of a height control slope. Initially, a 20-foot rise is permitted at the property line perpendicular to the property line. Then, based on the district concerned, and the activity involved, a height control slope is specified in terms of a ratio of vertical rise to horizontal distance. For example, a 2:1 ratio means that for every two feet of vertical rise, an additional one foot of horizontal distance is measured off into the interior of the property. The following diagram describes the nature of the height control slope:



The following chart is published to assist in determining the maximum permissible structure height allowed with various height control slopes. Heights are listed in feet based upon an initial 20-foot rise at the property line.

Distance from the Property Line	Height Control Slope					
	1/4:1	1/3:1	1:1	2:1	3:1	4:1
5	21.25	22.5	25	30	35	40
10	22.5	25	30	40	50	60
15	23.75	27.5	35	50	65	80
20	25	30	40	60	80	100
25	26.25	32.5	45	70	95	120
30	27.5	35	50	80	110	140
35	28.75	37.5	55	90	125	160
40	30	40	60	100	140	180
45	31.25	42.5	65	110	155	200
50	32.5	45	70	120	170	220
55	33.75	47.5	75	130	185	240
60	35	50	80	140	200	260
65	36.25	52.5	85	150	215	280
70	37.5	55	90	160	230	300
75	38.75	57.5	95	170	245	320
80	40	60	100	180	260	340
85	41.25	62.5	105	190	275	360
90	42.5	65	110	200	290	380
95	43.75	67.5	115	210	305	400
100	45	70	120	220	320	420

A maximum of two above-ground stories are permitted in the LC District.

The chart in Section 23.50 lists the height requirements of this ordinance by activity type and location.

July 20, 2006 – The Planning Commission recommended some additional changes to the newly created Section 23.01. The proposed changes are unique to the Edisto and Saluda Rivers and are highlighted below.

23.01 Special Requirements for Waterfront Property

In order to protect the unique scenic vistas of significant waterways in Lexington County, special requirements are to be applied to the development of properties in the vicinity of the Saluda River, the Edisto River, the Congaree River, and Lake Murray. Where there are multiple methods for computing the allowed height for a building in this Chapter, the most restrictive shall apply.

Lake Murray: A special height control slope of ½:1 is to be used along the shores of Lake Murray where the regulated property is designated as a Restrictive Development District. If the property is designated as an Intensive Development District, then a height control slope of 2:1 shall apply. Along the shores of Lake Murray, the location of the initial 20-foot rise shall be considered to be the location of the 360-foot (mean sea level) contour. All property within 1000 feet of the 360-foot contour and designated as a Restrictive Development District shall also comply with the following additional height restrictions which are based on the street classification providing access to the proposed activity:

Local (L) Street – No building taller than 70 feet is allowed. That height is measured from the average elevation of the building as it leaves the ground.

Collector (C) Street – No building taller than 100 feet is allowed. That height is measured from the average elevation of the building as it leaves the ground.

Arterial (A) – Height of buildings shall be determined by the other requirements from this Chapter.

Congaree River: Because of the extremely varied terrain along the banks of this river, it is very difficult to determine the best elevation from which to measure the “initial 20-foot rise” referenced in Section 23.00. For this river this beginning elevation for calculating the height control slope for the waterfront property line shall be uniform along the river bank. That elevation shall be the same as the highest elevation on the property that falls within 300 feet of the waterfront property line. A height control slope of 1:1 shall apply to this waterfront property line.

Saluda River: Because of the unique scenic character of the Saluda River, stricter height requirements apply to the adjacent lands. All buildings within 500 feet of the waterfront property lines shall not exceed 40 feet. Buildings further than 500 feet but within 1000 feet of the waterfront property lines shall not exceed 60 feet. That height is measured from the **average highest** elevation of the building as it leaves the ground. A height control slope of 1:1 shall also apply to the waterfront property lines. ***For the purposes of this ordinance, the Saluda River is considered to begin 4000 feet downstream from its discharge point below the Lake Murray Dam.***

Edisto River: Because of the unique “black water” aspects of the North Fork of the Edisto River, stricter height requirements apply to the adjacent lands. All buildings within 500 feet of the waterfront property lines shall not exceed 40 feet. That height is measured from the **average highest** elevation of the building as it leaves the ground. A height control slope of 1:1 shall also apply to the waterfront property lines. For the purposes of this ordinance, the Edisto River is considered to begin at the I-20 bridge crossing.

The average elevation as referenced in these regulations shall be computed by selecting the halfway point between the highest and lowest ground elevations surrounding the structure.

buildings to residential activities must maintain a minimum three-foot setback from adjoining property lines. The chart in Section 23.50 lists two types of setbacks based on the type of activity and location. They are measured either from a road right-of-way or an adjoining property line. Setbacks abutting existing roads shall be measured from the proposed right-of-way as shown in the Right-of-Way Plan if that width is greater than the existing right-of-way. However, for Residential Detached or Mobile Home activities being established on an existing dead-end road, which has limited potential for future widening, the existing road right-of-way shall be used.

23.30 Screening

Screening consists of natural vegetation, landscaped vegetation (including planted berms), walls, or fences designed to lessen the visual interaction between adjacent activities or accessories thereto. Vegetation used for screening must be evergreen, drought-tolerant, and disease resistant. Screening may be required with no buffer involved, or in combination with a buffer. The height of the screening shall be sufficient to block the view of the activity for which the screening is required from the adjoining property. The substance of the screening shall be determined by the Zoning Administrator in consultation with the property owners involved and based on the nature of the activity proposed, with the final arbiter being the Board of Zoning Appeals. The two types of screening listed in the chart in Section 23.50 are total and partial, and are measured in linear feet. If the activity occurs within the designated distance of the property line, then that type screening is required. Total screening is defined as being visually opaque. Partial screening is defined as being approximately 50% visually opaque.

23.40 Architectural Standards

The buffering restrictions contained in this article are designed to improve the compatibility of adjoining activities, especially where a non-residential activity is located adjacent to a residential activity or within a Restrictive Development District. For that reason the more intense activities are required to meet larger buffering restrictions. Architectural standards are offered as an alternative to compliance with the full extent of these restrictions.

Any activity meeting the following architectural standards will be allowed to reduce the buffering restrictions of this article by 50%.

- a. Structures shall have an appearance that would be considered more of a residential than commercial style. They shall also have exterior elements that are created at a human scale.
- b. All structures will include the use of exterior materials that are commonly used for house construction in the area, such as brick, stucco, etc.
- c. Roofing design should generally be gabled rather than flat, mansard, etc., unless that is the residential roofing design in the area.
- d. Windows should generally be something other than solid expanses of glass. Smaller panes and windows with mullions, or other designs more compatible with the residential setting, would be expected as a part of the design.
- e. All accessory structures shall be designed with the same "residential pattern" as the primary structures. This would include accessory features such as porticos, sheds, canopies, equipment structures, other buildings, etc.
- f. All business signs will meet the standards found in Section 25.55, which concerns signs on scenic corridors and in Restricted Development Districts. In addition, business signs must be designed as "pedestal signs" that do not exceed a height of 12 feet. Marquee and canopy signs are not allowed and wall signs shall be the minimum size necessary to be readable from the adjoining road way or drive.
- g. A landscape plan must be proposed that exceeds the requirements of the Lexington County Landscape Ordinance by including shrubbery that enhances the site in the same way that it adds to the visual appeal of a residential setting.

In determining if a proposed development meets these architectural standards, the Zoning Administrator shall act as the initial evaluator and will be required to render a decision as to whether the proposed design meets the intent of this section of the Ordinance. Anyone disagreeing with that decision may file an appeal with the Board of Zoning Appeals which shall act as the final arbiter.

23.50 Chart of Buffering Restrictions

The columnar chart below lists the buffering restrictions defined in this chapter as they apply to specific activities. Following are general rules and special rules for interpreting the chart:

23.51 General Rules

1. The restrictive (R) requirements in the chart apply to protected property lines within a Restrictive Development District or those which serve as the boundary between a Restrictive Development District and a Limited Restriction District, a municipality within Lexington County, or an adjacent county.
2. The intensive (I) requirements in the chart apply to protected property lines within an Intensive Development District or those which serve as the boundary between an Intensive Development District and a Limited Restriction District, a municipality within Lexington County, or an adjacent county.
3. For property lines which serve as the boundary between a Restrictive Development District and an Intensive Development District, the restrictive (R) requirements shall apply for the protection of property on the Restrictive Development District side of the boundary relative to land uses on the Intensive Development District side of the boundary. Similarly, the intensive (I) requirements shall apply for the protection of property on the Intensive Development District side of the boundary relative to land uses on the Restrictive Development District side of the boundary.
4. When an activity is located on a parcel which is separated from surrounding protected property by existing road or railroad rights-of-way, by utility rights-of-way, by water bodies, or by other parcels, then the buffering restrictions applicable to that activity shall be measured across such separation from the protected property lines.
5. Activities that provide total screening using existing natural vegetation and/or landscaped vegetation (including planted berms) shall be eligible for a 50% reduction in buffer and setback requirements. Acceptability of screening for this reduction shall be determined by the Zoning Administrator. The following activities are not eligible: Detention Centers, Recycling Centers, Salvage/Wrecking Yards, Scrap Operations, Sexually Oriented Businesses, and Utility Substations.

23.52 Special Rules

However, the general rules above for interpreting the chart shall be modified by the special rules below in items "1" through "5" where applicable.

1. Grandfathered residential uses within an Intensive Development District shall be afforded the restrictive (R) requirements in the chart relative to land uses on surrounding properties in the following manner:

Those portions of the property lines of a grandfathered residential use which are within 125 feet of that use's principal activity [generally the building footprint(s)] shall be considered protected property lines to the extent of 100% of the restrictive (R) requirements in the chart relative to the applicable activity on the surrounding property.

Those portions of the property lines of a grandfathered residential use which are within 250 feet of, but more than 125 feet from, that use's principal activity [generally the building footprint(s)] shall be considered protected property lines to the extent of 50% of the restrictive (R) requirements in the chart relative to the applicable activity on the surrounding property. This 50% level of protection shall be determined by halving the distances imposed for the height, buffer, setback from adjoining property, total screening, and partial screening requirements.

Those portions of the property lines of a grandfathered residential use which are more than 250 feet from that use's principal activity [generally the building footprint(s)] shall be considered protected property lines to the extent of 100% of the intensive (I) requirements in the chart relative to the applicable activity on the surrounding property.

2. Those portions of the property lines of a parcel within a Restrictive Development District which serve as the boundary between the Restrictive Development District and an Intensive Development District,

and which have no grandfathered residential use within 125 feet, shall be considered protected property lines to the extent of 50% of the restrictive (R) requirements in the chart relative to the applicable activity in the Intensive Development District. This 50% level of protection shall be determined by halving the distances imposed for the height, buffer, setback from adjoining property, total screening, and partial screening requirements.

3. Notwithstanding special rules 1 and 2 above, certain portions of the property lines of a parcel within either a Restrictive Development District or an Intensive Development District, or both, upon which there is an existing non-residential principal activity, shall be considered protected property lines only to the extent of 100% of the intensive (I) requirements in the chart relative to the applicable activity on the surrounding property. The portions of the property line so protected shall be those within 250 feet of either the principal or accessory uses of this non-residential activity.
4. When a protected property line runs through or borders an impoundment of water, but not a free-flowing watercourse, then the distances imposed for the buffer, setback from adjoining property, total screening, and partial screening, but not height, requirements (as first determined by applying the general rules and special rules above) shall be measured such that each linear foot of traverse over the water impoundment shall count as only one half foot toward the total distance imposed. On Lake Murray the water impoundment is considered to be that area bounded by the 360-foot contour (MSL). Since screening of activities on water surfaces is not feasible, the partial screening requirements will typically control the distance separation over water impoundments.
5. All activities shall provide partial screening, as applicable, relative to Residential Detached and Mobile Home activity already in use or permitted prior to October 28, 1998, on surrounding properties also located in an Intensive Development District. In such cases the extent of this extra protection, if any, shall be determined in accordance with Special Rule #1

Any Residential Detached or Mobile Home activity in an Intensive Development District in use or permitted after October 27, 1998, shall be responsible for providing their own screening, if desired, from adjacent land uses.

ACTIVITIES		HEIGHT (#1)	BUFFER	SETBACKS from		SCREENING	
				Adjoining Property	Road R.O.W.	Total	Partial
Administrative Offices	R	½	20	30	30	30	50
	I	3					
Advertising Signs	R	¼	30	50	30	50	75
	I	3		10	10		
Additional height limitations are found in Section 25 60.							
Animal Operations	R	± ½		30	30		
	I	3					
Setbacks apply to buildings only							
Boat Docks	R	½	30	50	30	50	75
	I	2					
Bus and Transit Terminals	R	¼	70	100	50	150	225
	I	1					
Business Services	R	½	30	50	30	50	75
	I	3					
Cemeteries	R	± ½	10	10	30	20	40
	I	3	10	10	20		
Child or Adult Day Care	R	¼	30	50	30	50	75
	I	3					
Churches	R	¼	30	50	30		
	I	3					

ACTIVITIES

		HEIGHT (#ft)	BUFFER	SETBACKS from		SCREENING	
				Adjoining Property	Road R.O.W.	Total	Partial
Communication Towers	R	1	30	50	30	50*	100*
	I	4					
* Screening requirements apply to the first 20 feet of the tower above the ground.							
Community Education	R	¼	50	75	30	75	100
	I	2					
Construction Services	R	¼	70	100	50	150	225
	I	3					
Crops	R	± ½		30	30		
	I	3					
Setbacks apply to buildings only.							
Detention Centers	R	¼	300	400	100	1000	1500
	I	1	50	100	50	500	750
Total road frontage screening is required in any restrictive development district.							
Essential Services (Limited)	R	¼	30	50	30	50	75
	I	2					
Total road frontage screening is required for a utility substation in any restrictive district							
Essential Services (Extensive)	R	¼	50	75	30	50	75
	I	2					
Food Services	R	½	50	75	40	75	100
	I	2					
General Repair and Maintenance Services	R	¼	50	75	30	75	100
	I	3					
General Retail (Limited)	R	¼	50	75	40	75	100
	I	2					
General Retail (Extensive)	R	¼	70	100	50	150	225
	I	2					
Group Assembly (Limited)	R	¼	30	75	40	75	100
	I	3					
Group Assembly (Intermediate)	R	¼	70	100	50	100	150
	I	3					
Group Assembly (Extensive)	R	¼	100	250	100	150	300
	I	3					
Group Housing	R	± ½	20	20*	20		
	I	3					
* Setback must maintain a minimum 30' line of sight.							
Hospitals	R	¼	70	100	50	150	225
	I	3					
Kennels and Stables	R	¼	50	75	40	75	100
	I	2					

ACTIVITIES

		HEIGHT (#/1)	BUFFER	SETBACKS from		SCREENING	
				Adjoining Property	Road R.O.W.	Total	Partial
Landfills (Limited)	R	¼	50	150/200#	30	700	1000
	I	1	20	75/200#	20	300/700#	600/1000#
Landfills (Intermediate)	R	¼	100	200/500#	50	900	1400
	I	1	30	100/500#	20	400/900#	700/1500#
Landfills (Extensive)	R	¼	200	300/1000#	100	1200	2000
	I	1	70	100/1000#	50	600/1200#	900/2000#
Total road frontage screening is required in all districts.							
# This extra protection shall be afforded in all districts, but only relative to Residential Detached and Mobile Home activity already in use on surrounding properties. In such cases the extent of this extra protection, if any, shall be determined in accordance with Special Rule #1 as if the Residential Detached or Mobile Home activity was a Grandfathered Residential Use within an Intensive Development District.							
Manufacturing (Light Assembly)	R	¼	50	75	30	75	100
	I	3					
Manufacturing (Limited)	R	¼	70	100	50	150	225
	I	3					
Manufacturing (Intermediate)	R	¼	125	250	150	200	300
	I	2					
Manufacturing (Extensive)	R	¼	250	500	200	500	750
	I	1	100	150	100		250
Marinas	R	½	50	70	40	75	100
	I	3					
Medical Services	R	½	20	30	30	30	50
	I	3					
Military Installations	R	¼	500	1000	200	600	1000
	I	1	250	500	100		
Mining (Limited)	R	¼	50	150	30	700	1000
	I	1	20	75	20	300	600
Mining (Intermediate)	R	¼	100	200	50	900	1200
	I	1	30	100	20	400	700
Mining (Extensive)	R	¼	200	300	100	1200	1800
	I	1	70	100	50	600	900
Total road frontage screening is required in all districts.							
Mini-Parks	R	½	30	50	20		
	I	3					
Mini-Warehouses	R	¼	70	100	50	100	150
	I	3					
Mobile Homes	R	1		10*	20**		
	I	3		10*	20**		
* Setback may be reduced to 5' if a minimum 10' line of sight is maintained.							
** Setback from road rights-of-way may be reduced to a minimum of 5' on Local roads provided off-street parking and sight distance requirements are met.							

ACTIVITIES

		HEIGHT (#/A)	BUFFER	SETBACKS (from)		SCREENING	
				Adjoining Property	Road R.O.W.	Total	Partial
Mobile Home Parks (Limited)	R	± ½	0/30#	20/75#	30	0/50#	0/75#
	I	3	0/30#	20/75#	30	0/50#	0/75#
Mobile Home Parks (Extensive)	R	± ½	30/60#	75/150#	75	50/100#	75/150#
	I	3	0/60#	20/150#	30	0/100#	0/150#
# This extra protection shall be afforded in all districts, but relative to Residential Detached and Individual Mobile Home activity already in use on surrounding properties. In such case the extent of this extra protection, if any, shall be determined in accordance with Special Rule #1 as if the Residential Detached or Mobile Home activity was a Grandfathered Residential Use within an Intensive Development District.							
Natural Reserves	R	± ½			30		
	I	3					
Non-Assembly Cultural	R	½	20	30	30	30	50
	I	3					
Nursing Homes	R	½	30	50	30	50	75
	I	3					
Personal Convenience Services	R	½	30	50	30	50	75
	I	3					
Plant Nurseries	R	± ½		30	30		30
	I	3					
Power Plants	R	¼	250	500	200	500	750
	I	1	100	150	100		250
Professional Services	R	½	20	30	30	30	50
	I	3					
Radioactive Materials Handling	R	¼	4000	6000	500	8000	
	I	1	2000	3000	500	5000	
Railroad	R	¼	250	400	200	500	750
	I	3					
Recycling Centers	R		30	50	30	**	
	I					**	
** Total screening required							
Research Services	R	½	30	50	30	50	75
	I	3					
Residential Detached	R	1		10*	10**		
	I	3		10*	10**		
* Setback may be reduced to 5' if a minimum 10' line of sight is maintained. ** Setback from road rights-of-way may be reduced to a minimum of 5' on Local roads provided off-street parking and sight distance requirements are met.							
Residential Attached (two dwelling units)	R	1		10*	10**		
	I	3		10*	10**		
* Setback may be reduced to 5' if a minimum 10' line of sight is maintained. ** Setback from road rights-of-way may be reduced to a minimum of 5' on Local roads provided off-street parking and sight distance requirements are met.							

ACTIVITIES

		HEIGHT	BUFFER	SETBACKS: from		SCREENING	
		(#/1)		Adjoining Property	Road R.O.W.	Total	Partial
Residential Attached (three or more dwelling units)	R	+ ½	100#	20*/100#	20	120#	180#
	I	3		20*	20		
<p>* Setback may be reduced to 10' if a minimum 20' line of sight is maintained</p> <p>** Setback from road rights-of-way may be reduced to a minimum of 5' on Local roads provided off-street parking and sight distance requirements are met.</p> <p># This extra protection shall be afforded in all districts, but only relative to Residential Detached and Mobile Home activity already in use on surrounding properties. In such cases the extent of this extra protection, if any, shall be determined in accordance with Special Rule #1 as if the Residential Detached or Mobile Home activity was a Grandfathered Residential Use within an Intensive Development District</p>							
Retirement Centers/Assisted Living	R	+ ½	100#	10*/100#	30	120#	180#
	I	3		10*	30		
* # See category above							
Salvage/Wrecking Yard	R	¼	250	400	200	**	
	I	1	30	75	50	**	
** Total screening required							
Scrap Operations	R	¼	250	400	200		
	I	1	30	75	50		
Total screening is required in all districts.							
Speculative Development – Individual tenants must meet all applicable requirements for their principal activity and be permitted separately before locating within the designated development. Individual tenants may have less restrictive requirements than the Speculative Development.							
Business Parks Business Parks	R	¼	50	75	30	75	100
	I	2					
Shopping Centers	R	¼	70	100	50	150	225
	I	2					
Industrial Parks	R	¼	250	500	200	500	750
	I	1	100	150	100		250
Towing and Impoundment Lot	R	¼	50	75	30	75	100
	I	1					
Total screening of an impoundment yard is required in all districts.							
Trade Enterprises	R	¼	50	75	30	75	100
	I	2					
Transient Habitation	R	¼	70	100	50	150	225
	I	3					
Transport and Warehousing (Limited)	R	¼	70	100	50	100	150
	I	3					
Transport and Warehousing (Extensive)	R	¼	150	200	100	200	350
	I	2					
Transport Services	R	¼	30	50	30	50	75
	I	2					
Undertaking	R	½	20	30	30	30	50
	I	3					
Utilities (Limited)	R	½	20	30	20	30	50
	I	3					
Utilities (Intermediate)	R	¼	40	50	30	60	100
	I	2					

ACTIVITIES

		HEIGHT (#/1)	BUFFER	SETBACKS from		SCREENING	
				Adjoining Property	Road R.O.W.	Total	Partial
Utilities (Extensive)	R	¼	100	150	50	150	225
	I	1		50	50	75	125
Vehicle Parking	R	½	30	50	30	75	100
	I	3					
Road R O W, setback applies to building only.							
Vehicle Repair	R	¼	70	100	50	150	225
	I	1				25	50
Vehicle Sales	R	¼	70	100	50	150	225
	I	3					
Vehicle Servicing (Limited)	R	½	50	75	30	75	100
	I	2					
Vehicle Servicing (Extensive)	R	¼	70	100	40	100	175
	I	2					
Veterinarian	R	½	20	30	30	30	50
	I	3					
Zoos	R	¼	70	100	50	125	200
	I	3					



COUNTY OF LEXINGTON, SOUTH CAROLINA

Community Development

County Administration Building, 4th Floor
212 South Lake Drive, Lexington, SC 29072
(803)785-8121

ZONING TEXT AMENDMENT APPLICATION # T06-04

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

Article 2 - Application of Regulations; Chapter 1. Schedule of Permitted Uses, Chapter 2. General Requirements

Reason for the request: In order to better address the often intimate relationship between golf courses and the residential development along the fairways, a new definition of golf courses is proposed. That definition includes all of the activities associated with that type operation. Having such a definition will allow another opportunity to insure that fairways adjacent to any residential development can carry the same development limitations as the residential development without hindering the operation of the golf facilities.

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

Date of Application: 04-20-06

Phone #(s): work (803) 785-8121

Signature: [Handwritten Signature] Printed Name: Charles M. Compton

Street/Mailing Address: 212 South Lake Dr, Lexington, SC 29072

Table with 2 columns: Date, Event. Rows: 04-20-06 Application Received, 6/01/06 Newspaper Advertisement

Table with 2 columns: Date, Event. Rows: N/A Fee Received, 7/20/06 Planning Commission

Planning Commission Recommendation: Planning Commission Recommends Approval.

Table with 4 columns: Date, Event, Date, Event. Rows: 05-09-06 First Reading, 06-20-06 Public Hearing, 7/25/06 Second Reading, Third Reading

Results:

Communication Towers include those used for radio, television, and telephone transmittal. The buildings attendant to such use may be incorporated into the Business Services activity.

Community Education activities include public, parochial, and private kindergartens, primary and secondary schools, colleges, junior colleges, technical education centers, and universities. Day care centers, stadiums, dormitories and other activities attendant to scholastic endeavors shall be dealt with as separate activity types, not to be included within the scope of this definition.

Construction Services include the storage of materials and equipment used to operate a construction business

Crops include the raising of trees, vines, field, forage or other plant crops intended to provide food or fiber.

Detention Centers, prisons, or correctional institutions, but not half-way houses.

Essential Services include all facilities which provide power, communications, or personal health protection and emergency services as specified below. Any such facility owned and/or operated by the Irmo Fire District is exempt from the provisions of this Ordinance, provided all locations are approved by Lexington County Council.

Essential Services (Limited) shall include communication equipment installations and exchanges, natural gas substations, electric substations, neighborhood newspaper distribution centers, and post offices (excluding major mail processing centers).

Essential Services (Extensive) shall include recycling stations, solid waste transfer stations, law enforcement stations, fire stations, ambulance substations, and emergency first aid stations.

Food Services include functions performed by restaurants or other establishments wherein prepared food or beverages are sold for take-out, home delivery, or on-site consumption. A drive-through operation is considered accessory to the performance of the activity. Entertainment activities accessory to the principal activity may be permitted

General Repair and Maintenance Services include activities such as appliance repair, furniture repair and/or refinishing, electronics repair, small engine repair, welding shops (excluding fabrication), and minor mechanical repairs. Work is completed primarily on-site, to include the storage of parts and items under repair.

General Retail (Limited) activities include the wholesale or retail sale or rental of goods or services customarily associated with clothing shops, convenience stores, drug stores, jewelry shops, florist shops, specialty gift shops, appliance stores, pet shops, hardware stores, garden supply shops, shoe stores, book stores, art studios, photography studios, stationery stores, and the like wherein the goods or services are offered at one location, either in the same building or in a series of buildings, which, in the aggregate, do not exceed 5,000 square feet in size. This activity also includes the sale of tires, batteries and vehicle accessories wherein the storage and/or display of goods and materials is conducted inside the buildings. The dispensing of petroleum products may be included as accessory to a General Retail (Limited) activity. Amusement centers featuring electronic games shall be included within this activity type.

General Retail (Extensive) activities include the wholesale or retail sale or rental of goods or services wherein a wide variety of such goods or services are offered at one location, either in the same building or in a series of buildings.

Golf Courses include the playing course itself as well as the support activities essential to its operation such as pro shop, food service, group assembly (for less than 500 participants), maintenance sheds, daylight driving range, and cart storage. Any other activities must meet the requirements of the appropriate category as defined in this section.

Group Assembly (Limited) activities include the provision of cultural, entertainment, educational, recreational, and athletic services to assembled groups of spectators or participants smaller than 250 in number. This activity includes clubs, lodges, meeting halls, and temporary festivals. It also includes a single lane boat ramp access into a body of water provided it is not available to the general public. Parcels located on water may also support fishing piers, swimming areas, and courtesy docks provided no water craft are

agencies having jurisdiction over such activities. A list of these agencies shall be maintained by the Zoning Administrator.

Medical Services include the therapeutic, preventative, or corrective personal treatment of people normally performed by physicians, dentists, or other practitioners, as well as medical testing and analysis services. This activity may include a public health clinic but would exclude any facilities providing extended or inpatient care.

Military Installations.

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.

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.

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.

- b. The provisions of Chapters 2, 3, and 4 of this Article shall apply in all districts to all listed activities as applicable. The application of these provisions may prohibit an activity from locating in a particular district.
- c. Within the Limited Restriction (LR) district, all activities except the following are permitted without review for compliance with the specific provisions of this Ordinance:

- Extremely Hazardous Materials as regulated by Article 3
- Mining Operations as regulated by Article 8
- Mobile Home Parks as regulated by Article 7
- Sexually Oriented Businesses as regulated by Article 10

21.31 Chart of Permitted Activities by District

Those activities that are marked by an asterisk (*) are allowed only when granted a special exception by the Board of Zoning Appeals as outlined in Article 12 of this Ordinance.

R1	R2	R3	D	RA	RD	LC	C1	C2	ID	LR	ACTIVITIES
					✓	✓	✓	✓	✓	✓	Administrative Offices
					✓		✓	✓	✓	✓	Advertising Signs
				✓	✓	✓	✓	✓	✓	✓	Airports
			✓	✓	✓				✓	✓	Animal Operations
		✓		✓	✓		✓	✓	✓	✓	Boat Docks
					✓				✓	✓	Bus and Transit Terminals
					✓			✓	✓	✓	Business Services
	✓	✓	✓	✓	✓			✓	✓	✓	Cemeteries
	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Child or Adult Day Care
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Churches
					✓				✓	✓	Communication Towers
✓	✓	✓	✓	✓	✓			✓	✓	✓	Community Education
					✓			✓	✓	✓	Construction Services
			✓	✓	✓				✓	✓	Crops
					✓				✓	✓	Detention Centers
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Essential Services (Limited)
	✓	✓	✓	✓	✓			✓	✓	✓	Essential Services (Extensive)
				✓	✓			✓	✓	✓	Food Services
					✓			✓	✓	✓	General Repair and Maintenance Services
					✓			✓	✓	✓	General Retail (Limited)
					✓			✓	✓	✓	General Retail (Extensive)
✓##	✓##	✓##	✓##	✓	✓	✓	✓	✓	✓	✓	Golf Courses
✓#	✓#	✓#	✓#	✓	✓			✓	✓	✓	Group Assembly (Limited)
				✓	✓			✓	✓	✓	Group Assembly (Intermediate)
					✓			✓	✓	✓	Group Assembly (Extensive)
		✓	✓	✓	✓	✓	✓	✓	✓	✓	Group Housing
					✓			✓	✓	✓	Hospitals
			✓	✓	✓				✓	✓	Kennels and Stables
					✓				✓	✓	Landfills (Limited)
					✓				✓	✓	Landfills (Intermediate)
					✓				✓	✓	Landfills (Extensive)
					✓			✓	✓	✓	Manufacturing (Light Assembly)
					✓				✓	✓	Manufacturing (Limited)
					✓				✓	✓	Manufacturing (Intermediate)
					✓				✓	✓	Manufacturing (Extensive)
					✓			✓	✓	✓	Marinas

R1	R2	R3	D	RA	RD	EC	C1	C2	ID	ER	ACTIVITIES
					✓	✓	✓	✓	✓	✓	Medical Services
					✓				✓	✓	Military Installations
			✓		✓			✓	✓	✓	Mining (Limited)
					✓				✓	✓	Mining (Intermediate)
					✓				✓	✓	Mining (Extensive)
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Mini-Parks
					✓			✓	✓	✓	Mini-Warehouses
	✓	✓	✓	✓	✓		✓	✓	✓	✓	Mobile Homes
		✓			✓			✓	✓	✓	Mobile Home Parks (Limited) *
		✓			✓			✓	✓	✓	Mobile Home Parks (Extensive) *
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Natural Reserves
				✓	✓	✓	✓	✓	✓	✓	Non-Assembly Cultural
	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Nursing Homes
					✓		✓	✓	✓	✓	Personal Convenience Services
			✓	✓	✓	✓	✓	✓	✓	✓	Plant Nurseries
					✓				✓	✓	Power Plants
					✓	✓	✓	✓	✓	✓	Professional Services
					✓				✓	✓	Radioactive Materials Handling
					✓				✓	✓	Railroad
					✓				✓	✓	Recycling Centers
					✓			✓	✓	✓	Research Services
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Residential Detached
	✓	✓			✓	✓	✓	✓	✓	✓	Residential Attached (2 dwelling units)
		✓			✓			✓	✓	✓	Residential Attached (3 or more dwelling units)
		✓			✓			✓	✓	✓	Retirement Centers/Assisted Living
					✓				✓	✓	Salvage/Wrecking Yard
					✓				✓	✓	Scrap Operations
					✓		✓	✓	✓	✓	Business Parks
					✓			✓	✓	✓	Shopping Centers
					✓				✓	✓	Industrial Parks
					✓			✓	✓	✓	Towing and Impoundment Lot
					✓			✓	✓	✓	Trade Enterprises
					✓			✓	✓	✓	Transient Habitation
					✓			✓	✓	✓	Transport and Warehousing (Limited)
					✓				✓	✓	Transport and Warehousing (Extensive)
					✓		✓	✓	✓	✓	Transport Services
					✓			✓	✓	✓	Undertaking
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Utilities
					✓			✓	✓	✓	Vehicle Parking
					✓			✓	✓	✓	Vehicle Repair
					✓			✓	✓	✓	Vehicle Sales
					✓		✓	✓	✓	✓	Vehicle Servicing (Limited)
					✓			✓	✓	✓	Vehicle Servicing (Extensive)
				✓	✓			✓	✓	✓	Veterinarian
				✓	✓			✓	✓	✓	Zoos

The permitting of this activity in these districts is allowed only if the Group Assembly (Limited) activity is a membership facility owned, operated, and used by the property owners in the surrounding residential area for which the facility is being established.

The permitting of this activity in these districts is allowed only if the Golf Course activity is a part of a planned development that includes residential development as a part of its design.

A	C	E	RE6	RE5	RE4	UE & Max. Limits	ACTIVITIES
✓	✓	✓				✓ .09 FAR	Administrative Offices
✓							Advertising Signs
✓	✓	✓					Airports
✓	✓	✓					Animal Operations
✓	✓	✓					Boat Docks
✓	✓						Bus and Transit Terminals
✓	✓	✓				✓ .05 FAR	Business Services
✓	✓	✓				✓	Cemeteries
✓	✓	✓					Child or Adult Day Care
✓	✓	✓					Churches
✓	✓	✓				✓ .03 FAR	Communication Towers
✓	✓	✓					Community Education
✓	✓	✓					Construction Services
✓	✓	✓				✓	Crops
✓	✓						Detention Centers
✓	✓	✓				✓	Essential Services (Limited)
✓	✓	✓					Essential Services (Extensive)
✓	✓	✓					Food Services
✓	✓	✓					General Repair and Maintenance Services
✓	✓	✓				✓ .03 FAR	General Retail (Limited)
✓	✓	✓				✓ .03 FAR	General Retail (Extensive)
✓	✓	✓	✓##	✓##	✓##		Golf Courses
✓	✓	✓	✓*	✓*	✓*		Group Assembly (Limited)
✓	✓	✓	✓*	✓*	✓*		Group Assembly (Intermediate)
✓	✓	✓#					Group Assembly (Extensive)
✓	✓	✓	✓			✓ 5.5 DU/acre	Group Housing
✓	✓	✓#					Hospitals
✓	✓	✓					Kennels and Stables
✓	✓	✓					Landfills (Limited)
✓	✓	✓**					Landfills (Intermediate)
✓	✓**						Landfills (Extensive)
✓	✓	✓					Manufacturing (Light Assembly)
✓	✓	✓					Manufacturing (Limited)
✓	✓	✓					Manufacturing (Intermediate)
✓	✓						Manufacturing (Extensive)
✓	✓	✓					Marinas
✓	✓	✓				✓ .07 FAR	Medical Services
✓	✓						Military Installations
✓	✓	✓					Mining (Limited)
✓	✓	✓					Mining (Intermediate)
✓	✓						Mining (Extensive)
✓	✓	✓	✓	✓	✓	✓	Mini-Parks
✓	✓	✓					Mini-Warehouses
✓	✓	✓	✓	✓	✓	✓ 4 DU/acre	Mobile Homes
✓	✓	✓	✓			✓ 6 DU/acre	Mobile Home Parks
✓	✓	✓	✓	✓	✓	✓	Natural Reserves
✓	✓	✓	✓				Non-Assembly Cultural
✓	✓	✓				✓ 12 Beds/acre	Nursing Homes

AG	CG	AT	RE6	RE5	RE4	FE & Max. Limits	ACTIVITIES
✓	✓	✓				✓ 03 FAR	Personal Convenience Services
✓	✓	✓				✓	Plant Nurseries
✓	✓						Power Plants
✓	✓	✓				✓ 09 FAR	Professional Services
✓	✓						Radioactive Materials Handling
✓	✓						Railroad
✓	✓	✓					Recycling Centers
✓	✓	✓				✓ .09 FAR	Research Services
✓	✓	✓	✓	✓	✓	✓ 4 DU/acre	Residential Detached
✓	✓	✓	✓	✓		✓ 4 DU/acre	Residential Attached(2 Dwelling Units)
✓	✓	✓	✓			✓ 6 DU/acre	Residential Attached(3 or more Dwelling Units)
✓	✓	✓	✓			✓ 6 DU/acre	Retirement Centers/Assisted Living
✓	✓	✓					Salvage/Wrecking Yard
✓	✓	✓					Scrap Operations
✓	✓	✓					Business Parks
✓	✓	✓					Shopping Centers
✓	✓	✓					Industrial Parks
✓	✓	✓					Towing and Impoundment Lot
✓	✓	✓					Trade Enterprises
✓	✓	✓					Transient Habitation
✓	✓	✓					Transport & Warehousing (Limited)
✓	✓	✓					Transport & Warehousing (Extensive)
✓	✓	✓					Transport Services
✓	✓	✓					Undertaking
✓	✓	✓	✓	✓	✓	✓	Utilities
✓	✓	✓					Vehicle Parking
✓	✓	✓				✓	Vehicle Repair
✓	✓	✓				✓ 03 FAR	Vehicle Sales
✓	✓	✓					Vehicle Servicing (Limited)
✓	✓	✓					Vehicle Servicing (Extensive)
✓	✓	✓					Veterinarian
✓	✓	✓					Zoos

* Access by these classifications is allowed only if the Group Assembly (Limited) activity is a membership facility owned, operated, and used by the property owners in the surrounding residential area for which the facility is being established.

** Access by these classifications is allowed only if the street is paved.

Access by this classification is allowed only if the activity also has access to an Arterial or Collector Street.

Access by this classification is allowed only if the Golf Course activity is a part of a planned development that includes residential development as a part of its design.

22.10 Driveway and Street Restrictions

22.11 Vision Clearance

For the safety of the traveling and pedestrian public, all intersections will maintain a vision clearance triangle. These triangles must be kept clear of all vegetation, walls, or structures between a height of two and one-half (2.5) feet and ten (10) feet to provide for safer movement of motorists and pedestrians. Depending on the location, intersections must meet one of the following criteria:



COUNTY OF LEXINGTON, SOUTH CAROLINA

Community Development

County Administration Building, 4th Floor
212 South Lake Drive, Lexington, SC 29072
(803)785-8121

ZONING MAP AMENDMENT APPLICATION # **M06-12**

Address and/or description of the property for which the amendment is requested:

West Side of Charter Oak Road between US 1 and US 378

Zoning Classifications. (Current) Restrictive Development (RD) (Proposed) Intensive Development (ID)

TMS#: 004200-05-005 Property Owner: Marshall Hartmann

Reason for the request: The change in the zoning district is requested to reduce the buffer restrictions for a proposed office complex and craft storage area.

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

Date of Application: 8/4/2006 Applicant: Owner Agent

Phone #(s): cell (803)206-7003 _____

Signature: Printed Name: Reggie Enlow

Street/Mailing Address: 955 Old Cherokee Road, Lexington 29072

8/4/2006	Application Received
	Newspaper Advertisement
	Notices Mailed

8/4/2006	Fee Received
	Property Posted
	Planning Commission

Planning Commission Recommendation: _____

<u>8/22/06</u> First Reading	Public Hearing	Second Reading	Third Reading
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Results: _____



ZONING MAP AMENDMENT REQUEST #M06-12

ORDINANCE NO. 06-09

AN ORDINANCE TO IMPOSE THE PROVISIONS AS ALLOWED BY SOUTH CAROLINA CODE SECTION 12-37-670 SO AS TO ALLOW IMPROVEMENTS THAT ARE COMPLETED ON OR BEFORE JUNE 30TH TO BE TAXABLE FOR THE PERIOD FOR JULY 1ST TO DECEMBER 31ST OF THAT PROPERTY TAX YEAR.

WHEREAS, the General Assembly has amended 12-37-670 to allow for taxation of improvements to real property that are completed on or before June 30, of the property tax year; and

WHEREAS, the provisions of the South Carolina Code §12-37-670(b)(2) provides for any improvement listed with the County Auditor on or before June 30 to pay additional property tax for the period from July 1st to December 31st for that property year; and

WHEREAS, the provisions of 12-32-670 require the County to enact an Ordinance to impose the provisions of the state statute.

NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE LEXINGTON COUNTY COUNCIL, AS THE GOVERNING BODY OF LEXINGTON COUNTY, SOUTH CAROLINA, IN MEETING DULY ASSEMBLED:

Section 1

The provisions of S.C. Code Section 12-37-670(b) are hereby adopted and incorporated herein and specifically provide as follows:

- 1) An owner of land on which a new structure has been erected and that has not been appraised for taxation shall list the new structure for taxation with the County Auditor of the County in which it is located by the first day of the next month after a certificate of occupancy is issued for the structure. A new structure must not be listed or assessed until it is completed and fit for the use for which it is intended, as evidenced by the issuance of the certificate of occupancy.
- 2) Additional property tax attributable to improvements listed with the County Auditor on or before June 30th is due for the period from July 1st to December 31st for that property year, and payable when taxes are due on the property for that property tax year. Additional property tax attributable to improvements listed with the County Auditor after June 30th of the property tax year is due and payable when taxes are due on the property for the next property tax year.

Section 2

Pursuant to the provisions of 12-37-670(b)(3), the provisions of this ordinance are also binding on all municipalities within the County.

Section 3--Effective Date

The provisions of this ordinance shall be effective for the 2007 real property tax year.

Enacted this ____ day of _____, 2006.

Chairman, Lexington County Council

Attest:

Diana Burnett, Clerk

First Reading: _____

Second Reading: _____

Public Hearing: _____

Third & Final Reading: _____

Filed w/Clerk of Court: _____

COMMITTEE REPORT

RE: Lexington County Recreation Request

DATE: July 26, 2006

COMMITTEE: Public Works

MAJORITY REPORT: Yes

The Public Works Committee convened on Tuesday, July 25, 2006 to consider a request by Jay Criscione, Executive Director of the Lexington County Recreation and Aging Commission.

Mr. John Fechtel, Director of Public Works, stated that he received a letter from Mr. Criscione requesting permission to use a small portion (310' by 310') of county property located on the back southwest corner of the County maintenance facility located at Ball Park Road to establish a ball field that will link to their existing park.

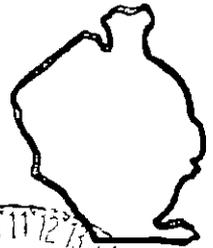
Mr. Fechtel stated that this site may be on top of an old landfill and recommended that the County not allow any permanent structures such as light posts, fencing, etc. be installed.

If permanent structures are needed by the Lexington County Recreation and Aging Commission, it is understood that the Lexington County Recreation and Aging Commission will have to formally request from County Council that they be allowed to procure engineering services to conduct a study of the conditions of the site for SCDHEC approval.

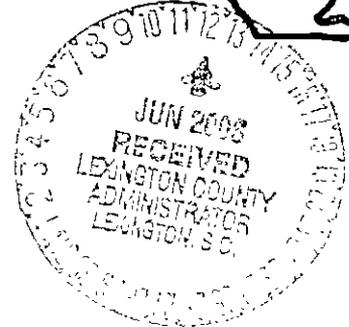
The Public Works Committee voted to recommend that Council approve the request and that the County follow the County Zoning Ordinance for set back requirements.



COUNTY OF LEXINGTON
PUBLIC WORKS DEPARTMENT
ENGINEERING



MEMORANDUM



DATE: June 12, 2006

TO: Katherine Doucett
County Administrator

FROM: John Fachtel, Public Works Director
Assistant County Administrator 

RE: Lexington County Recreation Request

Attached is a request from Jay Criscione, Executive Director of Recreation and Aging Commission, for use of additional property for another ball field on Ball Park Road. Also attached are two (2) maps.

- 1) Overall location of site requested
- 2) Site plan in greater detail. Public Works does not have a concern with this location other than it may be on top of the old landfill. We would need to verify that this type of facility could be used on this area and under what conditions.

We recommend County Council approving this site for a ball field based on their engineer clarifying this issue with SCDHEC

Lexington County Recreation & Aging Commission

563 South Lake Drive, Lexington, South Carolina 29072

803-359-4048

John J. Criscione
Executive Director

June 9, 2006

Mr. John Fachtel
Director of Public Works
Lexington County

Dear John,

Per our discussion I would like to ask permission from Council to use a small portion of County property located on the back southwest corner of the County maintenance facility in Lexington to establish a ball field that will link to our existing park. It appears that this acreage is on the old landfill, which would restrict its usage for County services.

I would also like to request that we increase the size of the property so that the right angles would show 310 feet as opposed to the 210 feet you and I first discussed.

If this is agreeable with you and council please advise at your convenience.

Sincerely,

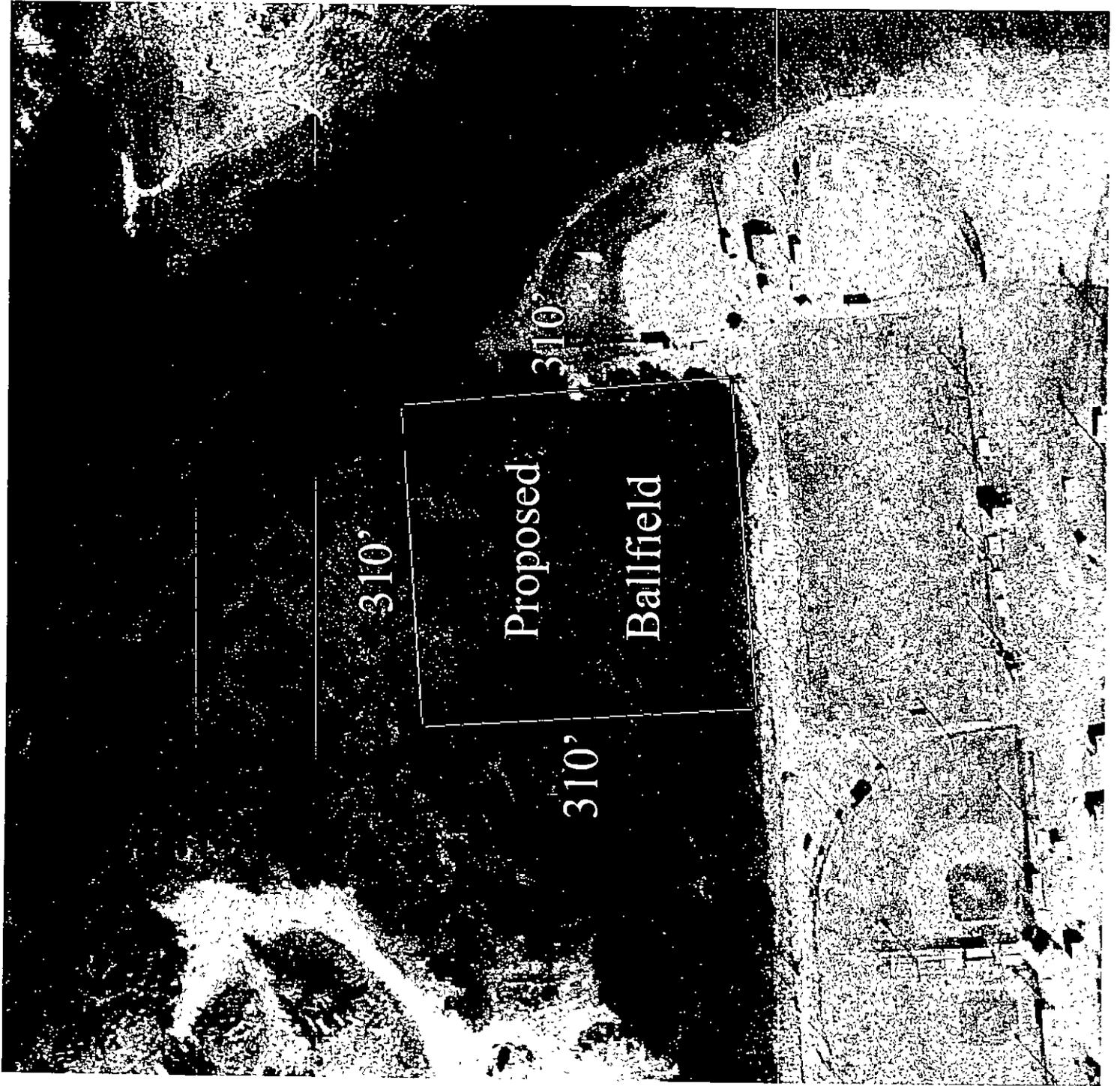


Mr. John J. Criscione
Executive Director
LCRAC



Long Life & Happiness







COUNTY OF LEXINGTON, SOUTH CAROLINA

Community Development

County Administration Building, 4th Floor
212 South Lake Drive, Lexington, SC 29072
(803)785-8121

ZONING MAP AMENDMENT APPLICATION # M06-06

Address and/or description of the property for which the amendment is requested:

Applicant requests to change Road Classification of Indian River Drive from Local(L) to Residential Local Four(RL4) road.

Zoning Classifications: (Current) Local (Proposed) RL4

TMS#: Property Owner:

Reason for the request: In order to keep character of the immediate area to single family residential only.

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

Date of Application: 05/09/06 Applicant: Owner [] Agent [x]

Phone #(s): home 803-755-9820 work 803-755-3325

Signature: [Signature] Printed Name: Joe Mergo, III

Street/Mailing Address: 112 Pinehurst Court, West Columbia SC 29170

Table with 2 columns: Date, Action. Rows: 05/09/06 Application Received, 08/03/06 Newspaper Advertisement, 08/07/06 Notices Mailed

Table with 2 columns: Date, Action. Rows: 05/09/06 Fee Received, Property Posted, Planning Commission

Planning Commission Recommendation:

Table with 4 columns: Date, Action. Rows: 05/23/06 First Reading, 8/22/06 Public Hearing, Second Reading, Third Reading

Results:

STAFF SUMMARY
ZONING MAP AMENDMENT #M06-06

Description of the Amendment: This map amendment request is for a change in road classification from Local (L) to Residential Local Four (RL4) road.

Character of the Area: Single Family Residential off of Indian River Drive with the Indian River Golf Course on either side of the road.

Zoning History: A small section of Indian River Drive is in the Eastern Lexington County Planning area zoned on February 14, 1980. The majority of Indian River Drive is in the Central Lexington County Planning area zoned on December 9, 1986. Since 1990, there have been five (5) map amendment requests in the area.

Council District: Five - Mr. Bobby C. Keisler

Attachments: Chart of Allowed Uses by Zoning District
Political Boundaries Maps
Location Maps

Chapter 2. General Requirements

22.00 Street Classifications and Access

All streets on the zoning maps shall be designated one of the following classifications as shown on the Right-of-Way Plan. The columnar chart which follows in Section 22.02 identifies the type street required to provide access to each activity.

Arterial (A): A street of regional importance or a main road of the community which is expected to carry either heavy vehicular traffic volumes or high-speed traffic or both. Traffic intensive commercial, industrial and high-density residential activities should be encouraged to develop on Arterial roads.

Collector (C): A street which is used or intended to be used for moving traffic from local streets to Arterials. Collectors are generally shorter than Arterials, but carry high volumes of traffic. Therefore, development of land along Collectors should be compatible with high traffic volumes.

➔ Local (L): A street which primarily provides access to nonresidential land uses and connects residential streets to the Arterials and Collectors. Land uses should be compatible with higher traffic volumes. However, the most intensive land uses which generate extremely high levels of traffic should be prohibited from direct access. The following additional categories of Local streets are established to handle the special circumstances described:

Residential Local Six (RL6): A street with frontage over 50% residentially developed at the time of enactment of this Ordinance or platted as a residential subdivision. This type street is intended to accommodate residential activities at six dwelling units per acre. Access will be limited to this type development and allowed home occupations or accessory activities.

Residential Local Five (RL5): A street with frontage over 50% residentially developed at the time of enactment of this Ordinance or platted as a residential subdivision. This type street is intended to accommodate some residential activities at five dwelling units per acre. Access will be limited to this type development and allowed home occupations or accessory activities.

➔ Residential Local Four (RL4): A street with frontage over 50% residentially developed at the time of enactment of this Ordinance or platted as a residential subdivision. This type street is intended to accommodate some residential activities at four dwelling units per acre. Access will be limited to this type development and allowed home occupations or accessory activities.

Limited Local (LL): A street that contains a locational or design flaw which limits traffic volume. The conditions of the problem should be virtually impossible to correct or very unlikely to be improved. Access to this type street will be limited to those activities expected to generate traffic volumes equal to or less than Detached Residential development at four dwelling units per acre.

22.01 New Streets Created

Whenever new streets are added to the roadway system within the zoning jurisdiction of Lexington County, these streets shall be classified according to the criteria specified within this section. The Zoning Administrator, upon the approval and confirmation of the classification by the Planning Commission, shall cause same to be placed upon the zoning map.

22.02 Chart of Permitted Access by Street Classification

The following chart designates the street classifications necessary to access each of the major activities. A principal activity which is restricted from access to a specific street classification may not locate where the activity is reachable only through the use of a street with such a restricted classification.

There are limits placed on some activities allowed to access a Limited Local (LL) street classification. The last column in the chart describes the specific nature of these limits where they exist. They are expressed in either maximum number of dwelling units (DU) per acre, maximum number of beds per acre, or maximum floor area ratio (FAR). A floor area ratio is an expression of the total floor area of a structure

of building, including useable basements, compared to the total lot area. For example, a 1,000 square foot building on a 10,000 square foot lot would have a floor area ratio of .10.

A	C	L	RE6	RE5	RE4	LI & Max. Limits	ACTIVITIES
X	X	X				X .09 FAR	Administrative Offices
X							Advertising Signs
X	X	X					Airports
X	X	X					Animal Operations
X	X	X					Boat Docks
X	X						Bus and Transit Terminals
X	X	X				X .05 FAR	Business Services
X	X	X				X	Cemeteries
X	X	X					Child or Adult Day Care
X	X	X					Churches
X	X	X				X .03 FAR	Communication Towers
X	X	X					Community Education
X	X	X					Construction Services
X	X	X				X	Crops
X	X						Detention Centers
X	X	X				X	Essential Services (Limited)
X	X	X					Essential Services (Extensive)
X	X	X					Food Services
X	X	X					General Repair and Maintenance Services
X	X	X				X .03 FAR	General Retail (Limited)
X	X	X				X .03 FAR	General Retail (Extensive)
X	X	X	X*	X*	X*		Group Assembly (Limited)
X	X	X	X*	X*	X*		Group Assembly (Intermediate)
X	X	X#					Group Assembly (Extensive)
X	X	X	X			X 5.5 DU/acre	Group Housing
X	X	X#					Hospitals
X	X	X					Kennels and Stables
X	X	X					Landfills (Limited)
X	X	X**					Landfills (Intermediate)
X	X**						Landfills (Extensive)
X	X	X					Manufacturing (Light Assembly)
X	X	X					Manufacturing (Limited)
X	X	X					Manufacturing (Intermediate)
X	X						Manufacturing (Extensive)
X	X	X					Marinas
X	X	X				X .07 FAR	Medical Services
X	X						Military Installations
X	X	X					Mining (Limited)
X	X	X					Mining (Intermediate)
X	X						Mining (Extensive)
X	X	X	X	X	X	X	Mini-Parks
X	X	X					Mini-Warehouses
X	X	X	X	X	X	X 4 DU/acre	Mobile Homes
X	X	X	X			X 6 DU/acre	Mobile Home Parks



A	C	E	RL6	RL5	RL4	LL & Max. Limits	ACTIVITIES
X	X	X	X	X	X	X	Natural Reserves
X	X	X	X				Non-Assembly Cultural
X	X	X				X 12 Beds/acre	Nursing Homes
X	X	X				X .03 FAR	Personal Convenience Services
X	X	X				X	Plant Nurseries
X	X						Power Plants
X	X	X				X .09 FAR	Professional Services
X	X						Radioactive Materials Handling
X	X						Railroad
X	X	X					Recycling Centers
X	X	X				X .09 FAR	Research Services
X	X	X	X	X	X	X 4 DU/acre	Residential Detached
X	X	X	X	X		X 4 DU/acre	Residential Attached (2 Dwelling Units)
X	X	X	X			X 6 DU/acre	Residential Attached (3 or more Dwelling Units)
X	X	X	X			X 6 DU/acre	Retirement Centers/Assisted Living
X	X	X					Salvage/Wrecking Yard
X	X	X					Scrap Operations
X	X	X					Business Parks
X	X	X					Shopping Centers
X	X	X					Industrial Parks
X	X	X					Towing and Impoundment Lot
X	X	X					Trade Enterprises
X	X	X					Transient Habitation
X	X	X					Transport & Warehousing (Limited)
X	X	X					Transport & Warehousing (Extensive)
X	X	X					Transport Services
X	X	X					Undertaking
X	X	X	X	X	X	X	Utilities
X	X	X					Vehicle Parking
X	X	X				X	Vehicle Repair
X	X	X				X .03 FAR	Vehicle Sales
X	X	X					Vehicle Servicing (Limited)
X	X	X					Vehicle Servicing (Extensive)
X	X	X					Veterinarian
X	X	X					Zoos

- * Access by these classifications is allowed only if the Group Assembly (Limited) activity is a membership facility owned, operated, and used by the property owners in the surrounding residential area for which the facility is being established.
- ** Access by these classifications is allowed only if the street is paved.
- # Access by this classification is allowed only if the activity also has access to an Arterial or Collector Street.

22.30 Residential Density

Residential types of activities as permitted in R1, R2, R3, D, and RA districts are subject to maximum density limits to support the contemplated activity. Density is to be measured as the total area of land within the property boundaries, including those which are permanently under water or subject to inundation, or which are contained in an easement, proposed roads, or other grant of use. However, density calculations shall not include rights-of-way for existing roads

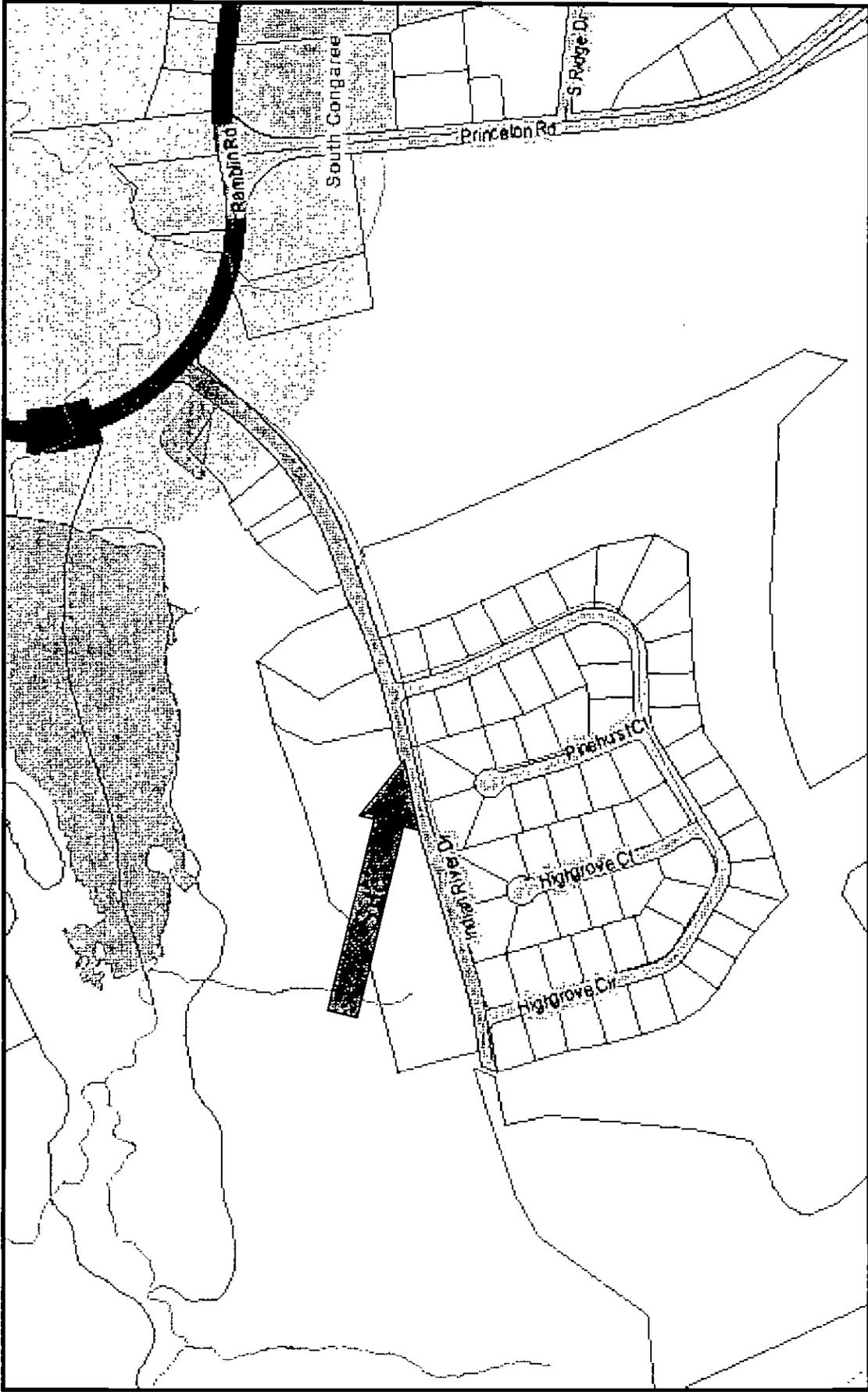
The allowable density of residential development shall be in accord with the following listings for the zoning districts and road classifications, the most restrictive of which shall apply. Minimum lot areas are then established via this table in conjunction with adherence to the buffering restrictions of Article 2, Chapter 3. However, nothing contained herein shall be construed so as to circumvent the specific lot area requirements of DHEC regulations as administered by the Lexington County Health Department for individual wells and septic tanks.

<u>ZONING DISTRICT</u>		<u>DENSITY (dwelling units per gross acre)</u>
R3		20
R2		8
R1, D, RA		4
<u>STREET CLASSIFICATION</u>		<u>DENSITY (dwelling units per gross acre)</u>
A	Arterial	Unlimited
C	Collector	12
L	Local	8
RL6	Residential Local Six	6
RL5	Residential Local Five	5
RL4	Residential Local Four	4
LL	Limited Local	4*

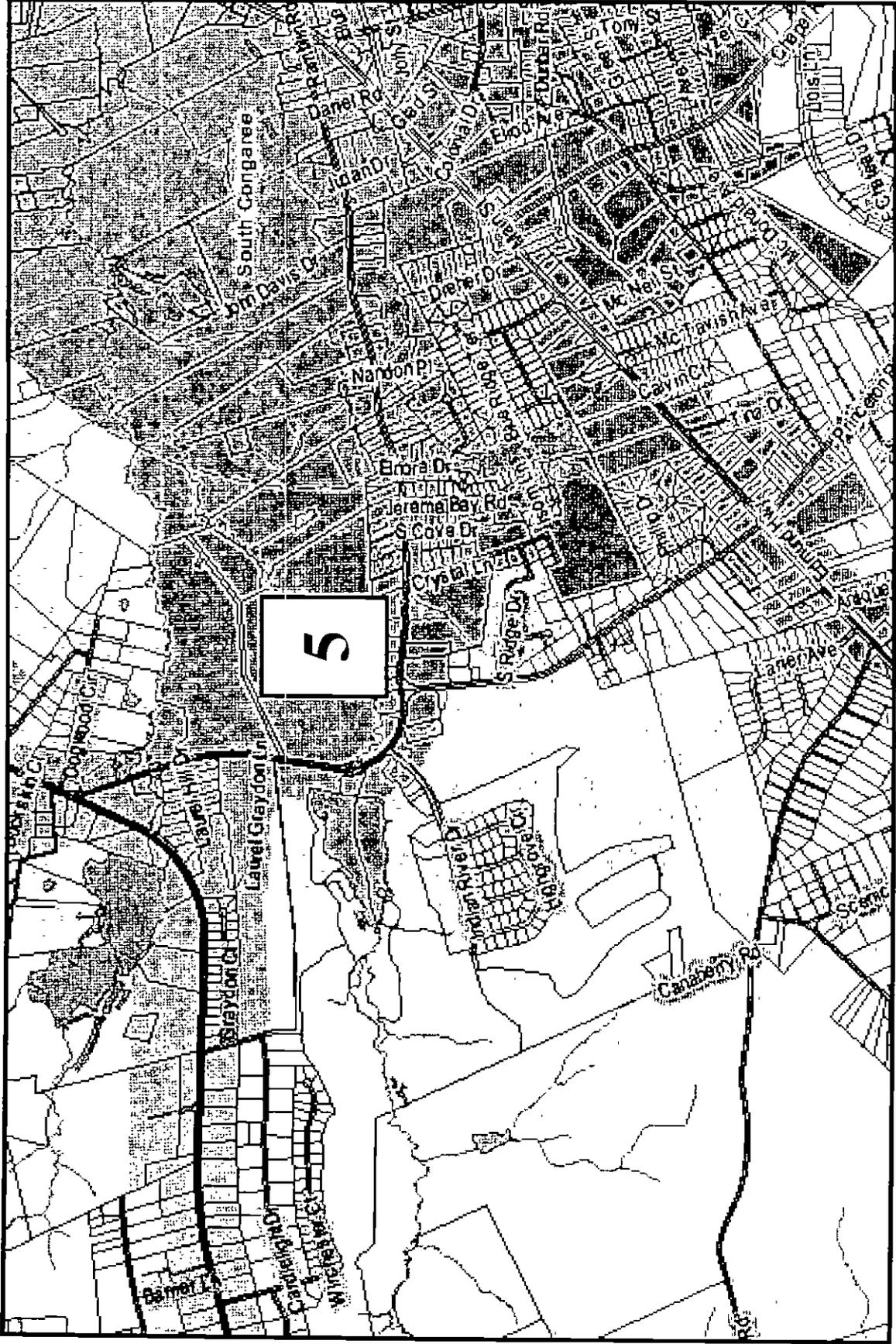


* Refer to Section 22.00 for a full understanding of the Limited Local restrictions.

A lot in existence prior to the adoption of this Ordinance, which does not comply with the requirements of this section, shall be allowed to support one dwelling unit without regard to density or lot area, provided the activity complies with all other zoning requirements and any applicable health and safety standards.

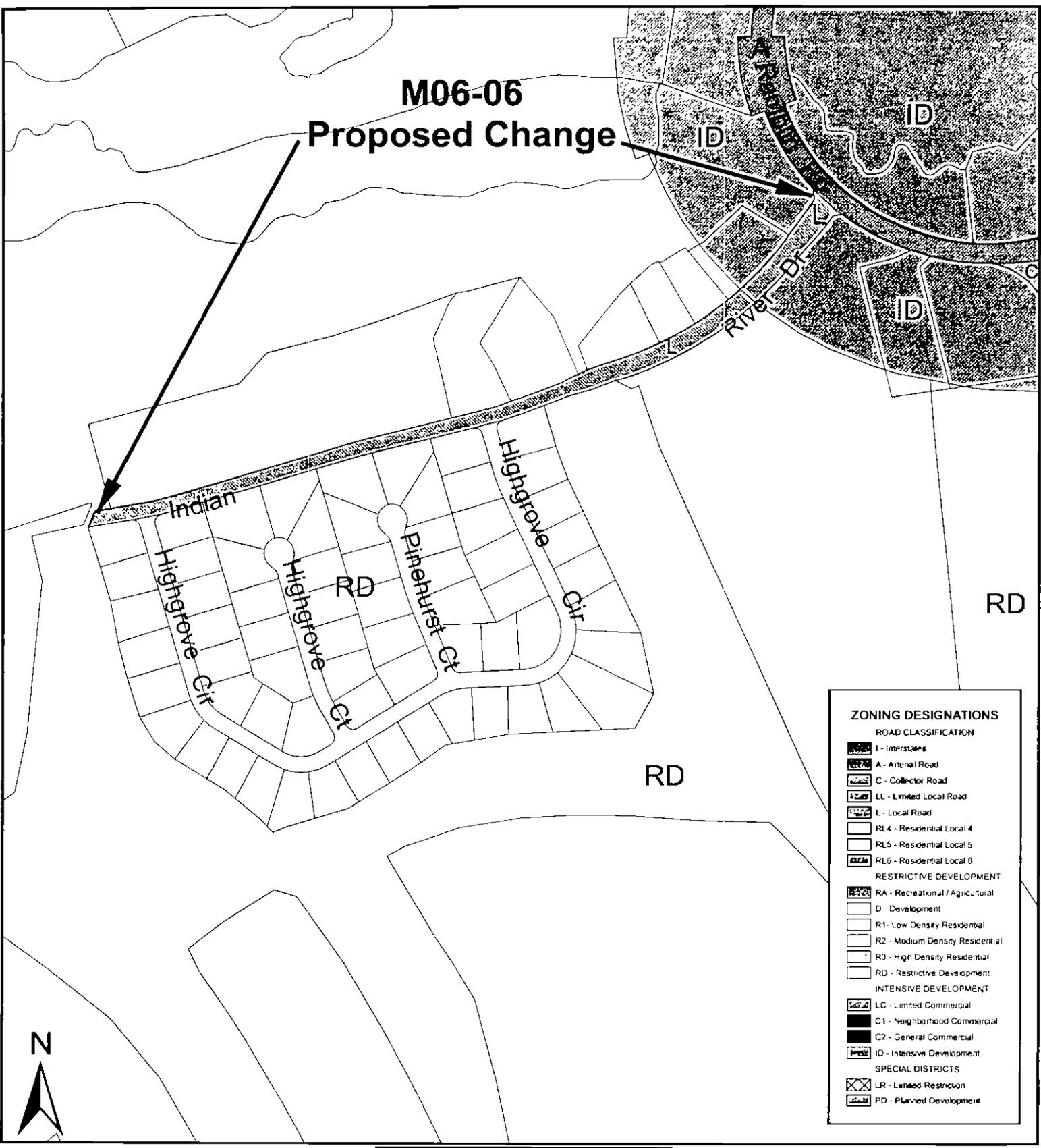


ZONING MAP AMENDMENT APPLICATION #M06-06



COUNTY COUNCIL DISTRICT MAP

M06-06 Proposed Change



Existing Zoning Map Amendment # M06-06



COUNTY OF LEXINGTON, SOUTH CAROLINA

Community Development

County Administration Building, 4th Floor
212 South Lake Drive, Lexington, SC 29072
(803)785-8121

ZONING TEXT AMENDMENT APPLICATION # **T06-05**

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

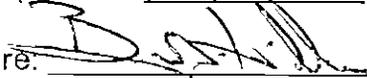
Article 2- Application of Regulations; Schedule of Permitted Uses, General Requirements, Buffering Restrictions

Reason for the request: In order to bring the language and definitions of the Zoning Ordinance for kennels more in line with the language and definitions of the County Animal Control Ordinance and to further expand on a clearer intent within the Zoning Ordinance.

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

Date of Application: 05/04/06

Phone #(s): work (803)-785-8121 _____

Signature:  Printed Name: Bruce Hiller- Dev. Admin.

Street/Mailing Address: 212 South Lake Drive, Lexington, SC 29072

05/04/06	Application Received
08/03/06	Newspaper Advertisement

N/A	Fee Received
	Planning Commission

Planning Commission Recommendation: _____

5/23/06	First Reading	8/22/06	Public Hearing		Second Reading		Third Reading
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Results: _____

ARTICLE 2 - APPLICATION OF REGULATIONS

Chapter 1. Schedule of Permitted Uses

21.10 Description of Principal Activities

Fancier's Kennel/Cattery includes a private kennel or cattery maintained by a fancier to keep or train cats or dogs. A fancier means a person who owns or keeps 3 or more dogs or cats for noncommercial hunting or for breeding purposes in order to regularly participate in exhibition in shows or field trials, or obedience or performance trials at AKC (American Kennel Club), UKC (United Kennel Club), or CFA (Cat Fancier Association) licensed shows.

Kennels, Catteries, and Stables include any person, establishment, partnership, corporation, or other legal entity that owns, keeps, harbors, or is custodian of domestic animals and/or domestic fowl kept or used for stud for which a fee is charged and/or for breeding purposes for which a fee is charged for the offspring, or for the purpose of commercial boarding, grooming, sale*, or training. ~~impoundment facilities that provide for the temporary boarding, training, and breeding of domestic animals and/or domestic fowl.~~ Animal rescue and/or adoption facilities, whether operated for profit or as a non-profit organization, shall be included in this category. Activities under this category shall not include livestock and other farm animals used in customary and normal agricultural husbandry practices or a fancier's kennel or cattery or an Animal Hospital maintained by a licensed veterinarian.

* A pet shop, as defined as any person, partnership or corporation, whether operated separately or in connection with another business enterprise or other legal entity that buys or brokers any species of animal for resale as pets, shall be classified as General Retail (Limited) unless the activity is included within a larger General Retail (Extensive) activity.

21.31 Chart of Permitted Activities by District

Those activities that are marked by an asterisk (*) are allowed only when granted a special exception by the Board of Zoning Appeals as outlined in Article 12 of this Ordinance.

RI	R2	R3	D	RA	RD	EC	CL	C2	ID	LR	ACTIVITIES
			✓	✓	✓				✓	✓	Animal Operations
✓			✓	✓	✓			✓	✓	✓	Fancier's Kennel/Cattery
			✓	✓	✓			✓	✓	✓	Kennels, Catteries, and Stables
				✓	✓			✓	✓	✓	Veterinarian
				✓	✓				✓	✓	Zoos

way, by water bodies, or by other parcels, then the buffering restrictions applicable to that activity shall be measured across such separation from the protected property lines.

5. Activities that provide total screening using existing natural vegetation and/or landscaped vegetation (including planted berms) shall be eligible for a 50% reduction in buffer and setback requirements. Acceptability of screening for this reduction shall be determined by the Zoning Administrator. The following activities are not eligible: Detention Centers, Recycling Centers, Salvage/Wrecking Yards, Scrap Operations, Sexually Oriented Businesses, and Utility Substations.

23.52 Special Rules

However, the general rules above for interpreting the chart shall be modified by the special rules below in items "1" through "5" where applicable

1. Grandfathered residential uses within an Intensive Development District shall be afforded the restrictive (R) requirements in the chart relative to land uses on surrounding properties in the following manner.

Those portions of the property lines of a grandfathered residential use which are within 125 feet of that use's principal activity [generally the building footprint(s)] shall be considered protected property lines to the extent of 100% of the restrictive (R) requirements in the chart relative to the applicable activity on the surrounding property

Those portions of the property lines of a grandfathered residential use which are within 250 feet of, but more than 125 feet from, that use's principal activity [generally the building footprint(s)] shall be considered protected property lines to the extent of 50% of the restrictive (R) requirements in the chart relative to the applicable activity on the surrounding property. This 50% level of protection shall be determined by halving the distances imposed for the height, buffer, setback from adjoining property, total screening, and partial screening requirements.

Those portions of the property lines of a grandfathered residential use which are more than 250 feet from that use's principal activity [generally the building footprint(s)] shall be considered protected property lines to the extent of 100% of the intensive (I) requirements in the chart relative to the applicable activity on the surrounding property.

2. Those portions of the property lines of a parcel within a Restrictive Development District which serve as the boundary between the Restrictive Development District and an Intensive Development District, and which have no grandfathered residential use within 125 feet, shall be considered protected property lines to the extent of 50% of the restrictive (R) requirements in the chart relative to the applicable activity in the Intensive Development District. This 50% level of protection shall be determined by halving the distances imposed for the height, buffer, setback from adjoining property, total screening, and partial screening requirements.
3. Notwithstanding special rules 1 and 2 above, certain portions of the property lines of a parcel within either a Restrictive Development District or an Intensive Development District, or both, upon which there is an existing non-residential principal activity, shall be considered protected property lines only to the extent of 100% of the intensive (I) requirements in the chart relative to the applicable activity on the surrounding property. The portions of the property line so protected shall be those within 250 feet of either the principal or accessory uses of this non-residential activity
4. When a protected property line runs through or borders an impoundment of water, but not a free-flowing watercourse, then the distances imposed for the buffer,

setback from adjoining property, total screening, and partial screening, but not height, requirements (as first determined by applying the general rules and special rules above) shall be measured such that each linear foot of traverse over the water impoundment shall count as only one half foot toward the total distance imposed. On Lake Murray the water impoundment is considered to be that area bounded by the 360-foot contour (MSL). Since screening of activities on water surfaces is not feasible, the partial screening requirements will typically control the distance separation over water impoundments.

- 5 All activities shall provide partial screening, as applicable, relative to Residential Detached and Mobile Home activity already in use or permitted prior to October 28, 1998, on surrounding properties also located in an Intensive Development District. In such cases the extent of this extra protection, if any, shall be determined in accordance with Special Rule #1.

Any Residential Detached or Mobile Home activity in an Intensive Development District in use or permitted after October 27, 1998, shall be responsible for providing their own screening, if desired, from adjacent land uses.

In all districts, all permitted activities shall comply with the Performance Standards contained in Chapter 4. For activities particularly associated with anticipated higher degrees of noise and light, the zoning application and site plan submittal shall address the proposed method(s) of compliance with the Performance Standards of this Ordinance.

ACTIVITIES		HEIGHT	BUFFER	SETBACKS from		SCREENING	
		(ft)		Adjoining Property	Road R.O.W.	Total	Partial
Animal Operations Setbacks apply to buildings only	R	1		30	30		
	I	3					
Fancier's Kennel/Cattery	R	¼	30	50	30	50	75
	I	2					
Kennels, Catteries, and Stables	R	¼	50	75	40	75	100
	I	2					
Veterinarian	R	½	20	30	30	30	50
	I	3					
Zoos	R	¼	70 100	100 150	50	125 150	200 225
	I	3					

The attached

Lexington County Animal Control Ordinance

is provided for the purpose of comparison
with the proposed

Zoning Text Amendment # T06-05

ARTICLE II. ANIMAL CONTROL**DIVISION 1. GENERALLY***

***Editor's note:** Ord. No. 02-8, adopted Jan. 14, 2003, was deemed as superseding the former Art. II, Div. 1, §§ 10-31--10-40. The former Art. II pertained to similar subject matter and derived from Code 1983 §§ 4-12--4-20, 4-39.

Sec. 10-31. Definitions.

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

Abandonment means a situation in which the owner/caretaker of a pet does not provide for humane disposal of the pet, or transfer ownership to a responsible person or who does not provide or arrange for adequate food, water, shelter and care.

Animal control officer means the person employed by the county as the enforcement officer of the provisions of this article

Animal shelter means any premises so designated by the county council for the purpose of impounding and caring for all pets found in violation of this article or which the owner/custodian or citizen surrenders

Attack dog means a dog that has been trained to attack persons independently or upon verbal command or hand signal.

At large means any pet that is not under restraint. Any pet not so restrained will be deemed unlawfully running at large.

Cattery means any person engaging in the business of breeding, buying, selling or boarding of cats.

Commercial boarding kennel/cattery means any establishment for the commercial boarding, grooming, sale or training of dogs/cats for which a fee is charged. An animal hospital maintained by a licensed veterinarian as part of the practice of veterinary medicine for the treatment of animals shall not be considered a "commercial boarding kennel/cattery "

Commercial breeding kennel/cattery means any person, partnership or corporation or other legal entity that owns, keeps, harbors or is custodian of pets kept or used for stud for which a fee is charged and/or for breeding purposes for which a fee is charged for the offspring. Commercial breeding kennel/cattery shall not include:

- (1) Livestock and other farm animals used in customary and normal agricultural husbandry practices.
- (2) A fancier's kennel/cattery.

Custodian means any person having custody or custodial power

Dangerous pet means any pet evidencing characteristics usually associated with an abnormal inclination to attack other pets or persons without provocation.

Exposure to rabies means any person or pet that has been bitten by or exposed to any pet known to have been infected with rabies. The county health department or a licensed veterinarian shall make this determination.

Fancier means a person who owns or keeps three or more dogs or cats for noncommercial hunting or

for breeding purposes in order to regularly participate in tracking, exhibition in shows, or field or obedience or performance trials at AKC (American Kennel Club), UKC (United Kennel Club) or CFA (Cat fancier Association) licensed shows.

Fancier's kennel means a private kennel maintained by a fancier to keep or train dogs or cats.

Guard dog means any dog that is reasonably expected to perform as a guardian of its owner/custodian and/or the property upon and within which the dog is located and is owned by a licensed security service or commercial establishment.

Hybrid means the offspring of wild animals crossbred with domesticated dogs and cats.

Kennel means any person engaging in the business of breeding, buying, selling or the boarding of dogs.

Maltreatment means the act of any person who deprives any pet of necessary sustenance or shelter, or inflicts unnecessary pain or suffering upon any pet, or causes these things to be done.

Owner means any person who

- (1) Has a right of property in a pet.
- (2) Keeps or harbors a pet or who has it in his care or acts as its custodian.
- (3) Permits a pet to remain on or about any premises occupied by said person for a period of five or more days

Pet means dog or cat

Pet shop means any person, partnership, or corporation, whether operated separately or in connection with another business enterprise or other legal entity that buys or brokers any species of animal for resale as pets

Public nuisance means any pet found at large or making loud or objectionable sounds.

Restraint means a situation in which a pet is.

- (1) Controlled by a leash when outside the property limits of its owner/custodian
- (2) Under the control and obedient to the owner/custodian's commands within the property limits of the owner/custodian.
- (3) Confined in a secure enclosure

Sterilized pet means any pet that has had surgery to remove the reproductive organs.

(Ord No. 02-8, § 1-1, 1-14-2003)

Cross references: Definitions generally, § 1-2; exotic animals, 10-91, et seq.

Sec. 10-32. Commercial breeding kennels/catteries.

No person shall own or operate a commercial breeding kennel/cattery within the county without first obtaining a certificate of inspection from the animal services division, issued pursuant to this section for which a fee of \$200.00 shall be paid for a two-year period. The fees shall be collected by animal services and turned over to the county treasurer. Such fees shall go toward the cost of defraying the expense of operating the animal shelter

(Ord. No. 02-8, § 1-2, 1-14-2003)

Sec. 10-33. Pet identification.

Every owner/custodian is required to see that an identification tag is securely fastened to his or her pet's collar or harness. The tag will clearly indicate the name and phone number of the owner and must be worn by the pet at all times, unless the pet, accompanied by the owner/custodian, is engaged in hunting or

other activity where a collar might endanger the pet's safety.

(Ord. No. 02-8, § 1-3, 1-14-2003)

Sec. 10-34. Restraint and confinement.

- (a) The owner/custodian shall keep his pet under restraint at all times
- (b) Invisible fencing must be clearly marked and labeled (i.e. sign on mailbox post, tree).
- (c) No pet shall be permitted to be on school grounds or in a shopping area or similar public place unless on a leash at all times
- (d) No person owning or harboring or having the care or the custody of a dangerous animal may permit the animal to go unconfined on his premises. A dangerous animal is unconfined if the animal is not confined securely indoors or confined in a securely enclosed fence or securely enclosed and locked pen or run area upon the person's premises. The pen or run area must be clearly marked as containing a dangerous animal and must be designed to prevent the entry of the general public, including children, and to prevent the escape or release of the animal. The animal must not be removed from such building or enclosure unless the pet is securely muzzled and under restraint.
- (e) Every female pet in heat shall be kept confined in a building or secure enclosure or in a veterinary hospital or boarding kennel in such a manner so as not to create a nuisance by attracting other pets.
- (f) Any person reporting a violation of this section must identify himself to the animal control officer and must sign a nuisance violation
- (g) It shall be unlawful for any person to keep upon his premises any pet that is deemed a public nuisance
- (h) If an animal control officer observes an animal at large, they may pursue the animal onto private property.
- (i) The owner of every pet shall be responsible for the removal of any excreta deposited by the pet on public walks and ways, recreation areas, or private property
- (j) No pet shall be kept on a property that the owner/custodian does not occupy on a permanent basis

(Ord. No. 02-8, § 1-4, 1-14-2003)

Sec. 10-35. Abandonment and maltreatment.

- (a) It shall be unlawful for the owner/custodian of any pet in the county to abandon it.
- (b) It shall be unlawful for anyone in the county to treat any pet in a cruel and/or inhumane manner.

(Ord. No. 02-8, § 1-5, 1-14-2003)

Sec. 10-36. Impoundment.

- (a) Immediately after impounding any pet, the animal control officer shall make a reasonable effort to notify the owner/custodian of its impoundment and to inform the owner/custodian of the conditions whereby he can regain custody of the pet.
- (b) Any pet impounded under the provisions of this article and not claimed by its owner within five business days becomes the property of Lexington County Animal Services and may be humanely destroyed by animal services

(Ord. No. 02-8, § 1-6, 1-14-2003)

Sec. 10-37. Dangerous dogs.

(a) The animal services director in conjunction with the animal services coordinator shall have the authority to determine if a dog is a dangerous dog. Animal services must notify the owner/custodian of the dog in writing that the animal must be registered with animal services as dangerous.

(b) The owner shall notify animal services if any changes occur with the following:

- (1) Ownership of the dog.
- (2) Name, address and telephone number of a new owner/custodian.
- (3) Address change of the owner/custodian or any change in the location in which the dog is housed.
- (4) Any change in the health status of the dog.
- (5) Death of the animal

(c) If the dog is outdoors and attended, the dog shall be muzzled, on a leash and under the control of the owner/custodian.

(d) If the dog is outdoors and unattended, the dog must be locked in an escape-proof kennel. Minimum standards shall include the following:

- (1) Fencing materials shall not have openings with a diameter of more than two inches; in the case of a wooden fence, the gaps shall not be more than two inches.
- (2) Any gates within such pen or structure shall be padlocked and of such design to prevent the entry of children or the escape of the dog.
- (3) The required pen or structure shall have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides shall be imbedded into the ground or concrete.
- (4) The pen or structure shall protect the animal from the elements.
- (5) A universal sign denoting a dangerous animal shall be displayed on all four sides of the pen or structure.

(e) It shall be illegal for anyone to own or be the custodian of a hybrid

(Ord. No. 02-8, § 1-7, 1-14-2003)

Sec. 10-38. Redemption.

(a) The owner shall be entitled to resume possession of an impounded pet, except as provided in this section in the cases of certain pets, upon providing proof of a valid rabies inoculation for the year in which the pet is being held and proper identification requirements and the payment of redemption fees set forth in this section.

(b) In the case of a dangerous dog that the owner has failed to control properly and which has been impounded, redemption may be made only with the consent of the animal services director

(c) The owner of an impounded pet must apply for the redemption of his pet. The pet may not be released unless authorized by the animal control officer with assurance from the owner that proper care and custody will be maintained.

(d) The fees in this subsection shall be collected from the owner by animal services and turned over to the county treasurer, who shall make a monthly accounting of such funds. Such fees, when collected, shall go toward defraying the expense of operating the animal shelter. An initial fee of \$15.00 will be charged for impoundment for a period of one to five days. The additional sum of \$5.00 will be charged for each day the animal is kept beyond five days. Upon a second offense, a fee of \$30.00 will be charged. Upon a third offense, if the animal services director allows the pet to be reclaimed, a fee of \$50.00 will be charged.

(e) If an owner redeeming a pet cannot show proof of inoculation against rabies for the year in which

the pet is being held, the owner shall be required to pay \$10.00 for the rabies inoculation
(Ord. No 02-8, § 1-8, 1-14-2003)

Sec. 10-39. Adoption.

(a) Any pet impounded under the provisions of this article may, at the end of the legal detention period, be adopted by a person deemed to be a responsible and suitable owner, who will agree to comply with the provisions of this article. All required fees must be paid at the time of adoption in addition to an adoption fee. Those individuals adopting puppies or kittens to young to receive rabies inoculation will pay the cost for this procedure at the time of adoption and be given an appointment for a later timeto have this procedure accomplished.

(b) No unsterilized pet, which has been impounded by animal services, shall be allowed to be adopted unless it has been sterilized.

(Ord. No 02-8 § 1-9, 1-14-2003)

Sec. 10-40. Injured, diseased and dead animals.

(a) Anyone who strikes a pet with a motor vehicle or bicycle and injures or kills the pet must notify animal services or the sheriff's department immediately. The animal control officer or the sheriff's department will then take the necessary steps to provide for the proper treatment or disposal of the pet.

(b) Any pet received by animal services in critical condition from wounds, injuries or disease may be destroyed at the discretion of the animal services director and/or the animal services coordinator if the owner/custodian cannot be contacted. If the pet is suffering great pain, it may be destroyed immediately.

(c) The owner/custodian of any pet, which dies, shall immediately provide for its burial or cremation if he knows of its death and the location of its remains. If he fails to do so within three hours, the animal control officer shall arrange for the disposal and the owner/custodian shall be required to pay the cost thereof, not to exceed \$50.00.

(d) The animal control officer shall cause to be collected all dead domestic animals found on public grounds or roadways of the county. If the animal is identifiable, the animal control officer will notify the owner/custodian of the animal as soon as practical. Citizens may call 359-8364 if the animal is on a county road or 359-4103 if the animal is on a state road.

(Ord No 02-8, § 1-10, 1-14-2003)

Sec. 10-41. Enforcement of article.

(a) The provisions of this article shall be enforced by animal services under the supervision of the director in all unincorporated areas of the county except wherein the governing body of any municipality, by resolution filed with the clerk, so indicates that it desires the provisions of this article be enforced within the jurisdictional limits of the respective municipality.

(b) The animal services' staff shall be appointed as county code enforcement officers.

(c) If the animal control officers are unable to respond to complaints due to other commitments, the county sheriff's department or other authorized law enforcement agency may respond to complaints.

(d) Persons empowered to enforce this article shall have the authority to destroy any pet, which appears to be dangerous, and may endanger their safety or the safety of other persons or animals.

(e) The animal control officers will, if necessary, obtain a search warrant to enter any premises upon which it is suspected a violation of this article exists. The officer may demand to examine such pet and take possession of the pet when, in his opinion, it requires removal from the premises.

(f) No person shall interfere with, hinder or molest the animal services' staff in the execution of their

duties, or seek to release any pet in the custody of animal services

(g) When a pet is found in violation of any provision of this article, animal control officers, at their discretion, may:

- (1) Impound the pet.
- (2) Issue notice of violation.
- (3) Issue court summons.

(Ord. No. 02-8, § 1-11, 1-14-2003)

Sec. 10-42. Penalty for violation of article.

The violation of any section of this article shall constitute a misdemeanor and shall be punishable under magistrate's court jurisdiction.

(Ord. No. 02-8, § 1-12, 1-14-2003)

Secs 10-43--10-60 Reserved



COUNTY OF LEXINGTON, SOUTH CAROLINA

Community Development

County Administration Building, 4th Floor
212 South Lake Drive, Lexington, SC 29072
(803)785-8121

ZONING TEXT AMENDMENT APPLICATION # **T06-09**

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

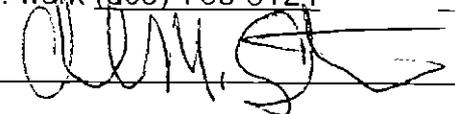
Section 21.10 (Description of Principal Activities) of Article 2, Application of Regulations, and Section 71.20 (Definitions) of Article 7, Mobile Home Parks.

Reason for the request: The definition of a Mobile Home Park is proposed to be altered and expanded so that the general public can better understand that portion of the Zoning Ordinance. The proposed text does not change the essence of the current definition but should assist the zoning staff in more clearly defining its intent and limitations.

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

Date of Application: 06/09/06

Phone #(s): work (803)-785-8121

Signature:  Printed Name: Charles M. Compton

Street/Mailing Address: 212 South Lake Drive, Lexington, SC 29072

06/09/06	Application Received
	Newspaper Advertisement

NA	Fee Received
	Planning Commission

Planning Commission Recommendation: _____

<u>6/20/06</u> First Reading	<u>8/22/06</u> Public Hearing	Second Reading	Third Reading
------------------------------	-------------------------------	----------------	---------------

Results: _____

The proposed definition is intended to replace the existing definition from **Section 21.10 (Description of Principal Activities) of Article 2, Application of Regulations**, and also **Section 71.20 (Definitions) of Article 7, Mobile Home Parks**.

Existing Definition

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.

Proposed Definition

Mobile Home Parks Three or more mobile homes or mobile home spaces, exclusive of a mobile home occupied by the property owner as a legal residence, that are located within the vicinity of one another and operated in any coordinated manner. The park may be located on a single parcel, or multiple parcels in the same or different ownership.

Mobile Home Parks (Limited) The minimum size of an individual mobile home space in this type of development is 20,000 square feet.

Mobile Home Parks (Extensive) The minimum size of an individual mobile home space in this type of development is 6,000 square feet.

NOTE: The following shall be used in determining compliance with the definition above of a Mobile Home Park:

- a. A mobile home on a parcel(s) shall be counted toward the maximum number allowed even if the mobile home is unoccupied, used for storage, or not currently connected to electricity.
- b. The subdividing of a parcel(s) in order to circumvent this Ordinance is not allowed by this definition.
- c. Separating the ownership of mobile homes or mobile home spaces into two or more legal entities for the purpose of avoiding being defined as a mobile home park is not allowed. If the mobile homes or mobile home spaces are in the same vicinity and their management is not clearly handled as separate entities, then they shall be considered part of a single mobile home park.
- d. "Vicinity" means being near and not remote, but does not have to be adjacent. It does not include locations sites that are miles apart, but may include sites that are adjacent to each other, across the street from each other, or thousands of feet away from each other, but in the same general area or proximity.

COUNTY OF LEXINGTON, SOUTH CAROLINA

Ordinance 06-04

Authorizing the Acceptance of the transfer of authority for conducting municipal elections in municipalities within the County of Lexington to the Lexington County Voter Registration and Election Commission.

BE IT ORDAINED AND ENACTED BY THE LEXINGTON COUNTY COUNCIL, AS THE GOVERNING BODY OF LEXINGTON COUNTY, SOUTH CAROLINA, IN MEETING DULY ASSEMBLED:

Section 1—Finding

As an incident to the adoption of this ordinance, Lexington County Council as the governing body of Lexington County, South Carolina makes the following findings. Section 5-15-145 of the South Carolina Code of Laws, 1976, as amended, provides for the transfer of the powers, duties and responsibilities for conducting municipal elections from municipal elections commissions to county elections commissions upon the adoption of an appropriate ordinance by the governing body of the municipality transferring such powers, duties and responsibilities and adoption of an ordinance by the county governing body of an appropriate ordinance accepting the transfer of authority for conducting municipal elections.

Lexington County has determined that it will accept the transfer of authority for conducting any municipal elections within Lexington County upon the specific conditions set forth herein.

Section 2—Acceptance of authority for conducting municipal elections

Lexington County Council, as the governing body of Lexington County, South Carolina, hereby accepts authority for conducting municipal elections in any municipality that complies with the terms herein and such authority is hereby transferred from the Municipal Election Commission for each respective municipality to the Registration and Election Commission for Lexington County in the following particulars:

- (a) The Lexington County Voter Registration and Election Commission shall advertise municipal elections, prepare and distribute ballots and election materials, appoint managers of election for each polling place, and otherwise supervise and conduct all municipal elections within each municipality;
- (b) Immediately upon the closing of the polls at any municipal election, the Lexington County Voter Registration and Election Commission shall begin to count votes cast and make a statement of the whole number of the votes cast in such election together with the number of votes cast in the municipal election, canvas the vote and publicly display the unofficial results;
- (c) The Voter Registration and Election Commission shall thereafter certify the results of the elections and transmit the certified results to the municipalities as soon as practicable following the certification;

- (d) Accept candidate filings and filing fees, including, but not limited to notices of candidacy, candidacy pledges, hear and decide protests and certify the results of municipal elections;
- (c) Utilize an Automated Election System and computer counting with the count publicly conducted;
- (f) Take such other action as may be necessary or appropriate to conduct municipal elections and certify the results

Section 3—Reimbursement of election costs

Each municipality shall reimburse the Registration and Election Commission of Lexington County for all costs incurred in providing ballots, advertising elections, printing costs, postage, transportation costs, temporary help, programming charges, poll managers' compensation and other related additional expenses incurred in its conduct of municipal elections. In the event a protest is filed or litigation is commenced in connection with the conduct of municipal elections, the municipality shall pay all court costs, attorney fees, court reporter fees and costs, and other costs and expenses incurred in such protest or litigation. The Lexington County Registration and Election Commission shall provide invoices and/or other documentation to the municipality of all such costs and expenses incurred in the conduct of municipal elections, protests, certification of results, litigation or other costs which may be incurred, not specifically mentioned in this ordinance.

Section 4—Effective Date

This ordinance shall take effect upon the successful completion of the following necessary actions prerequisite under federal and state law to effect the changes called for hereunder:

- (a) Adoption of an appropriate ordinance by the governing body of any municipality in Lexington County transferring the authority accepted hereunder;
- (b) Submission to the United States Justice Department and subsequent receipt of pre-clearance and positive response to the transfer of authority for conducting municipal elections which would be effected hereunder.

Section 5—Repeal of Inconsistent Ordinances

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of inconsistency.

Chairman, Lexington County Council

Attest:

Diana Burnett, Clerk

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

COUNTY OF LEXINGTON

Procurement Services

MEMORANDUM

DATE: August 18, 2006

TO: Katherine Doucett, County Administrator

FROM: Sheila R. Fulmer, Procurement Manager



SUBJECT: Construction of South Region Service Center – Public Safety
BID NO. B07001-07/11/06R

Competitive bids were solicited and advertised for the construction of a 6,850 square foot pre-engineered building to serve as the South Region Service Center located at the Lexington County Airport at Pelion. This service center will house a Sheriff and EMS Substation. The project included landscape development, paving, tap fees, exterior lighting, new generator, and other site improvements.

A mandatory pre-bid was held on May 17, 2006 in which ten (10) general contractors attended. We received three (3) bids (see attached bid tabulation). John Derrick, Derrick and Dunlap, Architects, Inc.; Major George Brothers, Homeland Security Coordinator; Ron Scott, Community Development Director; George Bistany, Community Development Administrator; and Sheila Fulmer, Procurement Manager evaluated the bids. The bid document allowed an alternate deduct for the apparatus bay. It is our recommendation to award this project to MAR Construction Co., Inc. The total base bid amount is \$1,070,700.00. The deduct amount for the removal of the apparatus bay is \$125,000.00, for a revised bid total of \$945,700.00.

The funding currently budgeted through CDBG is \$745,305.00 and is as follows:

2400-151200-5A6321	LE Svc Ctr @ Airport-Station	\$612,305.00
2400-151200-5A6323	LE Svc Ctr @ Airport-Site Work	\$55,000.00
2400-151200-5A6324	LE Svc Ctr @ Airport-Landscaping	\$5,000.00
2400-151200-5A6326	LE Svc Ctr @ Airport-Generator	\$20,000.00
2400-151200-5A6327	LE Svc Ctr @ Airport-Ext Lighting	\$4,000.00
2400-151200-5A6351	LE Svc Ctr @ Airport-Sprinkler	\$49,000.00

There are two award options available:

1. Award the bid at \$1,070,700.00 (including apparatus bay). Current CDBG budget would be short in the amount of \$325,395.00. This could be covered by getting advance approval to spend next years allocation in the amount of \$300,000.00 (maximum amount allowed under CDBG guidelines). The remaining \$25,395.00 would need to be covered by amending the current CDBG Annual Action Plan to reallocate this amount from other line items.
2. Award the bid at \$945,700.00 (alternate deduct for the apparatus bay). Current CDBG budget would be short in the amount of \$200,395.00. This could be covered by getting advance approval to spend next years allocation in the amount of \$200,395.00.

I request that this bid be placed on Council's agenda for their next scheduled meeting on August 22, 2006.

NOTE: There is an additional land cost of \$19,000.00 that is not included in the bid amount shown above.

Attachment

copy: Larry Porth, Director of Finance/Assistant County Administrator
Bruce Rucker, Assistant Sheriff/Director of Public Safety and Homeland Security
Major George Brothers, Homeland Security Coordinator
Ron Scott, Community Development Director
George Bistany, Community Development Administrator

BID TABULATION FORM

**SOUTH REGION SERVICE CENTER
LEXINGTON COUNTY, SC**

DERRICK & DUNLAP, ARCHITECTS

**BID DATE: JULY 11, 2006
BID TIME: 3:00 PM**

BIDDERS NAME	CONTRACTOR LICENSE NO.	ADDENDA ACKNOWLEDGED	BID BOND	SUBCONTRACTORS	BASE BID	REMOVE APPARATUS BAY
Core Construction Co., Inc. 1710-A Sunset Blvd. West Columbia, SC 29169	G108900	1, 2	Yes	HVAC-WB Thomasson Plbg-C Company Elect-Energy Pro O, SC Bldg-American Bldgs	\$1,182,838.00	No Response
MAR Construction, Inc. 141 Riverchase Way Lexington, SC 29072	G1044	1, 2	Yes	HVAC-Troubleshooter Plbg-Billy Sturkie Elect-Energy Pro Bldg-American Bldg Co	\$1,070,700.00	-\$125,000.00
Moose Construction Co., Inc. 917 Harrington Stree Newberry, SC 29108					No Bid	
Query-Pritchard Construction, Inc. 11266 Ellenton Street Barnwell, SC 29108					No Bid	
TDA Construction, LLC 200 Caughman Farm Road Lexington, SC 29072					No Bid	
Thompson-Turner Construction 279 Progress St. Sumter, SC 29153	G104406	1, 2	Yes	HVAC-WB Thomasson Plbg-Preferred Mechanical Elect-Energy Pro O, SC Bldg-American Bldgs	\$1,264,000.00	-\$74,000.00

HEREBY CERTIFY THAT THE ABOVE INFORMATION IS A TRUE AND ACCURATE COPY OF THE BID RESULTS ON THE ABOVE REFERENCED PROJECT.


Derrick & Dunlap, Architects

ORDINANCE NO. 06-06

AN ORDINANCE TO AMEND ORDINANCE NO. 95-12 AS AMENDED BY SUBSEQUENT ORDINANCES RELATING TO THE JOINT COUNTY INDUSTRIAL PARK OF LEXINGTON AND CALHOUN COUNTIES SO AS TO ENLARGE THE PARK.

WHEREAS, pursuant to Ordinance No. 95-12 enacted September 11, 1995, by Lexington County Council, Lexington County entered into an agreement for development of a joint county industrial and business park dated as of December 11, 1995, with Calhoun County (the "Original Agreement"), which Original Agreement was amended, pursuant to the authority contained in subsequent Ordinances enacted by Lexington County Council for Amendments to the Original Agreement (collectively referred to as the "Park Agreement"); and

WHEREAS, pursuant to Section 3 of the Park Agreement, the boundaries of the park created therein (the "Park") may be enlarged pursuant to ordinances of the respective County Councils of Calhoun County and Lexington County; and

WHEREAS, it is now desired that the boundaries of the Park be enlarged; and

WHEREAS, the expansion of the Park shall include certain tracts of real estate described in Exhibit A attached to this Ordinance (as such description may be hereafter refined ("Property")).

NOW, THEREFORE be it ordained by Lexington County Council that:

(1) The Park Agreement is hereby and shall be amended to include the Property and that the Chairman of Lexington County Council is hereby authorized to execute and deliver any desired amendments to the Park Agreement necessary to accomplish the within enlargement.

DONE in meeting duly assembled this ____ day of _____, 2006.

LEXINGTON COUNTY, SOUTH CAROLINA

(SEAL)

By: _____
M. Todd Cullum, Chairman of County Council
Lexington County, South Carolina

ATTEST:

By: _____

Diana W. Burnett, Clerk to County Council
Lexington County, South Carolina

First Reading: _____

Second Reading: _____

Public Hearing: _____

Third Reading: _____

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)

I, the undersigned Clerk to County Council of Lexington County, South Carolina, do hereby certify that attached hereto is a true, accurate and complete copy of an ordinance which was given reading, and received majority approval, by the County Council at meetings of _____, 2006, _____, 2006 and _____, 2006, at which meetings a quorum of members of County Council were present and voted, and an original of which ordinance is filed in the permanent records of the County Council.

By: _____
Diana W. Burnett, Clerk to County Council
Lexington County, South Carolina

Dated: _____, 2006

EXHIBIT A
LAND DESCRIPTION

All that certain pieces, parcels or tracts of land, situate, lying and being in Lexington County shown as Tracts A, B, C and all wetlands on a plat prepared by American Engineering Consultants, Inc. dated June 30, 2006 entitled Boundary Survey Prepared for County of Lexington and having such measurements as are shown on said plat, reference thereto being made for a more complete description and a copy of said plat is attached hereto and incorporated herein by reference.

TMS: 006896-03-018
006896-03-017
006799-05-002
006896-03-020

Boundary Survey
 PREPARED FOR
County of Lexington
 Lexington County, South Carolina

NO. DATE
 REVISION

AC
 American Concrete
 Construction Co., Inc.
 1000 North Main Street
 Columbia, S.C. 29201
 (803) 799-1111

CONCRETE
 CONSTRUCTION
 COMPANY, INC.

REGISTERED PROFESSIONAL ENGINEER
 STATE OF SOUTH CAROLINA
 No. 10000
 License Expires 12/31/2024

REGISTERED PROFESSIONAL SURVEYOR
 STATE OF SOUTH CAROLINA
 No. 10000
 License Expires 12/31/2024

REGISTERED PROFESSIONAL LAND SURVEYOR
 STATE OF SOUTH CAROLINA
 No. 10000
 License Expires 12/31/2024

THIS SURVEY WAS MADE IN ACCORDANCE WITH THE SURVEYING ACT OF 1968, AS AMENDED, AND THE RULES AND REGULATIONS THEREUNDER, AND THE SURVEYING ACT OF 1977, AS AMENDED, AND THE RULES AND REGULATIONS THEREUNDER.

WELANDS 2-1 LINE TRAIL

LINE	START	END	BEARING	DISTANCE
1	1000.00	1000.00	N 00° 00' 00" E	1000.00
2	1000.00	1000.00	S 00° 00' 00" E	1000.00
3	1000.00	1000.00	S 00° 00' 00" W	1000.00
4	1000.00	1000.00	N 00° 00' 00" W	1000.00
5	1000.00	1000.00	N 00° 00' 00" E	1000.00

WELANDS 2-2 LINE TRAIL

LINE	START	END	BEARING	DISTANCE
1	1000.00	1000.00	N 00° 00' 00" E	1000.00
2	1000.00	1000.00	S 00° 00' 00" E	1000.00
3	1000.00	1000.00	S 00° 00' 00" W	1000.00
4	1000.00	1000.00	N 00° 00' 00" W	1000.00
5	1000.00	1000.00	N 00° 00' 00" E	1000.00

WELANDS 2-3 LINE TRAIL

LINE	START	END	BEARING	DISTANCE
1	1000.00	1000.00	N 00° 00' 00" E	1000.00
2	1000.00	1000.00	S 00° 00' 00" E	1000.00
3	1000.00	1000.00	S 00° 00' 00" W	1000.00
4	1000.00	1000.00	N 00° 00' 00" W	1000.00
5	1000.00	1000.00	N 00° 00' 00" E	1000.00

WELANDS 2-4 LINE TRAIL

LINE	START	END	BEARING	DISTANCE
1	1000.00	1000.00	N 00° 00' 00" E	1000.00
2	1000.00	1000.00	S 00° 00' 00" E	1000.00
3	1000.00	1000.00	S 00° 00' 00" W	1000.00
4	1000.00	1000.00	N 00° 00' 00" W	1000.00
5	1000.00	1000.00	N 00° 00' 00" E	1000.00

WELANDS 2-5 LINE TRAIL

LINE	START	END	BEARING	DISTANCE
1	1000.00	1000.00	N 00° 00' 00" E	1000.00
2	1000.00	1000.00	S 00° 00' 00" E	1000.00
3	1000.00	1000.00	S 00° 00' 00" W	1000.00
4	1000.00	1000.00	N 00° 00' 00" W	1000.00
5	1000.00	1000.00	N 00° 00' 00" E	1000.00

WELANDS 2-6 LINE TRAIL

LINE	START	END	BEARING	DISTANCE
1	1000.00	1000.00	N 00° 00' 00" E	1000.00
2	1000.00	1000.00	S 00° 00' 00" E	1000.00
3	1000.00	1000.00	S 00° 00' 00" W	1000.00
4	1000.00	1000.00	N 00° 00' 00" W	1000.00
5	1000.00	1000.00	N 00° 00' 00" E	1000.00

WELANDS 2-7 LINE TRAIL

LINE	START	END	BEARING	DISTANCE
1	1000.00	1000.00	N 00° 00' 00" E	1000.00
2	1000.00	1000.00	S 00° 00' 00" E	1000.00
3	1000.00	1000.00	S 00° 00' 00" W	1000.00
4	1000.00	1000.00	N 00° 00' 00" W	1000.00
5	1000.00	1000.00	N 00° 00' 00" E	1000.00

WELANDS 2-8 LINE TRAIL

LINE	START	END	BEARING	DISTANCE
1	1000.00	1000.00	N 00° 00' 00" E	1000.00
2	1000.00	1000.00	S 00° 00' 00" E	1000.00
3	1000.00	1000.00	S 00° 00' 00" W	1000.00
4	1000.00	1000.00	N 00° 00' 00" W	1000.00
5	1000.00	1000.00	N 00° 00' 00" E	1000.00

WELANDS 2-9 LINE TRAIL

LINE	START	END	BEARING	DISTANCE
1	1000.00	1000.00	N 00° 00' 00" E	1000.00
2	1000.00	1000.00	S 00° 00' 00" E	1000.00
3	1000.00	1000.00	S 00° 00' 00" W	1000.00
4	1000.00	1000.00	N 00° 00' 00" W	1000.00
5	1000.00	1000.00	N 00° 00' 00" E	1000.00

WELANDS 2-10 LINE TRAIL

LINE	START	END	BEARING	DISTANCE
1	1000.00	1000.00	N 00° 00' 00" E	1000.00
2	1000.00	1000.00	S 00° 00' 00" E	1000.00
3	1000.00	1000.00	S 00° 00' 00" W	1000.00
4	1000.00	1000.00	N 00° 00' 00" W	1000.00
5	1000.00	1000.00	N 00° 00' 00" E	1000.00

WELANDS 2-10 LINE TRAIL
 DISTANCE 1000.00
 BEARING N 00° 00' 00" E

STATE OF SOUTH CAROLINA)

)

COUNTY OF LEXINGTON)

COUNTY OF CALHOUN)

**AMENDMENT OF AGREEMENT
OF JOINT COUNTY INDUSTRIAL PARK
OF LEXINGTON AND CALHOUN
COUNTIES**

THIS AGREEMENT for an amendment of an agreement for the development of a joint county industrial park located within Lexington County, South Carolina, and Calhoun County, South Carolina, dated December 11, 1995, by and between the County of Lexington and the County of Calhoun both political subdivisions of the State of South Carolina (the "Agreement"), as previously amended, is made and entered into as of this ____ day of _____, 2006, by and between the parties hereto ("Amended Agreement").

RECITALS

WHEREAS, pursuant to the Agreement, Lexington County, South Carolina ("Lexington County") and Calhoun County, South Carolina ("Calhoun County"), have determined that, in order to promote economic development and thus provide additional employment opportunities within both of said counties, there has been established in Lexington County and Calhoun County a Joint County Industrial Park (the "Park"); and

WHEREAS, as a consequence of the establishment of the Park, property therein is exempt from ad valorem taxation, but the owners or lessees of such property are required to pay annual fees in an amount equal to that amount for which such owner or lessee would be liable except for such exemption or as otherwise agreed pursuant to applicable laws; and

WHEREAS, Lexington County and Calhoun County desire to amend the Agreement, as previously amended, by this Amended Agreement as more specifically provided below;

NOW, THEREFORE, in consideration of the mutual agreement, representation and benefits contained in this Agreement and for other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereby agree as follows:

1. **Binding Agreement.** This Amended Agreement serves as a written instrument setting forth the entire agreement between the parties and shall be binding on Lexington County and Calhoun County, their successors and assigns.

2. **Authorization.** Article VIII, Section 13(d), of the Constitution of South Carolina (the "Constitution") provides that counties may jointly develop an industrial or business park with other counties within the geographical boundaries of one or more of the member counties, provided that certain conditions specified therein are met and further

provided that the General Assembly of the State of South Carolina provides by law a means by which the value of property in such park will be considered for purposes of bonded indebtedness of political subdivisions and school districts and for purposes of computing the index of taxpaying ability for school districts. Section 4-1-170, Code of Laws of South Carolina, 1976, as amended ("Section 4-1-170"), satisfies the conditions imposed by Article VIII, Section 13(d), of the Constitution and provides the statutory vehicle whereby a joint county industrial park may be created.

3. **Amendment to the Agreement.** As of the date of this Amended Agreement, the Agreement, as previously amended, is hereby further amended, in accordance with Section 3 of the Agreement, so as to expand the Park premises in Lexington County by the addition of tracts of real estate. Said tracts are described on Exhibit A attached hereto, the description of which may be clarified by agreement of the parties.

4. **Severability.** In the event and to the extent (and only to the extent) that any provision or any part of a provision of this Amended Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable the remainder of that provision or any other provision or part of a provision of this Amended Agreement.

5. **Termination.** All other terms and conditions of the Agreement as previously amended shall remain in full force in effect.

6. **Execution in Counterparts.** This agreement may be executed in any number of counterparts with the same effect as if all the parties had signed the same document.

WITNESS our hands and seals this _____ day of _____, 2006.

[SIGNATURES ON FOLLOWING PAGES]

**EXECUTION PAGE
TO**

AMENDMENT OF AGREEMENT FOR JOINT COUNTY INDUSTRIAL PARK

LEXINGTON COUNTY COUNCIL:

By: _____
M. Todd Cullum, Chairman of County Council
Lexington County, South Carolina

By: _____
Diana W. Burnett, Clerk to County Council
Lexington County, South Carolina

**EXECUTION PAGE
TO**

AMENDMENT OF AGREEMENT FOR JOINT COUNTY INDUSTRIAL PARK

CALHOUN COUNTY COUNCIL:

By: _____
David K. Summers, Jr., Chairman of County Council
Calhoun County, South Carolina

ATTEST:

By: _____
Donna R. Allread, Clerk, County Council
Calhoun County, South Carolina

EXHIBIT A

LAND DESCRIPTION

All that certain pieces, parcels or tracts of land, situate, lying and being in Lexington County shown as Tracts A, B, C and all wetlands on a plat prepared by American Engineering Consultants, Inc. dated June 30, 2006 entitled Boundary Survey Prepared for County of Lexington and having such measurements as are shown on said plat, reference thereto being made for a more complete description and a copy of said plat is attached hereto and incorporated herein by reference.

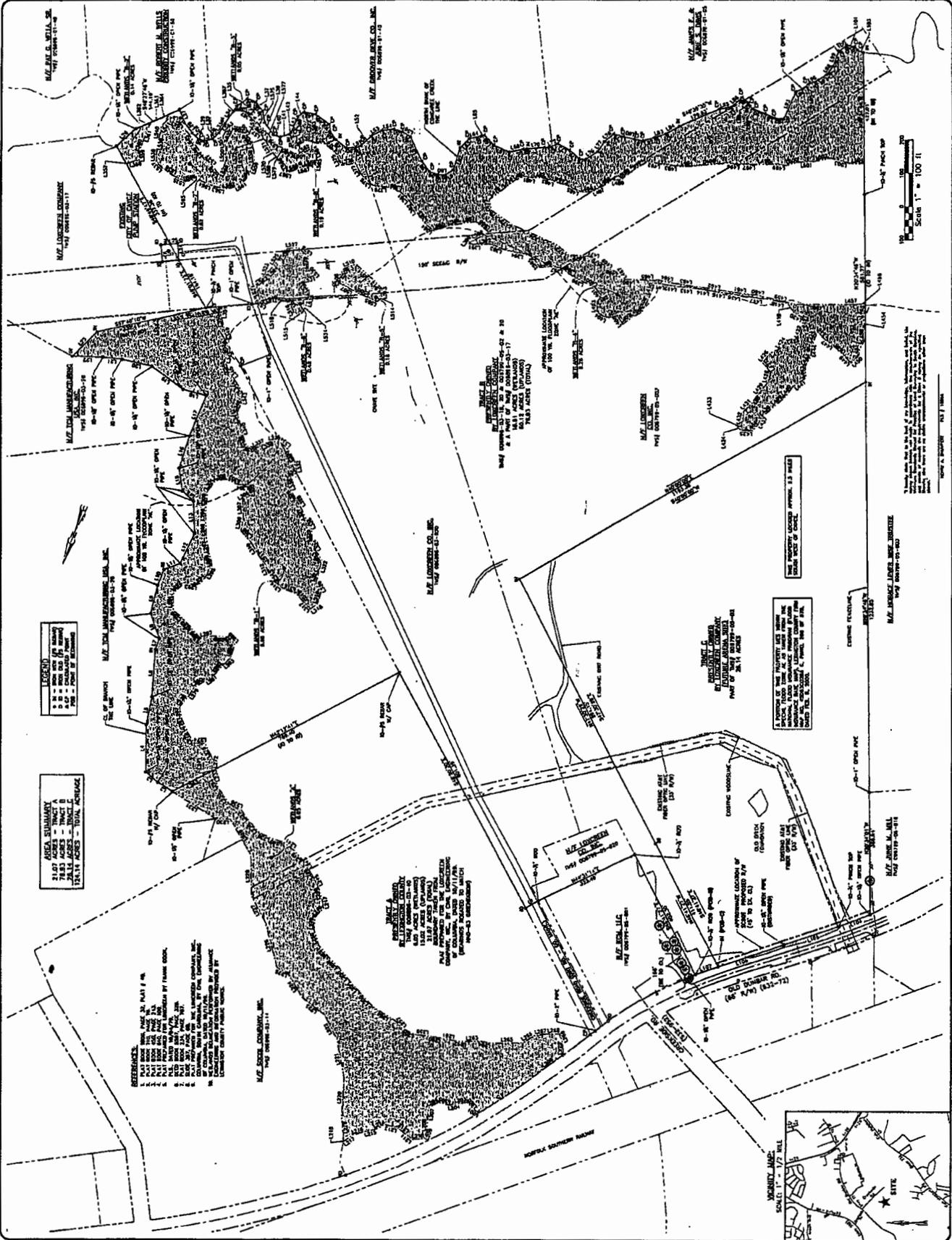
TMS: 006896-03-018
006896-03-017
006799-05-002
006896-03-020

PLAT REDUCED IN SIZE--NOT TO SCALE

Boundary Survey
 Prepared for
County of Lexington
 Lexington Property Acquisition
 Lexington County, South Carolina

NO. DATE
 REVISIONS

SCALE 1" = 100'



PLAT REDUCED IN SIZE--NOT TO SCALE

COUNTY OF LEXINGTON, SOUTH CAROLINA

ORDINANCE NO. 06-07

AN ORDINANCE APPROVING THE AGREEMENT BETWEEN THE COUNTY OF LEXINGTON AND RIBEAU ENTERTAINMENT, LLC REGARDING RELOCATION OF HOCKEY TEAM AND CONSTRUCTION OF ARENA.

WHEREAS, the County of Lexington (hereinafter “the County”) is in the process of purchasing certain property from Loxscreen Company; and

WHEREAS, Ribeau Entertainment, LLC (hereinafter referred to as “Ribeau”) has agreed to relocate its hockey team to Lexington County; and

WHEREAS, Ribeau has agreed to build a multi-purpose arena in Lexington County which will contain approximately six thousand five hundred (6,500) seats; and

WHEREAS, the relocation of the hockey team and construction of the arena will serve important economic and public interests in Lexington County; and

WHEREAS, the County has determined that it would be in the County’s best interests to provide twenty-six and twenty-four hundredths (26.24) acres of property that the County is purchasing from Loxscreen Company to Ribeau for the purpose of constructing the arena;

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

Section 1. The Agreement presented to the Council and attached hereto as Exhibit “A” is hereby approved.

Section 2. The Chairman of the Lexington County Council is hereby authorized and directed to execute the Agreement attached hereto as Exhibit "A" and any other documents related to the transfer of the subject property as set forth in the Agreement.

Enacted this _____ day of _____, 2006.

M. Todd Cullum, Chairman

ATTEST:

Diana W. Burnett, Clerk

First Reading: _____

Second Reading: _____

Public Hearing: _____

Third & Final Reading: _____

Filed w/Clerk of Court: _____

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)

AGREEMENT

This Agreement made and entered into this ____ day of _____, 2006, by and between Ribeau Entertainment, LLC (hereinafter referred to as "Ribeau") and County of Lexington, South Carolina (hereinafter referred to as "County")

WITNESSETH THAT:

WHEREAS, the principals of Ribeau own or control the hockey team currently known as the "Columbia Infernos" (hereinafter referred to as "the Hockey Team"), a member of the East Coast Hockey League, and

WHEREAS, the present venue in which the Hockey Team plays is not suitable, and Ribeau and the County have agreed that land will be provided by the County (the "Real Property" hereinafter described), that Ribeau will develop an Entertainment and Sports Complex (the "Arena") which will be suitable for use by the Hockey Team, and for other public entertainment events, and

WHEREAS, the parties hereto do desire to reduce to writing their various agreements regarding the development of the Arena, its operation and other matters related to other permitted uses of the Real Property,

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS that for and in consideration of Five (\$5.00) Dollars in hand to each party paid by the other, and further consideration of the mutual covenants and agreements hereinafter carefully set forth, the parties hereto do agree as follows:

1. Real Property. The Real Property which is the subject of this Agreement is more particularly described on Exhibit "A," attached hereto and made a part hereof. The County agrees to provide a survey of the Property on or before Closing.

2. Contribution of Real Property. Subject to the terms, conditions and provisions of this Agreement, the County agrees to convey the Real Property to Ribeau for the uses hereinafter described. Other than the agreements and restrictions herein set forth, no consideration will be paid to the County for the Real Property, it being in the common interest of the parties hereto that the Property be developed as set forth in this Agreement. The conveyance shall be by Limited Warranty deed.

3. Contingency.

A. The obligations of the County hereunder shall be expressly contingent upon its acquisition of the Real Property described on Exhibit "A," attached hereto and made a part hereof, at or before the time set for Closing hereunder.

- B. The obligations of the County hereunder shall also be expressly contingent on the County approving this agreement by the ordinance process and pursuant to any applicable requirements of the County Ordinance as to disposal of County-owned property.
- C. The obligation of the County hereunder shall also be expressly contingent on the real property being placed into a multicounty industrial park.

If any contingency is not met, the County may declare this agreement to be null and void with no liability as to either party.

4. Commitment. For and in consideration of the County expending time and resources in the ordinance approval process, upon execution of this agreement by Ribeau, Ribeau shall not revoke its approval to this agreement for a period of six (6) months after the date of execution by Ribeau.

5. Development of Entertainment Arena. Ribeau, at its sole expense, shall develop a Multi-Purpose Arena, which will contain approximately 6,500 seats, which development shall include, but not be limited to, the following:

- a) The design of the Arena, including all necessary utilities, ice production facilities, parking and other usual and customary amenities, which design shall be subject to the reasonable approval of the County, which approval shall not be unreasonably withheld, denied or delayed;
- b) Prepare a development budget describing in reasonable detail the anticipated costs for the development of the Arena;
- c) Arrange for the necessary debt financing and equity required for the construction of all improvements necessary for the Arena;
- d) Contract with engineers, architects and other professionals necessary for the development and construction of the Arena;
- e) Contract with a general contractor for the construction of all improvements necessary for the Arena; and
- f) Enter into any management agreements deemed appropriate by Ribeau for the management of the Arena.

6. Assistance by County. The County agrees that it will take such action through its County Council as may be necessary to cause this development project to be eligible for tax-free financing, if such tax free financing is available and if such tax free financing will not create any financial obligation for the County.

7. Commencement. Ribeau agrees that it will commence construction of the Arena, as described above, within six (6) months after the date of Closing, as hereinafter defined and that it will diligently pursue such construction, so that the Arena will be completed within twenty-four (24) months after its commencement, unless delay is the result of acts of God, *force*

majeure, or other matters beyond the reasonable control of Ribeau and its contractor. Upon the failure to commence construction in the six (6) months, Ribeau shall reconvey the property to the County. The County may extend the time to commence construction to nine (9) months if the County is reasonably satisfied with the progress toward the construction of the Arena.

8. Use of Real Property. For a period of fifteen (15) years from the date of Closing, Ribeau agrees that the facility constructed as the Entertainment and Sports Complex shall be used only for hockey, and other public sports and entertainment events and for activities usual and attendant to such events, including sales of sports memorabilia, and sale of food and beverages. Other portions of the Real Property may be used by Ribeau for the construction and operation of a public ice facility for use by members of the general public (for an admissions fee) for public skating, amateur hockey games and similar ice events, as well as for a hotel with or without restaurant facilities, and for such other purposes as the parties hereto may agree. In the event that the Arena constructed as provided in Paragraph 3 hereof shall not be operated for a period of fifteen (15) years as herein contemplated, title to the Real Property shall be reconveyed to the County, subject to the rights of lien creditors thereto having previously attached.

9. Closing. The Closing for the conveyance of the Real Property to Ribeau by the County shall occur at a time and place mutually agreeable to the parties hereto, but no later than one (1) year from the date hereof. In no event shall the County be obligated to convey the Real Property to Ribeau unless Ribeau can demonstrate that it has made the necessary financial arrangements to construct the Arena as described in this Agreement. Ribeau shall provide documentation in writing from Ribeau's lender as to the status of the financing of the Arena within five (5) months of execution of this Agreement by Ribeau or any time before the property closing, if such closing occurs sooner than five (5) months.¹ If the County is not satisfied with the loan status, the County may terminate this Agreement with there being no liability to either party. At the Closing, Ribeau will pay any recording fees (formerly known as deed stamps) which may be due in connection with the conveyance, County shall pay to prepare the deed, and Ribeau shall pay all other closing costs. In the event any real property taxes are assessed for the year of the Closing, such taxes shall be prorated, so that Ribeau shall pay only those taxes attributable to the period of time remaining in the tax year after the date of such Closing.

10. Transfer of Property. The real property shall not be transferred until the arena described herein is completed without the written consent of the County. This prohibition shall not apply to any construction mortgage executed by Ribeau for the purpose of constructing the arena described herein.

11. Financing. All costs of financing, design, development and construction shall be borne by Ribeau and, except as herein provided, none of such costs shall be the obligation of the County.

12. Notices.

¹ This five (5) months to begin when this Agreement is signed by Ribeau since the process for the County to approve this Agreement will require approval through the ordinance process.

TO RIBEAU:

Ribeau Entertainment, LLC
c/o Ezra B. Riber, M.D.
2601 Laurel Street, Suite 130
Columbia, SC 29204
Telephone: (803) 779-3263
Facsimile: (803) 779-3207

WITH A COPY TO:

Michael W. Tighe, Esquire
Callison Tighe & Robinson, LLC
1812 Lincoln Street, Suite 200 (29201)
Post Office Box 1390
Columbia, SC 29202-1390
Telephone: (803) 256-2371
Facsimile: (803) 256-6431

TO COUNTY:

County Administrator
212 South Lake Drive
Lexington, SC 29072
Telephone: (803) 785-8100
Facsimile(803) 785-8101

WITH A COPY TO:

Jeff M. Anderson, Esquire
Post Office Box 489
Lexington, SC 29071
Telephone(803) 359-2512
E-mail: jeffanderson@oldcourthouse.com
Facsimile (803) 356-1138

13. Indemnity. Ribeau agrees that, in the event it should decide to locate its Arena on any other property, it will reimburse the County all out-of-pocket expenses including reasonable attorney fees, (excluding any price for the purchase of the Property, but specifically including up to \$10,000.00 of earnest money that may be lost) not to exceed \$100,000.00, which the County may incur in connection with the Real Property, provided, however, that such expenses were necessitated solely by virtue of the intention of the parties hereto that the Real Property be used for Arena purposes. The provisions of this paragraph shall be inapplicable if the County fails to satisfy the contingencies set forth in Section 3 above, and the County elects to terminate the Contract pursuant to Section 3. However, if the contingencies set forth in Section 3 above are not satisfied, but the County elects to proceed with the closing, then the indemnity provisions of this Section shall be applicable.

14. Attorney Fees. Each party shall pay for their own Attorney fees in regard to the agreement and transaction.

15. Governing Law. This agreement and all documents executed in connection herewith shall be construed in accordance and governed by the law of the State of South Carolina.

16. Severability. If any provision of this agreement is declared illegal, invalid, or unenforceable for any reason, the remaining provisions hereof shall be unimpaired and shall remain effective.

17. Binding Agreement. This agreement shall be binding on the parties and their successors. This agreement shall not be assigned without the written consent of the other party.

18. Survival. All terms set forth herein shall survive the transfer and closing of the real property conveyance. Additionally, for record notice purposes, the County may specifically include in the deed any terms set forth herein, but failure to include the terms in the deed shall not affect the survival of all terms set forth herein.

19. Entire Agreement. This agreement supersedes any and all understandings and agreements between the parties and constitutes the sole and entire agreement between the parties. No oral statements or representations whatsoever shall be considered a part hereof. Any amendment to this agreement must be in writing and signed by the party charged therewith.

WITNESS the hands and seals of Ribeau and County as set forth below.

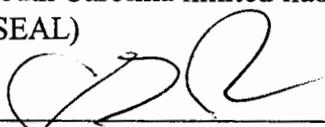
THIS agreement having been approved by County of Lexington at its regular meeting on _____ of _____, 2006.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals on this the day and date first above written.

WITNESSES:

Deborah Schmadel
Trina Beckema

RIBEAU ENTERTAINMENT, LLC, a
South Carolina limited liability company
(SEAL)


By: Ezra B. Riber
Its: Manager

COUNTY OF LEXINGTON, SOUTH
CAROLINA (SEAL)

By: _____
Its: _____

4716.001\Agreement