

AGENDA
LEXINGTON COUNTY COUNCIL
Committee Meetings
Tuesday, September 23, 2008
Second Floor - County Administration Building
212 South Lake Drive, Lexington, SC 29072
Telephone - 803-785-8103 -- FAX 803-785-8101

***Times are tentatively scheduled committee meetings that may run behind or ahead of schedule; therefore, the times could change by as much as 30 minutes.**

2:25 p.m. - 2:35 p.m. - Economic Development

- (1) Approval of Minutes - Meeting of August 26, 2008 **A**
- (2) Old Business/New Business
- (3) Adjournment

2:35 p.m. - 2:45 p.m. - Planning & Administration

- (1) CDBG Program Consolidated Annual Performance and Evaluation Report (CAPER) -
Program Year 2007 (Goals 1,3) - Community Development - Ron Scott, Director **B**
- (2) Residential Occupancy Limitations - Planning and GIS - Charlie Compton, Director **C**
- (3) Old Business/New Business - Land Use Growth
- (4) Adjournment

2:45 p.m. - 3:00 p.m. - Justice

- (1) Marc H. Westbrook Lexington County Judicial Center
- (2) Approval of Minutes - Meeting of August 26, 2008 **D**
- (3) Old Business/New Business
- (4) Adjournment

3:00 p.m. - 3:20 p.m. - Health & Human Services

- (1) DHEC/EMS Grant-in-Aid Grant Application (Goal 3) - Public Safety/EMS - Brian Hood,
EMS Coordinator **E**
- (2) Smoking Ban Update - Katherine Hubbard, County Administrator **F**
- (3) Approval of Minutes - Meeting of August 26, 2008 **G**
- (4) Old Business/New Business
- (5) Adjournment

3:20 p.m. - 4:05 p.m. - Public Works

- (1) Green is Good for Business Conference Sponsorship Request - Public Works - Synithia Williams, Environmental Coordinator..... **H**
- (2) Land Development Guidelines - FEMA Update - Public Works - Chris Stone, Floodplain Manager **I**
- (3) “Skip” Paving and Right-of-Way Issues - Public Works - John Fechtel, Director **J**
- (4) Approval of Minutes - Meeting of August 26, 2008 **K**
- (5) Old Business/New Business - Traffic Congestion
- (6) Adjournment

4:05 p.m. - 4:10 p.m. - Solid Waste

- (1) Approval of Minutes - Meeting of August 26, 2008 **L**
- (2) Old Business/New Business
- (3) Adjournment

4:10 p.m. - 4:15 p.m. - Committee of the Whole

- (1) Approval of Minutes - Meeting of August 26, 2008 **M**
- (2) Old Business/New Business
- (3) Adjournment

Economic Development

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

Planning & Administration

J. Jeffcoat, Chairman
S. Davis, V Chairman
D. Summers
J. Carrigg, Jr.
B. Banning, Sr.
B. Derrick

Justice

B. Banning, Sr., Chairman
J. Kinard, V Chairman
S. Davis
B. Keisler
B. Derrick

Health & Human Services

J. Carrigg, Jr., Chairman
J. Jeffcoat, V Chairman
D. Summers
B. Keisler
B. Banning, Sr.
B. Derrick

Public Works

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

Solid Waste

J. Kinard, Chairman
B. Keisler, V Chairman
S. Davis
J. Jeffcoat
B. Derrick

Committee of the Whole

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

A G E N D A
LEXINGTON COUNTY COUNCIL
Tuesday, September 23, 2008
Second Floor - Dorothy K. Black 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

Chairman's Report

Administrator's Report

Employee Recognition - Katherine Hubbard, County Administrator
Shining Stars for Fourth Quarter 2008

Presentation of Resolutions

- (1) Resident Deputy Wayne Wilson Presented by Councilman Summers
- (2) Lieutenant John E. "J. J." Jones Presented by Councilmen Kinard and Keisler

Resolutions.....**N**

- (1) Rev. William Green
- (2) United States Navy Week

Appointments **O**

Bids/Purchases/RFPs

- (1) Four (4) EMS Unit Replacements - Public Safety/EMS..... **P**
- (2) One (1) Heavy Duty Response/Supply Vehicle - Public Safety/EMS..... **Q**
- (3) One (1) Service Truck - Replacement - Public Safety/Fire Service **R**
- (4) One (1) Backhoe - Replacement - Public Works **S**
- (5) One (1) Slope Mower Tractor - Replacement - Public Works..... **T**
- (6) One (1) Track Loader - Public Works..... **U**

November and December 2008 Schedule..... V

Approval of Minutes - Meetings of July 22 and August 26, 2008W

Zoning Amendments

(1) Zoning Map Amendment M08-10 - Parcels Between Lin creek Drive and Lake Murray Blvd.
- First Reading by TitleX

Ordinance

(1) Ordinance 08-13 - An Ordinance for the Approval of a Special Source Tax Credit
Incentive Agreement with Home Depot - 2nd Reading Y

Committee Reports

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

(1) DHEC/EMS Grant-in-Aid Grant Application - **Tab E**

Public Works, D. Summers, Chairman

(1) Green is Good for Business Conference Sponsorship Request - **Tab H**
(2) Land Development Guidelines - FEMA Update - **Tab I**

6:00 P.M. - Public Hearings

(1) Zoning Map Amendment M08-07 - White Water Drive, Portion of Rocky Ramp Drive and
Launch Court..... Z
(2) Zoning Map Amendment M08-08 - Three Oak Lane and Water Oak Trail1
(3) Ordinance 08-13 - An Ordinance for the Approval of a Special Source Tax Credit
Incentive Agreement with Home Depot - **Tab Y**

Budget Amendment Resolutions

OLD BUSINESS/NEW BUSINESS

EXECUTIVE SESSION/LEGAL BRIEFING

MATTERS REQUIRING A VOTE AS A RESULT OF EXECUTIVE SESSION

ADJOURNMENT

GOALS

- 1. Provide for public services to citizens of Lexington County.**
- 2. Manage growth to meet needs of Lexington County.**
- 3. Provide innovative Financial Management.**

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
Telephone (803) 785-8121 - Fax (803) 785-8188

To: Planning and Administration Committee
Lexington County Council

Through: Katherine Hubbard, County Administrator

From: Ronald T. Scott – Community Development Director

Date: September 12, 2008

Subject: Community Development Block Grant (CDBG) Program
Consolidated Annual Performance and Evaluation Report
Program Year 2007 (July 1, 2007 – June 30, 2008)

The County's eighth year of participation in the Community Development Block Grant Program ended on June 30, 2008. 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 15 and ended August 29, 2008. The public hearing was Thursday, August 28 at 1:00 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 30, 2008.

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. Attached is a summary that provides information on some of the program year accomplishments. A complete copy of the report is available if the committee desires to review the full document. Staff will be prepared to review highlights of the report at the Planning and Administration Committee meeting on September 23, 2008.

Consolidated Annual Performance and Evaluation Report (CAPER) Summary

July 1, 2007 – June 30, 2008

The United States Department of Housing and Urban Development (HUD) requires consolidated planning and reporting of all communities as a condition of receiving federal grants for housing and community development including the Community Development Block Grant (CDBG). At the end of each fiscal year, CDBG recipient communities across the Country report to their citizens and elected officials how they have utilized their grant funds to improve the community and the lives of the people who live in it. The Consolidated Annual Performance and Evaluation Report (CAPER) is the HUD-prescribed vehicle for providing that information.

Lexington County has successfully completed the third year of the County's Five-Year Consolidated Plan. Activities undertaken during this period reflect the goals and objectives as stated in the County's Five-Year Consolidated Plan for 2005 to 2009 and the 2007 Action Plan. The Community Development Department is pleased to report effective performance on meeting project objectives in Program Year 2007. The Community Development Department continues its efforts to be effective stewards of federal funds in the service of its residents.

ACCOMPLISHMENTS AND HIGHLIGHTS

TOTAL EXPENDITURES: \$584,976

PROJECTS COMPLETED

- **Law Enforcement Center at Pelion (\$1,098,359)** - This project provided funds for an environmental assessment, architectural design, land purchase and construction for a law enforcement substation.
- **Lexington County Homeless Count (\$1,637)** - This project provided the Midlands Area Consortium for the Homeless funds to conduct a homeless count in Lexington County.
- **Highway 6 Fire Station (\$619,944)** - This fire station provided coverage to a large rural area of the County that was currently more than five miles from any fire safety facility.
- **Double Branch Neighborhood Water (\$42,501)** - This project provided public water access to a predominately low-and-moderate-income neighborhood area, as well as install three fire hydrants.
- **Sistercare, Van Purchase (\$22,339)** - This project provided funds to be used to purchase a multi-passenger van to transport clients for a domestic violence agency serving Lexington County battered women and their children.

PROJECTS NEARING COMPLETION

- ◆ Lloydwoods Sewer
- ◆ Triangle City Parking Improvements
- ◆ State Street Streetscaping Phase II
- ◆ 2006 Minor Home Repair

Memorandum

September 11, 2008

To: Katherine Hubbard
County Administrator

For: Planning and Administration Committee
County Council

From: Charlie Compton, Director
Department of Planning and GIS

Reference: Residential Occupancy Limitations

At the August 26th Council meeting it was suggested that we look at setting some limits on residential occupancy to primarily address the extreme situations that can occur in a residential neighborhood. Richland County and Cayce were mentioned as possible sources of existing restrictions. After I was unable to find that information, both jurisdictions were contacted and they indicated that their ordinances did not contain such limitations.

Rather than pursue that any further, I felt it would be easier to try composing something to meet our expectations. I am proposing that we simply add the following new section to the Zoning Ordinance after the existing **Section 22.30, Residential Density**.

22.31 Residential Occupancy Limitations

The maximum occupancy allowed in a dwelling unit shall be no greater than either the total of 4 persons per bedroom or one person per 50 square feet of bedroom space, depending on which quantity is the smallest. Bedroom space is defined as only those rooms that are designed for that purpose. The square footage of a living room, dining room, den, etc. being used as a bedroom may not be used to calculate the maximum occupancy allowed.

The numbers “4” and “50” in this draft could be any number we wish. I picked them because they seemed strict enough to allow us to intervene in extreme situations, but reasonable enough to keep us out of more routine circumstances.

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COUNTY OF LEXINGTON
DHEC - EMS GRANT-IN-AID
Annual Budget
Fiscal Year - 2008-09

Object Code	Revenue Account Title	Actual 2006-07	Received Thru May 2007-08	Amended Budget Thru May 2007-08	Projected Revenues Thru Jun 2007-08	Requested 2008-09	Approved 2008-09
*DHEC - EMS Grant-In-Aid 2520:							
Revenues:							
459100	DHEC - EMS Grant-In-Aid	34,042	28	42,241	42,241	41,892	
461000	Investment Interest	95	22	0	22	0	
801000	Operating Transfer from General Fund	2,662	2,459	2,459	2,459	2,438	
**Total Revenue		<u>36,799</u>	<u>2,509</u>	<u>44,700</u>	<u>44,722</u>	<u>44,330</u>	
***Total Appropriation					44,700	44,330	
FUND BALANCE							
Beginning of Year							
					<u>784</u>	<u>806</u>	
FUND BALANCE - Estimated							
End of Year							
					<u>806</u>	<u>806</u>	

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

BUDGET							
Object Code	Expenditure Classification	2006-07 Expend	2007-08 Expend (May)	2007-08 Amended (May)	2008-09 Requested	2008-09 Recommend	2008-09 Approved
Personnel							
* Total Personnel		0	0	0	0	0	
Operating Expenses							
525210	Conference & Meeting Expense	13,500	11,000	12,000	10,800	10,800	
536029	DHEC - Gold Cross Ambulance Grant	0	0	0	6,030	6,030	
* Total Operating		13,500	11,000	12,000	16,830	16,830	
** Total Personnel & Operating		13,500	11,000	12,000	16,830	16,830	
Capital							
540010	Minor Software	0	2,776	2,825	0	0	
	All Other Equipment	22,523	27,964	29,875			
	(1) Quick Response Vehicle and Acc.				27,500	27,500	
** Total Capital		22,523	30,740	32,700	27,500	27,500	
***Total Budget Appropriation		36,023	41,740	44,700	44,330	44,330	

SECTION V.B – OPERATING LINE NARRATIVES

525210 - CONFERENCES & MEETING EXPENSES **\$10,800**

This funding will provide for the tuition costs associated with sending 6 EMT's to paramedic school during the current fiscal year.

6 students @ \$1,800 each = \$10,800

536029 – DHEC Gold Cross Ambulance Grant **\$6,030**

Funds were requested as a part of the DHEC EMS Grant-In-Aid grant application. Funds were awarded to Gold Cross based on the number of emergency ambulance calls during the calendar year 2007. DHEC awarded the grant to Gold Cross as Follows:

State Request:	\$5,698
Local Match:	\$ 332
Total Award	\$6,030

SECTION V.C.-CAPITAL LINE ITEM NARRATIVE

5A9 - (1) Quick Response Vehicle

\$27,500

We are requesting funding for the purchase and deployment of one Quick Response Vehicle (QRV). This vehicle will be utilized in high call volume areas by Advanced Life Support (ALS) trained personnel to first respond to emergency calls providing ALS level service to our citizens in a rapid fashion. This responder would typically be a field level manager who will be able to provide much needed command and control assistance on major calls often involving multiple agencies and many personnel. This vehicle will be well suited for ALS intercept and back-up type calls where a transport ambulance is not necessary, however, additional paramedical resources are needed on the scene.



Emergency Medical Services
Community EMS Assistance Program

1. Lexington County
2. September 11, 2008 Date of Application

3. Project Grant Period:
From: July, 2008
To: June, 2009
4. 1 Year XX 2 Years

5. State Funds Requested \$ 41,892
Total Local Cash \$ 2,438
Total Project Cash \$ 44,330
Source of Local Funds: [X] County [] Community [] Private

6. Ambulance Service: 407 Ball Park Road
Lexington County EMS Lexington, SC 29072 803-785-8683
Name P.O. Box Address Telephone
Chief T. Brian Hood Signature
Director/Chief/Name

7. County Authorization:
Choice of Funding Formula
The county has chosen a local formula for distribution of monies among the ambulance services and all the services have agreed in writing on this formula. The documentation of their agreement with signatures is attached.
If yes, initial here:
The county has chosen to fund each of the ambulance services based on the percentage of the county's total emergency runs which were run by each ambulance service.
If yes, initial here:

I certify that I understand and agree to comply with the general and fiscal requirements of this application and that I am duly authorized to commit the applicant to these requirements. I also understand that the funds available through this grant are not to be used to replace existing dollars now used for the EMS program. A reasonable effort has been made to inform all eligible services of the opportunity to apply for EMS assistance through this grant program.

Authorizing Official

Lexington County Katherine Hubbard County Administrator
212 South Lake Drive Lexington SC 29072 803-785-8100
Street City Zip Telephone
Signature Date

8. Review and Approval:
Regional EMS Agency: SC Midlands EMS Association
Region Executive Director
Signature Title
Date:

Community EMS Assistance Program

1. Basic Life Support Equipment

Quantity	Item	Total

BLS Total \$ _____

2. Advanced Life Support Equipment

Quantity	Item	Total

ALS Total \$ _____

3. Extrication Equipment

Quantity	Item	Total

Ext. Equip. Total \$ _____

4. Communications Equipment		
Quantity	Item	Total
Communications Equipment Total		\$ _____
5. Training		
Quantity	Item	Total
6	Paramedic Course Tuitions	10,800
Training Total		\$ <u>10,800</u>
6. Other/Describe (Ambulance)		
Quantity	Item	Total
1	Quick Response Vehicle (QRV)	27,500
1	Gold Cross Ambulance Grant	6,030
Other Totals		\$ <u>33,530</u>



COUNTY OF LEXINGTON

212 South Lake Drive
Lexington, SC 29072
(803) 785-8100
Fax (803) 785-8101
khubbard@lex-co.com

Memorandum

To: County Council
From: Katherine Hubbard, County Administrator
Date: September 18, 2008
Re: Smoking Ban Ordinance Review

Please find the attached summary that the staff has prepared as an overview of the status of smoking ban ordinances in place or under consideration in the Midlands. A copy of the applicable ordinance for Richland County, City of Columbia and the Town of Lexington are each attached as reference material as well.

In South Carolina, smoking ban ordinances are in place in the following cities and counties:

- *Aiken County
- *Beaufort County
- *Richland County (begins 10/1/08)

- *City of Aiken
- *City of Beaufort
- *Town of Bluffton
- *City of Camden (begins 9/21/08)
- *City of Charleston
- *City of Clemson
- *City of Columbia (begins 10/1/08)
- *City of Greenville
- *Town of Hilton Head
- *Town of Lexington (begins 10/3/08)
- *Town of Liberty
- *Town of Mt. Pleasant
- *City of North Augusta
- *Town of Sullivan's Island
- *Town of Surfside Beach
- *Town of Walterboro

If you are interested in receiving a copy of the ordinance language for any of these jurisdictions prior to the Council meeting next week, or if you have any questions about the local ordinances, please let me know.

DATE: 09/18/2008

PREPARED BY: Jessica Hendrix

**Smoking Ordinance
Enacted?**

**Lexington County
Towns and Municipalities**

Batesburg-Leesville	No
Cayce	No
Chapin	No, may follow county
Gaston	No
Gilbert	No
Irmo	No, may follow county
Lexington	YES
Pelion	No
Pine Ridge	No, some interest
South Congaree	No, some interest
Springdale	No, may follow county
Swansea	No
West Columbia	Under Consideration

**Town Of Lexington Smoking Ordinance prohibits
smoking in public places and places of employment to
include:**

Bars, Bingo facilities; Convention facilities; Educational facilities; Elevators; Health care facilities; Hotel/Motel lobbies ; Licensed Child/Adult Daycare facilities; Restaurants; Enclosed areas of employment; Employee lounges; Amphitheaters; Ball Parks/Stadiums; Parades/Special Events; Outdoor dining areas; Zoos; Common areas in multi-unit residential facilities; Polling places; Private clubs being used for public function; Public transportation to include buses and taxicabs; Ticketing, boarding and waiting areas for public transportation; Restrooms, lobbies, reception areas, and hallways; Retail stores; Rooms, chambers, places of meeting including school buildings; Service lines; Shopping malls; Sports arenas; Theaters, performance and lecture halls; Within 10 feet of entry to enclosed area where smoking prohibited.

Exception: Smoking as part of a theatrical performance

**Richland County
Towns and Municipalities**

Forest Acres	No
Blythewood	Under consideration
Eastover	No
City of Columbia	YES

**Richland County and City of Columbia Ordinance
prohibits smoking in all workplaces.**

Exceptions include:

Private Clubs; Private Residences; Retail Tobacco Stores; Religious Ceremonies; Medical Research Facilities; Drinking Establishments; Hotel/Motel Rooms designated as smoking rooms; Smoking during a theatrical performance

***Richland and Columbia Ordinances are identical*

2008-45

AN ORDINANCE OF THE TOWN OF LEXINGTON, SOUTH CAROLINA,
PROHIBITING SMOKING IN PUBLIC PLACES AND PLACES OF
EMPLOYMENT

BE IT ORDERED AND ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF
LEXINGTON, SOUTH CAROLINA, IN COUNCIL DULY ASSEMBLED AND BY THE
AUTHORITY THEREOF THAT THE TOWN OF LEXINGTON CODE OF
ORDINANCES IS HEREBY AMENDED TO ADD THE FOLLOWING:

§ _____ SMOKING IN PUBLIC PLACES AND PLACES OF EMPLOYMENT

Sec. 1. Findings and determinations.

The Town Council (the "Council") of the Town of Lexington, South Carolina, hereby finds and determines:

(a) The Town of Lexington, South Carolina (the "Town"), is an incorporated municipality located in Lexington County, South Carolina, and as such possesses all powers granted to municipalities by the Constitution and the laws of the State of South Carolina, including the powers enumerated in S.C. Code § 5-7-30 (2005 Supp) relating to regulating streets, markets, and public health.

(b) Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing secondhand smoke (also known as environmental tobacco smoke) is a cause of disease in healthy nonsmokers, including heart disease, stroke, respiratory disease, and lung cancer. The National Cancer Institute has determined that secondhand smoke is responsible for the early deaths of up to 65,000 Americans annually. (National Cancer Institute (NCI), "Health effects of exposure to environmental tobacco smoke: the report of the California Environmental Protection Agency. Smoking and Tobacco Control Monograph 10," *Bethesda, MD: National Institutes of Health, National Cancer Institute (NCI)*, August 1999.). The Surgeon General has declared that:

- (1) Secondhand smoke causes disease and premature death in nonsmokers exposed to smoke;
- (2) Children exposed to secondhand smoke have an increased risk for sudden death syndrome, acute respiratory infections, ear problems, and more severe asthma;
- (3) Adults exposed to secondary smoke have a higher risk of coronary heart disease and lung cancer;
- (4) There is no safe level of exposure to secondhand smoke; and
- (5) Separating smoking and nonsmoking sections of indoor areas does not sufficiently remove the threats of secondhand smoke in enclosed areas.

(c) A significant amount of secondhand smoke exposure occurs in the workplace. Employees who work in smoke-filled businesses suffer a 25--50 percent higher risk of heart attack and higher rates of death from cardiovascular disease and cancer, as well as increased acute respiratory disease and measurable decrease in lung function. (Pitsavos, C.; Panagiotakos, D.B.; Chrysohoou, C.; Skoumas, J.; Tzioumis, K.; Stefanadis, C.; Toutouzas, P., "Association between exposure to environmental tobacco smoke and the development of acute coronary syndromes: the CARDIO2000 case-control study," *Tobacco Control* 11(3): 220-225, September 2002.)

(d) Smoke-filled workplaces result in higher worker absenteeism due to respiratory disease, lower productivity, higher cleaning and maintenance costs, increased health insurance rates, and

increased liability claims for diseases related to exposure to secondhand smoke. ("The high price of cigarette smoking," *Business & Health* 15(8), Supplement A: 6-9, August 1997.)

(e) Certain outdoor events, such as parades, festivals, and other public gatherings, result in nonsmokers finding themselves in close proximity to persons who are smoking which can be reasonably seen to have the same effects of exposure as when nonsmokers are exposed to smoke in the same enclosed space. Lighted cigarettes, cigars, and pipes of people standing or sitting in close proximity have the potential of burning those with whom they inadvertently come into direct contact and making the air quality and peaceful enjoyment of outdoor events unreasonably restricted for nonsmokers.

(f) When there is a presence of secondhand smoke in enclosed spaces or in outside areas where there is a public gathering resulting in people being in close proximity in places that are otherwise open to the public at large inevitably results in persons who do not smoke being forced to bear unwarranted health risks and inappropriate deprivation of peaceful enjoyment of the premises to which they have been invited or permitted to enter, even when steps have been taken to separate "smoking" and "nonsmoking" areas within the confined space.

(g) The Town recognizes that smoke creates a danger to the health and safety of the public at large and that, in order to protect the health and welfare of the public, it is necessary to restrict smoking in the manner provided for in this article (the "article").

Sec. 2. Definitions.

Unless the context shall clearly indicate some other meaning, the terms defined in this section shall, for all purposes of this article and other documents herein referenced, have the meanings herein specified. Definitions shall be equally applicable to both the singular and plural forms of any of the terms herein defined.

"Bar" shall mean an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including but not limited to, taverns, nightclubs, cocktail lounges, and cabarets.

"Business" shall mean a sole proprietorship, partnership, joint venture, corporation, or other business entity, either for-profit or not-for-profit, including retail establishments where goods or services are offered for sale; professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered; and private clubs.

"Employee" shall mean a person who is employed by an employer in consideration for direct or indirect monetary wages, commission, goods or services in kind or like compensation, and it shall also mean a person who volunteers his or her services for a non-profit entity.

"Employer" means a person, business, partnership, association, corporation, including a municipal corporation, trust, or nonprofit entity that employs the services of one or more individual persons.

"Enclosed area" means all space between a floor and ceiling that is enclosed on all sides by walls or windows (exclusive of doorways), which extend from the floor to the ceiling, including stationary structures and mobile public conveyances; parking structures and other facilities having only partial exterior walls but otherwise enclosed by ceilings and floors shall also be included in this definition.

"Health care facility" means an office or institution providing care or treatment of persons having diseases, whether physical, mental, or emotional, or other medical, physiological, or

psychological conditions, including but not limited to, hospitals, rehabilitation hospitals or other clinics, including weight control clinics, nursing homes (except as otherwise permitted herein), homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and all specialists within these professions. This definition shall include all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within health care facilities.

"Place of employment" means an area under the control of a public or private employer that employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, and vehicles. A private residence is not a "place of employment" for purposes of this article unless it is used as a childcare, adult day care, or health care facility. Nor is a private passenger motor vehicle a "place of employment" when used in the performance of employment responsibilities, provided it is not being used as public conveyance.

"Private club" means an organization, whether incorporated or not, which is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes, or for purposes of benefiting particular club members and their guests, which is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain, and which only sells alcoholic beverages incidental to its operation. The affairs and management of the organization are conducted by a board of directors, executive committee, or similar body chosen by the members at an annual meeting. The organization has established bylaws and/or a constitution to govern its activities. The organization has been granted an exemption from the payment of federal income tax as a club under 26 U.S.C. Section 501. Establishments which are in fact operating as bars, restaurants, or entertainment venues primarily for the pecuniary benefit of the owner, or chief operating officer, or other person having substantial control shall not be treated as private clubs under this article.

"Public place" means an area to which the public is invited or to which the public is permitted to have access, including but not limited to, banks, bars, educational facilities, health care facilities, hotel and motel lobbies, laundromats, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, theaters, waiting rooms, sports arena, stadiums and ball parks. A private club is a "public place" when being used for a function to which the general public is allowed entry. A private residence is not a "public place" unless it is used as a childcare, adult day care, or health care facility.

"Restaurant" means an eating establishment, including but not limited to, coffee shops, cafeterias, sandwich stands, ice cream parlors, and private and public school cafeterias, which gives or offers for sale food to the public, guests, or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term "restaurant" shall include a bar area within the restaurant.

"Retail tobacco store" means a retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental. The term specifically includes cigar bars, which are establishments licensed for the on-premises sale of beer, wine, and alcoholic beverages as well as some food service, but the term does not include any establishment which is primarily a bar or restaurant and which undertakes to make retail offerings of tobacco products as a means of circumventing the purposes of this article.

"Service line" means an indoor line in which one or more persons are waiting for or receiving service of any kind, whether or not the service involves the exchange of money.

"Shopping mall" means an enclosed public plaza, promenade, walkway, or hall area that serves to connect retail or professional establishments.

"Smoking" means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other lighted tobacco product in any manner or in any form.

"Sports arena" means sports pavilions, stadiums, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys, and other similar places where members of the general public assemble to engage in physical exercise, participate in athletic competition, or witness sports or other events.

Sec. 3. Application to Town-owned facilities and vehicles.

All enclosed facilities, buildings, and vehicles owned, leased, or operated by the Town shall be subject to the provisions of this article.

Sec. 4. Prohibition of smoking in enclosed public places.

Smoking shall be prohibited in all enclosed public places within the Town, including but not limited to, the following places:

- (a) Galleries, libraries, and museums.
- (b) Areas available to and customarily used by the general public in businesses and nonprofit entities patronized by the public, including but not limited to, professional offices, banks, laundromats, hotels, and motels.
- (c) Bars.
- (d) Bingo facilities.
- (e) Convention facilities, conference centers, and exhibition halls.
- (f) Educational facilities, both public and private.
- (g) Elevators.
- (h) Health care facilities.
- (i) Hotel and motel lobbies.
- (j) Licensed childcare and adult day care facilities.
- (k) Lobbies, hallways, and other common areas in apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities.
- (l) Polling places.
- (m) Private clubs when being used for a function to which the general public is invited.
- (n) Public transportation facilities, including buses and taxicabs, and ticket, boarding and waiting areas of public transit depots.
- (o) Restaurants.
- (p) Restrooms, lobbies, reception areas, hallways, and other common-use areas.
- (q) Retail stores.
- (r) Rooms, chambers, places of meeting or public assembly, including school buildings.
- (s) Service lines.
- (t) Shopping malls.
- (u) Sports arenas.
- (v) Theaters, performance halls, lecture halls, and similar facilities, inclusive of lobbies, audience seating areas, dressing rooms, projections booths, back stage areas, and the stage, but excluding smoking on stage when it is an integral part of a theatrical performance.

Sec. 5. Prohibition of smoking in places of employment.

(a) Smoking shall be prohibited in all enclosed areas within places of employment without exception, including but not limited to common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, vehicles used for the conveyance of the public, but not including vehicles used in performing employment responsibilities when the sole occupants and users are person who smoke.

(b) This prohibition on smoking shall be communicated by employers to all existing employees by the effective date of this article and to all prospective employees upon their application for employment.

Sec. 6. Prohibition of smoking in certain outdoor areas.

Smoking shall also be prohibited in certain outdoor areas when the use involves a gathering of the public, regardless of the number actually assembled for the event, performance, or competition. This prohibition shall apply to:

(a) Amphitheaters.

(b) Ball parks and stadiums when in use for athletic competitions or public performances.

(c) Parades and special events on public streets and Town property, although the Town Administrator has the discretion, but not the obligation, to establish designated smoking areas in or in proximity to the parade or event area.

(d) Dining areas in encroachment areas on public sidewalks, plazas, and parks and dining areas on decks, balconies, and patios of restaurants and bars.

(e) Zoos.

Sec.7. Reasonable distance of entry and outdoor area.

Smoking is prohibited within a distance of ten feet from any entry into an enclosed area where smoking is prohibited, so as to insure that tobacco smoke does not enter the area through entrances, windows, ventilation systems, or other means. Smoking is also prohibited within ten feet of the boundary of the outdoor areas where smoking is prohibited. Persons who have begun smoking prior to approaching the ten-foot distance may continue doing so, provided they do not stop, stand, sit, or linger within the ten-foot distance.

Sec. 8. Where smoking not regulated.

Notwithstanding any other provision of this article to the contrary, the following areas shall be exempt from the provisions of Sections 3, 4, 5, and 6 of this article:

(a) Private residences, except when used as a licensed childcare, adult day care, or health care facility.

(b) Hotel and motel rooms that are rented to guests and are designated as smoking rooms; provided, however, that not more than 20 percent of rooms rented to guests in a hotel or motel may be so designated. All smoking rooms on the same floor must be contiguous and smoke from these rooms must not infiltrate into areas where smoking is prohibited under the provisions of

this article. The status of rooms as smoking or nonsmoking may not be changed, except to add additional nonsmoking rooms.

(c) Retail tobacco stores, provided that smoke from these places does not infiltrate into areas where smoking is prohibited under the provisions of this article.

(d) Private and semiprivate rooms in nursing homes and long-term care facilities that are occupied by one or more persons, all of whom are smokers and have requested in writing to be placed in a room where smoking is permitted; provided that smoke from these places does not infiltrate into areas where smoking is prohibited under the provisions of this article.

(e) Private clubs that have no employees, except when being used for a function to which the general public is admitted.

(f) Outdoor areas of places of employment except those covered by the provisions of Sections 5 and 6 of this article.

Sec. 9. Declaration of establishment as non-smoking.

Notwithstanding any other provision of this article, an owner, operator, manager, or other person in control of an establishment, facility, or outdoor area may declare that entire establishment, facility, or outdoor area as a nonsmoking place. Smoking shall be prohibited in any place in which a sign conforming to the requirements of subsection 10(a) is posted.

Sec. 10. Posting of signs.

(a) "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly and conspicuously posted in every public place and place of employment where smoking is prohibited by this article, by the owner, operator, manager, or other person in control of that place.

(b) Every public place and place of employment where smoking is prohibited by this article shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited.

(c) All ashtrays shall be removed from any area where smoking is prohibited by this article by the owner, operator, manager, or other person having control of the area.

Sec. 11. Nonretaliation; nonwaiver of rights.

(a) No person or employer shall discharge, refuse to hire, or in any manner retaliate against an employee, applicant for employment, or customer because that employee, applicant, or customer exercises any rights afforded by this article or reports or attempts to prosecute a violation of this article.

(b) An employee who works in a setting where an employer allows smoking does not waive or otherwise surrender any legal rights the employee may have against the employer or any other party.

Sec. 12. Enforcement.

(a) This article shall be enforced by the office of the Town Administrator or an authorized designee.

(b) Notice of the provisions of this article shall be given to all applicants for a business license in the Town.

(c) Any citizen who desires to register a complaint under this article may initiate enforcement with the office of the Town Administrator.

(d) The building codes division, fire department, or their designees shall, while an establishment is undergoing otherwise mandated inspections, inspect for compliance with this article.

(e) An owner, manager, operator, or employee of an establishment regulated by this article shall inform persons violating this article of the appropriate provisions thereof.

(f) Notwithstanding any other provision of this article, an employee or member of the public may bring legal action against a person, business, or organization in violation of this article to enforce this article.

(g) In addition to the remedies provided by the provisions of this section, the Town or any person aggrieved by the failure of the owner, operator, manager, or other person in control of a public place or a place of employment to comply with the provisions of this article may apply for injunctive relief to enforce those provisions in any court of competent jurisdiction.

Sec. 13. Violations and penalties.

(a) A person who smokes in an area where smoking is prohibited by the provisions of this article shall be guilty of an infraction, punishable by a fine of not less than \$25.00 nor more than \$100.00.

(b) A person who owns, manages, operates, or otherwise controls a public place or place of employment and who fails to comply with the provisions of this article shall be guilty of an infraction, punishable by a fine of not less than \$25.00 nor more than \$100.00.

(c) In addition to the fines established by this section, repeated violations of this article by a person who owns, manages, operates, or otherwise controls a public place or place of employment may result in the suspension or revocation of any occupancy permit or business license issued to the person for the premises on which the violation occurred.

(d) Violation of this article is hereby declared to be a public nuisance, which may be abated by the Town by restraining order, preliminary and permanent injunction, or other means provided for by law, and the Town may take action to recover the costs of the nuisance abatement.

(e) Each day of a continuing violation of this article shall be considered a separate and distinct offense.

Sec. 14. Public education.

The Town shall engage in a continuing program to explain and clarify the purposes and requirements of this article to citizens affected by it, and to guide owners/operators, and managers in their compliance with it. The program may include publication of a brochure for affected businesses and individuals explaining the provisions of this article.

Sec. 15. Governmental agency cooperation.

The Town shall annually request other governmental and educational agencies having facilities within the Town to establish local operating procedures in cooperation and compliance with this

article. This includes urging all federal, state, county, city, and school district agencies to update their existing smoking control regulations to be consistent with the current health findings regarding secondhand smoke.

Sec. 16. Other applicable laws.

This article shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.

Sec. 17. Interpretation for intent.

It is the intent of council to prohibit smoking whenever the private choice of smoking intrudes or has the capacity to intrude upon the right of persons concerned about protecting their own rights to be free from the hazards and inconvenience of secondhand smoke in places where they work, stand, sit, walk, dine, drink, read, study, or engage in entertainment and recreation. All provisions shall be construed to achieve these purposes.

Sec. 18. Severability.

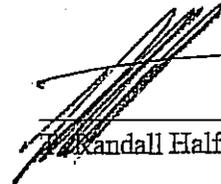
If any provision, clause, sentence, or paragraph of this article or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of this article which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

Sec. 19. Effect of section headings.

The headings or titles of the several sections hereof shall be solely for convenience of reference and shall not affect the meaning, construction, interpretation or effect of this article.

Sec. 20. Effective Date.

The effective date of this ordinance shall be thirty (30) days following final approval and signature of the ordinance by the Mayor, or other authorized representative of the Town of Lexington.



Randall Halfacre, Mayor

ATTEST:



Becky P. Hildebrand, Municipal Clerk

First Reading 8.4.08

Public Hearing 9.2.08

Second Reading 9.2.08

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. 033-08HR

AN ORDINANCE TO AMEND THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 18, OFFENSES; BY ADDING A NEW SECTION THEREIN FOR THE PURPOSE OF ESTABLISHING REGULATIONS AND REQUIREMENTS RELATING TO SMOKING OF TOBACCO PRODUCTS IN THE UNINCORPORATED AREAS OF RICHLAND COUNTY.

Pursuant to the authority by the Constitution of the State of South Carolina and the General Assembly of the State of South Carolina, BE IT ENACTED BY RICHLAND COUNTY COUNCIL:

SECTION I. The Richland County Code of Ordinances; Chapter 18, Offenses; is hereby amended to add a new section, which shall read as follows:

Section 18-6. Smoking of tobacco products.

(a) Findings. As an incident to the adoption of this Section, the County Council ("County Council") of the County of Richland, South Carolina (the "County") makes the following findings:

- (1) Secondhand smoke is the third leading cause of preventable death in the United States, killing 53,000 Americans prematurely each year; and
- (2) The U.S. Environmental Protection Agency, U.S. Centers for Disease Control and Prevention, National Toxicology Program's Report on carcinogens, National Cancer Institute, and the International Agency for Research and cancer have all reported that secondhand smoke is a group A human carcinogen, a cancer causing substance, of which there is no safe level of exposure; and
- (3) The health consequences of involuntary smoking have been reported by the U.S. Surgeon General to be a cause of disease, including lung cancer, in healthy non-smokers; and
- (4) The U.S. Surgeon General has concluded that a simple separation of smokers and non-smokers within the same airspace does not eliminate the exposure of non-smokers; and
- (5) Numerous medical and scientific studies show substantial levels of exposure to secondhand smoke among the United States population, and over the past two decades, the health hazards resulting from exposure to secondhand smoke have been increasingly recognized; and
- (6) Secondhand smoke increases the risk of developing breast cancer in younger, pre-menopausal women; and when inhaled by pregnant women, secondhand smoke increases the risk for low-weight babies, pre-term delivery, and Sudden Infant Death Syndrome (SIDS); and
- (7) Exposure to secondhand smoke by children leads to decreased lung function, asthma, pneumonia, ear infections, bronchitis and even sudden infant death syndrome; and
- (8) Studies of hospital admissions for acute myocardial infarction in Helena, Montana and Pueblo, Colorado before, during, and after a local law eliminating smoking in workplaces and public places was in effect, has determined that laws to enforce smoke-free workplaces and public places may be associated with a reduction in morbidity from heart disease; and

- (9) Workplaces have been shown to be locations of significant exposure to secondhand tobacco smoke by employees working in the unincorporated areas of Richland County; and
- (10) There are laws, ordinances, and regulations in place that protect workers from other environmental hazards, including Class A carcinogens, asbestos, arsenic and benzene, but none which regulate exposure to secondhand smoke; and
- (11) The South Carolina General Assembly at Section 44-95-10 et seq. (the "Clean Indoor Air Act of 1990") imposed certain limitations on smoking. For example, it limited smoking in Government Buildings (the definition of which includes County-owned buildings) except where the owner of such building shall designate smoking areas.

County Council has now determined that additional regulation of smoking in areas beyond those addressed in the Clean Indoor Air Act of 1990 is appropriate in furtherance of its duty to protect the health of its citizens and employees in the workplace and therefore enacts this Section.

(b) Intent. County Council finds that it is in the best interest of the people of the unincorporated areas of the County to protect nonsmokers from involuntary exposure to secondhand smoke in the workplace. Therefore, County Council declares that the purpose of this act is: 1) to preserve and improve the health, comfort, and environment of the people of the unincorporated areas of the County by limiting exposure to secondhand smoke in the workplace; and 2) to guarantee the right of nonsmokers to breathe smoke-free air, and to recognize that the need to breathe smoke-free air shall have priority over the desire to smoke.

(c) Definitions.

- (1) "Employee" means any person who performs services for an employer in return for wages, profit or other valuable consideration, and/or a person who volunteers his or her services for a non-profit entity.
- (2) "Employer" means any person, partnership, association, corporation, trust, school, college, university or other educational institution, nonprofit entity or other organization, including any public or private employer, any manager, supervisor, and all other persons charged with control, supervision, and operation of any Workplace, Work Space, or Work Spaces as defined herein, that employs one (1) or more persons.
- (3) "Enclosed" means a space bounded by walls (with or without windows), a ceiling or roof, and enclosed by doors, including but not limited to, offices, rooms, foyers, waiting areas and halls.
- (4) "Secondhand smoke" is the complex mixture formed from the escaping smoke of a burning tobacco product (termed as "sidestream smoke") and smoke exhaled by the smoker. Exposure to secondhand smoke is also frequently referred to as "passive smoking," "secondhand smoking" or "involuntary smoking".
- (5) "Retail Tobacco Store" means any establishment which is not required to possess a retail food permit whose primary purpose is to sell or offer for sale to consumers, but not for resale, tobacco products and paraphernalia, in which the sale of other products is merely incidental, and in which the entry of persons under the age of eighteen (18) is prohibited at all times.

- (6) "Smoking" means the inhaling, exhaling, burning, lighting or carrying of a lighted cigarette, cigar, pipe, or similar device or any other lighted tobacco product.
- (7) "Smoking Materials" includes cigars, cigarettes and all other manner of smoking devices intended to be used for the purpose of inhaling, burning, carrying or exhaling lighted tobacco products.
- (8) "Workplace" means any enclosed indoor area, structure, building or facility or any portion thereof at which one (1) or more employee(s) perform services for their employer, including but not limited to: retail food stores, retail stores, restaurants, bars, cabarets, cafes, public or private clubs, pool halls, and bowling alleys.
- (9) "Work space" or "work spaces" means any enclosed area occupied by an employee during the course of his or her employment, including but not limited to: offices, customer service areas, common areas, hallways, waiting areas, restrooms, lounges, and eating areas.

(d) Prohibition of Smoking in the Workplace.

- (1) All employers shall provide a smoke-free environment for all employees working in any work space or workplace as those terms are defined herein. Further, the employer shall prohibit any persons present in any work space or workplace from smoking tobacco products therein.
- (2) No person shall smoke or possess a lighted tobacco product in any work space or workplace.

(e) Exceptions. Notwithstanding the provisions of subsection (d) herein, smoking may be permitted in the following places under the following circumstances:

- (1) Private residences;
- (2) Hotel and motel rooms that are rented to guests and are designated as smoking rooms; provided, however, that not more than twenty-five (25%) of rooms rented to guests in a hotel or motel may be so designated. All smoking rooms on the same floor must be contiguous and smoke from these rooms must not infiltrate into areas where smoking is prohibited under the provisions of this Section. The status of rooms as smoking or nonsmoking may not be changed, except to add additional nonsmoking rooms;
- (3) Retail tobacco stores as defined herein; and
- (4) Religious ceremonies where smoking is part of the ritual.

(f) Posting of Signs. The owner, manager or person in control of a Workplace shall post a conspicuous sign at the main entrance to the Workplace, which shall contain the words "No Smoking" and the universal symbol for no smoking.

(g) Reasonable Distance. Smoking outside a Workplace, and any other indoor area where smoking is prohibited, shall be permitted, provided that tobacco smoke does not enter any Work Spaces and/or Workplaces through entrances, windows, ventilation systems, or other means.

(h) Jurisdiction, Enforcement and Penalties.

1) A person who owns, manages, operates, or otherwise controls a Workplace or Work Space and who fails to comply with the provisions of this Section shall be deemed guilty of an infraction.

2) A person smoking or possessing a lighted tobacco product in any Work Space or Workplace shall be guilty of an infraction.

3) An infraction is punishable by a fine of five hundred dollars (\$500). Each day on which a violation of this Section occurs shall be considered a separate and distinct infraction. A violation of this Section is furthermore declared to be a public nuisance.

(i) Governmental Agency Cooperation. The County Administrator shall appropriately request other governmental and educational agencies having facilities with the unincorporated areas of the County to establish local operating procedures in cooperation and compliance with this Section. This includes urging all Federal, State, County, City, and School District agencies to update their existing smoking control regulations to be consistent with the current health findings regarding secondhand smoke.

SECTION II. Severability. If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

SECTION III. Conflicting Ordinances Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION IV. Effective Date. This ordinance shall be enforced from and after October 1, 2008.

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE ____ DAY

OF _____, 2008

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

Approved As To LEGAL Form Only
No Opinion Rendered As To Content

First Reading: May 6, 2008
Second Reading: June 3, 2008
Public Hearing: June 3, 2008
Third Reading: June 17, 2008

City of Columbia SC

DIVISION 5. REGULATIONS AND REQUIREMENTS RELATING TO SMOKING OF TOBACCO PRODUCTS

Sec. 8-215. Findings and intent.

(a) *Findings* . As an incident to the adoption of the ordinance from which this division derives, the city council ("city council") of the City of Columbia, South Carolina (the "city") makes the following findings:

- (1) Secondhand smoke is the third leading cause of preventable death in the United States, killing 53,000 Americans prematurely each year; and
- (2) The U.S. Environmental Protection Agency, U.S. Centers for Disease Control and Prevention, National Toxicology Program's Report on Carcinogens, National Cancer Institute, and the International Agency for Research and Cancer have all reported that secondhand smoke is a Group A human carcinogen, a cancer causing substance, of which there is no safe level of exposure; and
- (3) The health consequences of involuntary smoking have been reported by the U.S. Surgeon General to be a cause of disease, including lung cancer, in healthy non-smokers; and
- (4) The U.S. Surgeon General has concluded that a simple separation of smokers and non-smokers within the same airspace does not eliminate the exposure of non-smokers; and
- (5) Numerous medical and scientific studies show substantial levels of exposure to secondhand smoke among the United States population, and over the past two decades, the health hazards resulting from exposure to secondhand smoke have been increasingly recognized; and
- (6) Secondhand smoke increases the risk of developing breast cancer in younger, premenopausal women; and when inhaled by pregnant women, secondhand smoke increases the risk for low-weight babies, pre-term delivery, and Sudden Infant Death Syndrome(SIDS); and
- (7) Exposure to secondhand smoke by children leads to decreased lung function, asthma, pneumonia, ear infections, bronchitis and even sudden infant death syndrome; and
- (8) Studies of hospital admissions for acute myocardial infarction in Helena, Montana and Pueblo, Colorado before, during, and after a local law eliminating smoking in workplaces and public places was in effect, has determined that laws to enforce smoke-free workplaces and public places may be associated with a reduction in morbidity from heart disease; and
- (9) Workplaces have been shown to be locations of significant exposure to secondhand smoke by employees working in the City of Columbia; and
- (10) There are laws, ordinances and regulations in place that protect workers from other environmental hazards, including Class A carcinogens, asbestos, arsenic and benzene, but none which regulate exposure to secondhand smoke; and
- (11) The South Carolina General Assembly at Section 44-95-10 et seq. (the "Clean Indoor Air Act of 1990") imposed certain limitations on smoking. For example, it limited smoking in government buildings (the definition of which includes city-owned buildings) except where the owner of such building shall designate smoking areas.

City Council has now determined that additional regulation of smoking in areas beyond those addressed in the Clean Indoor Air Act of 1990 is appropriate in furtherance of its duty to protect the health of its citizens and employees in the workplace and therefore enacts this division.

(b) *Intent*. City council finds that it is in the best interest of the people of this city to protect nonsmokers from involuntary exposure to secondhand smoke in the workplace. Therefore, city

council declares that the purpose of this act is to preserve and improve the health, comfort and environment of this city by limiting exposure to secondhand smoke in the workplace; and (2) to guarantee the right of nonsmokers to breathe smoke-free air, and to recognize that the need to breathe smoke-free air shall have priority over the desire to smoke.
(Ord. No. 2006-081, § 1, 11-8-06)

Sec. 8-216. 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: *Drinking establishment* means any business whose on-site sales of food for consumption on the premises comprises no more than 15 percent of gross sales of both food, non-alcoholic and alcoholic beverages on an annual basis.

Employee means any person who performs services for an employer in return for wages, profit or other valuable consideration, and a person who volunteers his or her services for a non-profit entity.

Employer means any person, partnership, association, corporation, trust, school, college, university or other educational institution, nonprofit entity or other organization, including any public or private employer, any manager, supervisor, and all other persons charged with control, supervision, and operation of any workplace, work space, or work spaces as defined herein, that employs one (1) or more persons.

Enclosed means a space bounded by walls (with or without windows), a ceiling or roof, and enclosed by doors, including but not limited to, offices, rooms, foyers, waiting areas and halls.

Medical facility means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including but not limited to, hospitals, rehabilitation hospitals or other clinics, including weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and all specialists within these professions. This definition shall include all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within medical facilities.

Medical research facility means an enclosed indoor workplace where tobacco smoking is an integral part of a smoking cessation program approved by a university, college or hospital.

Private club means an organization, whether incorporated or not, which is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all times, which is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain, and which only sells alcoholic beverages incidental to its operation. The affairs and management of the organization are conducted by a board of directors, executive committee, or similar body chosen by the members at an annual meeting. The organization has established bylaws and/or a constitution to govern its activities. The organization has been granted an exemption from the payment of federal income tax as a club under 26 U.S.C. Section 501. Establishments which are in fact operating as bars, restaurants or entertainment venues primary for the pecuniary benefit of the owner or chief operating officer shall not be treated as private clubs under this division. A private club is not a private club for the purposes of this division when being used for a function to which the general public is allowed to enter.

Retail tobacco store means any establishment which is not required to possess a retail food permit whose primary purpose is to sell or offer for sale to consumers, but not for resale, tobacco

products and paraphernalia, in which the sale of other products is merely incidental, and in which the entry of persons under the age of 18 is prohibited at all times.

Secondhand smoke is the complex mixture formed from the escaping smoke of a burning tobacco product (termed as "sidestream smoke") and smoke exhaled by the smoker. Exposure to secondhand smoke is also frequently referred to as "passive smoking," "secondhand smoking" or "involuntary smoking".

Smoking means the inhaling, exhaling, burning, lighting or carrying of a lighted cigarette, cigar, pipe, or similar device or any other lighted tobacco product.

Smoking materials includes cigars, cigarettes and all other manner of smoking devices intended to be used for the purpose of inhaling, burning, carrying or exhaling lighted tobacco products.

Workplace means any enclosed indoor area, structure, building or facility or any portion thereof at which one (1) or more employee(s) perform services for their employer, including but not limited to: retail food stores; retail stores; restaurants; bars; cabarets, cafes; public or private clubs; pool halls and bowling alleys.

Work space or *work spaces* means any enclosed area occupied by an employee during the course of his or her employment, including but not limited to: offices, customer service areas; common areas; hallways; waiting areas; restrooms; lounges and eating areas.

(Ord. No. 2006-081, § 1, 11-8-06)

Sec. 8-217. Prohibition of smoking in the workplace.

(a) All employers shall provide a smoke free environment for all employees working in any work space or workplace as those terms are defined herein. Further, the employer shall prohibit any persons present in any work space and workplace from smoking tobacco products therein.

(b) No person shall smoke or possess a lighted tobacco product in any work space and workplace.

(Ord. No. 2006-081, § 1, 11-8-06)

Sec. 8-218. Exceptions.

Notwithstanding the provisions of section 8-217 herein, smoking may be permitted in the following places or under the following circumstances:

(1) Private residences;

(2) Private clubs;

(3) Hotel and motel rooms that are rented to guests and are designated as smoking rooms; provided, however, that not more than 25 percent of rooms rented to guests in a hotel or motel may be so designated. All smoking rooms on the same floor must be contiguous and smoke from these rooms must not infiltrate into areas where smoking is prohibited under the provisions of this division. The status of rooms as smoking or nonsmoking may not be changed, except to add additional nonsmoking rooms;

(4) Retail tobacco stores as defined herein;

(5) Religious ceremonies where smoking is part of the ritual;

(6) Medical research facilities;

(7) Smoking by performers during a theatrical event which requires smoking in the context of the performance;

(8) A drinking establishment which posts in at least two conspicuous locations that it is a smoking establishment.

(Ord. No. 2006-081, § 1, 11-8-06)

Sec. 8-219. Posting of signs.

The owner, manager or person in control of a workplace shall post a conspicuous sign at the main entrance to the workplace, which shall contain the words "No Smoking" and the universal symbol for no smoking.

(Ord. No. 2006-081, § 1, 11-8-06)

Sec. 8-220. Reasonable distance of entry.

Smoking outside a Workplace, and any other indoor area where smoking is prohibited shall be permitted, provided that tobacco smoke does not enter any work spaces and workplaces through entrances, windows, ventilation systems or other means.

(Ord. No. 2006-081, § 1, 11-8-06)

Sec. 8-221. Jurisdiction, enforcement and penalties.

(a) A person who owns, manages, operates, or otherwise controls a workplace or work space and who fails to comply with the provisions of this division shall be guilty of a misdemeanor, punishable by a fine not exceeding \$500.00 and imprisonment for not more than 30 days, or both.

(b) Violation of this division is hereby declared to be a public nuisance.

(c) Each day on which a violation of this division occurs shall be considered a separate and distinct violation.

(Ord. No. 2006-081, § 1, 11-8-06)

Sec. 8-222. Severability; conflicts with other regulations; cooperation with other governmental agencies.

(a) *Severability.* If any provision, clause, sentence or paragraph of this division or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of this division which can be given effect without the invalid provision or application, and to this end the provisions of this division are declared to be severable.

(b) *Conflict with other laws, ordinances or regulations.* Nothing in this section shall be deemed to amend or repeal any applicable fire, health or other, law, ordinance or regulation so as to permit smoking in areas where it is prohibited by such applicable fire, health, or other law, ordinance or regulation.

(c) *Governmental agency cooperation.* The city manager shall annually request other governmental and educational agencies having facilities within the city to establish local operating procedures in cooperation and compliance with this division. This includes urging all federal, state, county, city, and school district agencies to update their existing smoking control regulations to be consistent with the current health findings regarding secondhand smoke.

(Ord. No. 2006-081, § 1, 11-8-06)

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

PUBLIC WORKS DEPARTMENT

STORMWATER DIVISION

MEMORANDUM

DATE: September 8, 2008

TO: Katherine Hubbard, County Administrator

FROM: Synithia Williams, Environmental Coordinator

RE: Green is Good for Business Conference Sponsorship Request

The City of Columbia has requested that Lexington County sponsor The Climate Protection Action Campaign's (CPAC) Green is Good for Business Conference on October 7th at the convention center.

Some of the benefits to the County for sponsoring the 2007 Green is Good for Business Conference include:

- The County was allowed to set up a booth in a prominent location at the conference information about the county's air quality and stormwater programs were presented.
- The City invited Lexington County Council to serve on the welcoming panel and address the businesses in attendance.
- Participation in the conference was reported as a public education activity for both the National Pollutant Discharge Elimination System Stormwater Program and the Early Action Compact requirements.
- Due to our participation in the 07 Conference the City of Columbia returned the favor and co-sponsored the 2008 Lawn Mower Exchange; allowing the exchange to expand and be more successful than the year before.

There is \$5,000 budgeted in the air quality supplies account (521215) for Fiscal Year 08-09. This money was appropriated to cover air quality projects and sponsorships. Staff is requesting that \$1,500 be used for sponsorship of the 2008 CPAC Green is Good for Business Conference.



August 27, 2008

Synithia Williams
Lexington County Public Works
440 Ball Park Road
Lexington, SC 29072

Dear Ms. Williams,

Plans are well underway for the 2nd annual Green is Good for Business Conference. The event will be held at the Columbia Metropolitan Convention Center on October 7, 2008. The Central Midlands Council of Government's "Air Quality Forum" and the Greater Columbia Chamber of Commerce "Business After Hours" events will be held in conjunction with this year's conference, providing even more exposure and face time opportunities for conference sponsors.

Sponsorship opportunities are still available for this event. As a sponsor of the 2007 conference, your support and contribution of \$1500 helped facilitate a successful outreach to the business community, reaching over 300 participants and 43 vendors. As we continue this effort, we are optimistic that your sustained interest and support will help in encouraging and educating all sectors of the community and making a difference in our region.

If you are interested in being a sponsor of the "Green is Good for Business Conference" again this year, please complete the attached form or email/call Missy Gentry, Public Works Director at (803) 545-3780 / msgentry@columbiasc.net.

Thank you in advance for your support and participation in this exciting event. The City, through the efforts of the CPAC committee and companies such as yours, has made much progress in bringing awareness to Climate Protection issues.

Truly yours,

Robert D. Coble
Mayor



COUNTY OF LEXINGTON
PUBLIC WORKS DEPARTMENT
ENGINEERING

MEMORANDUM

DATE: September 12, 2008

TO: Katherine Hubbard
County Administrator

FROM: John Fachtel, Public Works Director
Assistant County Administrator

RE: Land Development Guidelines – FEMA Update

County Council needs to review the changes to our Land Development Guidelines for the section relating to our FEMA Flood Program. The language that is italicized and shaded reflects additions to the Land Development Guidelines. These changes are needed to comply with our October 2007 Community Assistance visit, in which SCDNR evaluated our flood program. This change is based on the last review of our program requesting revisions and the proposed language is identical to the SCDNR state model ordinance.

Also we are taking all floodplain regulations out of Section 3 and placing it into Section 6.

We request the Public Works Committee review this and report its findings to County Council on September 23, 2008 for their consideration.

Chapter 6 Floodplain Provisions

The goal of this section of the Manual is to provide an overview of the requirements and procedures for proposed land development occurring in or altering of the 100-year floodplain (floodplain) and floodway. Development is defined by FEMA as any man-made change to improved or unimproved property including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations. For situations not addressed in this manual, the Lexington County Floodplain Manager may refer to various South Carolina Flood Mitigation Program and FEMA publications, policies and guidelines.

6.1 Statutory Authorization

County: The Legislature of the State of South Carolina has in SC Code of Laws, Title 4, Chapters 9 (Article 1), 25, and 27, and amendments thereto, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the County Council of Lexington County, South Carolina does ordain as follows:

6.2 Findings of Fact

The Special Flood Hazard Areas of Lexington County are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

Furthermore, these flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood proofed, or otherwise unprotected from flood damages.

6.3 Statement of Purpose and Objectives

It is the purpose of this ordinance to protect human life and health, minimize property damage, and encourage appropriate construction practices to minimize public and private losses due to flood conditions by requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction. Uses of the floodplain which are dangerous to health, safety, and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion are restricted or prohibited. These provisions attempt to control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters, and control filling, grading, dredging and other development which may increase flood damage or erosion.

Additionally, the ordinance prevents or regulates the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

The objectives of this ordinance are to protect human life and health, to help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize flood blight areas, and to insure that potential home buyers are notified that property is in a flood area. The provisions of the ordinance are intended to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets and bridges located in the floodplain, and prolonged business interruptions. Also, an important floodplain management objective of this ordinance is to minimize expenditure of public money for costly flood control projects and rescue and relief efforts associated with flooding.

Floodplains are an important asset to the community. They perform vital natural functions such as temporary storage of floodwaters, moderation of peak flood flows, maintenance of water quality, groundwater recharge, prevention of erosion, habitat for diverse natural wildlife populations, recreational opportunities, and aesthetic quality. These functions are best served if floodplains are kept in their natural state. Wherever possible, the natural characteristics of floodplains and their associated wetlands and water bodies should be preserved and enhanced. Decisions to alter floodplains, especially floodways and stream channels, should be the result of careful planning processes that evaluate resource conditions and human needs.

6.4 Lands to which this Ordinance Applies

This ordinance shall apply to all areas of special flood hazard within the jurisdiction of Lexington County Unincorporated Areas as identified by the Federal Emergency Management Agency in its Flood Insurance Study, dated February 20, 2002 with accompanying maps and other supporting data that are hereby adopted by reference and declared to be a part of this ordinance.

6.5 Warning and Disclaimer of Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Lexington County or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

6.6 Interpretation

In the interpretation and application of this ordinance all provisions shall be considered as minimum requirements, liberally construed in favor of the governing body, and deemed neither to limit nor repeal any other powers granted under State law. This ordinance is not intended to

repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

6.7 *Partial Invalidity and Severability*

If any part of this Ordinance is declared invalid, the remainder of the Ordinance shall not be affected and shall remain in force.

6.8 *Administrative Procedures*

1. *Inspections of Work in Progress:* *As the work pursuant to a permit progresses, the local administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the administrator has a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction at any reasonable hour for the purposes of inspection or other enforcement action.*

2. *Stop-Work Orders:* *Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.*

3. *Revocation of Permits:* *The local administrator may revoke and require the return of the development permit by notifying the permit holder in writing, stating the reason for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any permit mistakenly issued in violation of an applicable State or local law may also be revoked.*

4. *Periodic Inspections:* *The local administrator and each member of his inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.*

5. *Violations to be Corrected:* *When the local administrator finds violations of applicable State and local laws, it shall be his duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law on the property he owns.*

6. Actions in Event of Failure to Take Corrective Action: *If the owner of a building or property shall fail to take prompt corrective action, the administrator shall give him written notice, by certified or registered mail to his last known address or by personal service, that:*

a) *the building or property is in violation of the Flood Damage Prevention Ordinance,*

b) *a hearing will be held before the local administrator at a designated place and time, not later than 10 days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and,*

c) *following the hearing, the local administrator may issue such order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.*

7. Order to Take Corrective Action: *If, upon a hearing held pursuant to the notice prescribed above, the administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he shall make an order in writing to the owner, requiring the owner to remedy the violation within such period, not less than 60 days, the administrator may prescribe; provided that where the administrator finds that there is imminent danger to life or other property, he may order that corrective action be taken in such lesser period as may be feasible.*

8. Appeal: *Any owner who has received an order to take corrective action may appeal from the order to the local elected governing body by giving notice of appeal in writing to the administrator and the clerk within 10 days following issuance of the final order. In the absence of an appeal, the order of the administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.*

9. Failure to Comply with Order: *If the owner of a building or property fails to comply with an order to take corrective action from which no appeal has been taken, or fails to comply with an order of the governing body following an appeal, he shall be guilty of a misdemeanor and shall be punished in the discretion of the court.*

10. Denial of Flood Insurance under the NFIP: *If a structure is declared in violation of this ordinance and the violation is not remedied then the local administrator shall notify the Federal Emergency Management Agency to initiate a Section 1316 of the National Flood insurance Act of 1968 action against the structure upon the finding that the violator refuses to bring the violation into compliance with the ordinance. Once a violation has been remedied the local administrator shall notify FEMA of the remedy and ask that the Section 1316 be rescinded.*

11. *The following documents are incorporated by reference and may be used by the local administrator to provide further guidance and interpretation of this ordinance as found on FEMA's website at www.fema.gov:*

1. *FEMA 55 Coastal Construction Manual*
2. *All FEMA Technical Bulletins*
3. *All FEMA Floodplain Management Bulletins*
4. *FEMA 348 Protecting Building Utilities from Flood Damage*
5. *FEMA 499 Home Builder's Guide To Coastal Construction Technical Fact Sheets*

6.9 General Standards

Development may not occur in the floodplain where alternative locations exist due to the inherent hazards and risks involved. Before approval for development in the floodplain is given, the applicant shall demonstrate that new structures cannot be located out of the floodplain and that encroachments onto the floodplain are minimized. In all areas of special flood hazard, the following provisions are required:

- a. **Anchoring** - All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure;
- b. **Flood Resistant Materials and Equipment** - All new construction and substantial improvements shall be constructed with flood resistant materials and utility equipment resistant to flood damage;
- c. **Minimize Flood Damage** - All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damages;
- d. **Critical Development** – All critical type developments, as defined by this Manual, shall be elevated to the 500 year flood elevation or be elevated to the highest known historical flood elevation (where records are available), whichever is greater. If no data exists establishing the 500-year flood elevation or the highest known historical flood elevation, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates 500-year flood elevation data;
- e. **Utilities** - Electrical, ventilation, plumbing, heating and air conditioning equipment (including ductwork), and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of the base flood plus 2 ft. This requirement does not preclude the installation of outdoor faucets for shower heads, sinks, hoses, etc., as long as cut off devices and back flow devices are installed to prevent contamination to the service components and thereby minimize any flood damages to the building;

- f. Water Supply Systems - All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- g. Sanitary Sewage Systems – New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters; On-site waste disposal systems shall be located and constructed to avoid impairment to or infiltration of floodwaters during flooding;
- h. Gas Or Liquid Storage Tanks – All gas or liquid storage tanks, either located above ground or buried, shall be anchored to prevent flotation or lateral movement resulting from hydrodynamic and hydrostatic loads;
- i. Alteration, Repair, Reconstruction, Or Improvements - Any alteration, repair, reconstruction, or improvement to a structure that is in compliance with the provisions of the Stormwater Management Ordinance and this Manual shall be defined as Development.
- j. American with Disabilities Act (ADA). A building must meet the specific standards for floodplain construction outlined in Section 2 below as well as any applicable ADA requirements. The ADA is not justification for issuing a variance or otherwise waiving these requirements. Also, the cost of improvements required to meet the ADA provisions shall be included in the costs of the improvements for calculating substantial improvement.
- k. Outlet structures and emergency spillways for all controls, other than a retention or detention pond engineered as part of a stormwater system (e.g. flood control structure), that impede, encroach or alter a major drainage channel or floodplain, must be capable of accommodating stormwater runoff from a 100-year storm event based on built-out conditions for the watershed
- l. The risk to developments downstream of any dam in Lexington County shall be determined using a dam breach analysis method and the subsequent inundation zones determined by a dam breach hydrograph and flood routings. If the inundation zone is not available or undefined, a dam breach analysis will be required by the developer. The dam breach analysis method will be the “Sunny day” failure scenario for complete dam failure while the impoundment level is at the principal spillway crest. The dam breach hydrograph must be developed using BREACH, HEC-HMS or HEC-RAS (unsteady flow), DAMBRK software programs, or an approved equal. Flood routings must be performed using HEC-RAS (unsteady flow), FLDWAV and DAMBRK. The developer shall be responsible for determining the dam breach parameters so a breach outflow hydrograph can be developed and that resultant hydrograph routed downstream through the area of new development. The inundation zones within the new development will be treated as floodways under the Lexington County Stormwater Ordinance and all development in these areas will apply as such. As there are no tangible criteria for the

requirement of a dam break analysis each downstream development will have to be determined on a case-by-case basis by the Floodplain Manager and/or the Plan Review Engineer. A preliminary breach routing analysis may be required to determine if the development will be effected by the breach.

- m. 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 will be shown on the engineering 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 drainage ways.

6.10 Specific Standards

In all areas of special flood hazard (Zones A, AE, AH, AO, and A1-30,) where base flood elevation data has been provided, the following provisions are required:

- a. Residential Construction - New construction or substantial improvement of any residential structure (including manufactured homes) shall 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. In addition, all new construction and substantial improvements of residential structures 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 two (2) feet 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. No basements are permitted. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the elevated buildings requirements in Section 2.d.
- b. Non-Residential Construction - New construction or substantial improvement of any commercial, industrial, or non-residential structure (including manufactured homes) shall have the lowest floor elevated no lower than 2 feet above the level of the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be

provided in accordance with the elevated buildings requirements in Section d.3. No basements are permitted. Structures located in A-zones may be flood proofed in lieu of elevation provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered, professional engineer or architect shall certify that the standards of this subsection are satisfied. A variance may be considered for wet-flood proofing agricultural structures. Agricultural structures not meeting the wet-flood proofing criteria must meet the non-residential construction standards and all other applicable provisions of this manual. Structures that are flood proofed are required to have an approved maintenance plan. If manual flood proofing devices such as gates are utilized, then the maintenance plan must contain an annual exercise. The floodplain manager must approve the maintenance plan and notification of the annual exercise shall be provided.

c. Manufactured Homes:

- 1) Manufactured homes that are placed or substantially improved on sites outside a manufactured home park or subdivision, in a new manufactured home park or sub-division, in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, must be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated no lower than 2 feet above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement;
- 2) Manufactured homes that are to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the provisions for residential construction in this manual must be elevated so that the lowest floor of the manufactured home is elevated no lower 2 feet than above the base flood elevation, and be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement;
- 3) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. For the purpose of this requirement, manufactured homes must be anchored to resist flotation, collapse, or lateral movement in accordance with Section 19-425.39 of the *South Carolina Manufactured Housing Board Regulations*, effective date May 25, 1990, as amended. Additionally, when the elevation requirement would be met by an elevation of the chassis at least 36 inches or less above the grade at the sight, reinforced piers or other foundation elements of at least equivalent strength shall

support the chassis. When the elevation of the chassis is above 36 inches in height an engineering certification is required;

d. Elevated Buildings - New construction or substantial improvements of elevated buildings that include fully enclosed areas that are usable solely for the parking of vehicles, building access, or limited storage in an area other than a basement, and which are subject to flooding shall be designed to preclude finished space and be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

i. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

- (1) Provide a minimum of two openings on different walls having a *total net area* of not less than one square inch for every square foot of enclosed area subject to flooding. The total net area is the total area of the opening minus the area of the louvers when open;
- (2) The bottom of all openings shall be no higher than one foot above grade;
- (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;
- (4) Fill placed around foundation walls must be graded so that the enclosed area can drain away from structure.

ii. Hazardous Velocities. Hydrodynamic pressure must be considered in the design of any foundation system where velocity waters or the potential for debris flow exists. If flood velocities are excessive (greater than 5 feet per second), foundation systems other than solid foundations walls should be considered so that obstructions to damaging flood flows are minimized;

iii. Enclosures below Base Flood Elevation (BFE):

- (1) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator);
- (2) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose a single storage area and must be void of utilities except for essential lighting as required, and cannot be temperature controlled;

- (3) One wet location switch and/or outlet connected to a ground fault interrupt breaker may be installed below the required lowest floor elevation;
 - (4) All construction materials below the required lowest floor elevation should be of flood resistant materials and shall be constructed with no more than two (2) solid walls.
- e. Floodways - Located within areas of special flood hazard are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris and potential projectiles and has erosion potential and may or may not be shown on the Flood Insurance Rate Map. The following provisions shall apply within such areas:
 - 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 Floodplain Manager 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 Floodplain Manager, by an existing or new study by the County or by relocating the proposed development sufficiently away from the waterway;
 - ii. If part a is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions;
 - iii. Stream crossings for any purpose (i.e. timber harvesting operations), if temporary, shall be permitted in accordance with floodway requirements and the temporary development provisions. Otherwise, the development shall comply with all applicable flood hazard reduction provisions of this section.
 - iv. No manufactured homes shall be permitted, except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and the elevation standards are met;
 - v. Permissible uses within floodways may include: general farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm, and other similar agricultural, wildlife, and related uses. Also, lawns, gardens, play areas, picnic grounds, and hiking and horseback riding trails are acceptable uses, provided that they do not employ structures or fill. Substantial development of a permissible use may require a no-impact certification. The

- uses listed in this subsection are permissible only if and to the extent that they do not cause any increase in base flood elevations or changes to the floodway configuration;
- vi. Floodways that are created when converting an Approximate Zone (A) area to a detailed study area (AE) and that are located within new development shall be dedicated to the County via fee-simple or conservation easements;
 - vii. All floodway delineations that are created when converting an Approximate Zone (A) area to a detailed study area (AE) will be based on maximum ½ foot surcharge.
- f. Recreational Vehicles:
- i. A recreational vehicle is ready for highway use if it is:
 - (1) On wheels or jacking system;
 - (2) Attached to the site only by quick-disconnect type utilities and security devices;
 - (3) Has no permanently attached additions.
 - ii. Recreational vehicles placed on sites shall either be:
 - (1) On site for fewer than 180 consecutive days;
 - (2) Fully licensed and ready for highway use, or meet the development permit and certification requirements of Stormwater Management Ordinance, general standards outlined in Section 1, and manufacture homes standards in Section 2.c.

6.11 Map Revision Activities

Map Revision Activities – The National Flood Insurance Program requires flood data to be reviewed and approved by FEMA. This ensures that flood maps, studies and other data identified accurately represent flooding conditions such that appropriate floodplain management criteria are based on current data.

Lexington County has determined that it is appropriate to require consideration of future land use conditions when preparing flood insurance studies. Hydraulic modeling shall be prepared using both conditions. The existing conditions model shall be used to modify the current effective FIRM; however, for purposes of Lexington County floodplain management, the County shall use the higher of the two (2) base flood elevations.

The following map change activities are identified:

- i. Requirement to Submit Technical Data:

- (1) For all development proposals that impact floodway delineations or base flood elevations, the applicant shall ensure that technical data reflecting such changes are submitted to the Lexington County Floodplain Manager. These development proposals include:
 - (a) Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
 - (b) Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
 - (c) Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts;
 - (d) Subdivision or large scale development proposals requiring the establishment of base flood elevations.
- (2) It is the responsibility of the applicant to have technical data prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall also be the responsibility of the applicant;
- (3) The Floodplain Manager shall require a Conditional Letter of Map Revision meeting the requirements of 44 CFR Part 65 prior to the issuance of a floodplain development permit for:
 - (a) Proposed floodway encroachments that increase the base flood elevation;
 - (b) Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.
- (4) Approvals issued by the Floodplain Manager shall be conditioned upon the applicant obtaining a Conditional Letter of Map Revision from FEMA for any development proposal;
- (5) Within sixty (60) days of completion of construction, it is the responsibility of the applicant to have technical data and as-built drawings prepared in a format required for a Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall also be the responsibility of the applicant.

ii. Floodplain study general criteria - All floodplain studies shall follow the guidelines and procedures as set forth by the National Flood Insurance Program (NFIP) and Lexington County. The general criteria and requirements have been established to help clarify the procedures related to performing floodplain studies in Lexington County are as follows:

- (1) The project must be consistent with applicable State and Federal regulations;
- (2) A professional engineer registered in the State of South Carolina shall prepare all studies;
- (3) All hydraulic computer models acceptable by FEMA for use in floodplain studies can be used;
- (4) The floodplain analysis shall include the 10-, 50-, 100-, and 500-year, 24-hour storm events;
- (5) Hydrologic analyses should utilize projected future land use conditions based on the most updated data within the desired watershed;
- (6) Backwater conditions, local obstructions, bridges, culverts, and stormwater conveyance systems shall be considered;
- (7) Digital data shall have the following characteristics:
 - (a) Horizontal datum: NAD83 (1986) or referenced to the datum contained on the current effective FIRM;
 - (b) Coordinate system: UTM Zone 17;
 - (c) Vertical datum: NAVD29;
 - (d) Units: international feet;
- (8) Data capture methods must result in new data meeting State and FEMA horizontal and vertical accuracy standards. See the current edition of FEMA's "Guidelines and Specifications for Study Contractors" for more information.
- (9) Calculated flood boundaries shall be submitted in a digital format that is compatible with Lexington County's GIS data.
- (10) Submitted information must include:
 - (a) FIRM panel number(s) that cover the project area and their latest date(s) and whether any portion of the project lies within a Special Flood Hazard Area;

- (b) The application must be signed and stamped by a South Carolina Registered Engineer, Surveyor, or other qualified Federal Government employees and the applicant must sign the application;
- (c) Hydrologic and hydraulic analyses must be contained in a report describing the study methodology, a listing of all assumptions (e.g., rationale for Manning's 'n' values, reasons for revising hydrology, source of topographic information and land use), bridge and cross section data, and a brief description of the project;
- (d) All projects being submitted to FEMA must have a completed FEMA MT-1 or MT-2 form as appropriate. These forms can be obtained from the following:

FEMA Region IV
3003 Chamblee Tucker Road
Atlanta, Georgia 30341
(770.220.5400)
www.fema.gov

The South Carolina Department of Natural Resources
Flood Mitigation Program
2221 Devine Street, Suite 222
Columbia, South Carolina 29205
(803.734.9103)

6.12 Accessory Structures

- i. A detached accessory structure or garage which is greater than 500 square feet must comply with the requirements as outlined in FEMA's Technical Bulletin 7-93 *Wet Floodproofing Requirements or be elevated in accordance with Article IV Section B(1) and B (4) or dry flood proofed in accordance with Article IV B (2)*;
- ii. When an accessory structure greater than 500 square feet is to be placed in the floodplain, the following additional criteria shall be met:
 - (1) Accessory structures shall not be used for human habitation

(including work, sleeping, living, cooking, or restroom areas);

- (2) Accessory structures shall be designed to have low flood damage potential;
- (3) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
- (4) Accessory structures shall be firmly anchored to prevent flotation, collapse, or lateral movement of the structure;
- (5) Service facilities such as electrical and heating equipment shall be installed in accordance with Section 1;
- (6) Openings to relieve hydrostatic pressure during a flood shall be provided below base flood elevation in conformance with Section 2.d.

6.12.1 Swimming Pool Utility Equipment Rooms:

If the building cannot be built at or above the BFE, because of functionality of the equipment then a structure to house the utilities for the pool may be built below the BFE with the following provisions:

- i. Meet the requirements for accessory structures;
- ii. The utilities must be anchored to prevent flotation and shall be designed to prevent water from entering or accumulating within the components during conditions of the base flood;
- iii. A variance may be granted to allow wet flood proofing of the structure.

6.12.2 Elevators

- i. Install a float switch system or another system that provides the same level of safety is necessary for all elevators where there is a potential for the elevator cab to descend below the BFE during a flood per FEMA's Technical Bulletin 4-93 Elevator Installation for Buildings Located in Special Flood Hazard Areas;
- ii. All equipment that may have to be installed below the BFE such as counter weight roller guides, compensation cable and pulleys, and oil buffers for traction elevators and the jack assembly for a hydraulic elevator must be constructed using flood-resistant materials where possible per FEMA's Technical Bulletin 4-93 Elevator Installation for Buildings Located in Special Flood

Hazard Areas.

6.12.3 Temporary Development

Certain types of structures (e.g. fruit stands, construction site offices, portable toilets, etc.) may be situated temporarily on flood-prone property without having to comply with the elevation or flood proofing criteria, respectively, provided that the following criteria are met:

- i. All applicants must submit to the floodplain manager, prior to the issuance of the development permit, a written plan for the removal of any temporary structures or development in the event of a hurricane or flash flood warning notification. The plan shall be reviewed and approved in writing, and must include the following information:
 - (1) A specified time period for which the temporary use will be permitted;
 - (2) The name, address and phone number of the individual responsible for the removal of temporary structures or development;
 - (3) The time frame prior to the event at which any structures will be removed (i.e. minimum of 72 hours before landfall of a hurricane which threatens Lexington County or immediately upon flood warning notification);
 - (4) A copy of the contract or other suitable instrument with a trucking company to insure the availability of removal equipment when needed;
 - (5) Designation, accompanied by documentation, of a location outside the floodplain to which any temporary structure will be moved;
 - (6) A determination of permanent structures which would be adversely affected by increased flooding upstream or downstream, and a method for covering this liability, such as a performance bond;
 - (7) A plan to restore the area to its natural condition once the temporary permit expires or the temporary use is terminated, whichever is first.
- ii. The structure is mobile, or can be made so, and is capable of being removed from the site with a maximum of four (4) hours warning;
- iii. The structure will not remain on the property for more than 180 days.

6.13 Fill

An applicant shall demonstrate that fill is the only alternative to raising the building to meet the residential and non-residential construction requirements, and that the amount of fill used will not affect the flood storage capacity or adversely affect adjacent properties. The following provisions shall apply to all fill placed in the special flood hazard area:

- i. Fill may not be placed in wetlands without the required state and federal permits;
- ii. Fill must consist of soil and rock materials only. Landfills, rubble fills, dumps, and sanitary fills are not permitted in the floodplain;
- iii. Fill used to support structures must comply with ASTM Standard D-698, and its suitability to support structures certified by a registered, professional engineer;
- iv. Fill slopes shall be no greater than two horizontal to one vertical. Flatter slopes may be required where velocities may result in erosion;
- v. The use of fill shall not increase flooding or cause drainage problems on neighboring properties;
- vi. Will meet the requirements of FEMA Technical Bulletin 10-01, *Ensuring That Structures Built On Fill In Or Near Special Flood Hazard Areas Are Reasonable Safe From Flooding*.

6.14 Standards for Subdivision Proposals within Special Flood Hazard Areas

- i. All subdivision proposals shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations;
- ii. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- iii. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage;
- iv. In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations and designated floodways for all subdivision proposals and other proposed developments containing at least 50 lots or 5 acres, whichever is less. If the site is less than 1000' to the downstream

detailed study area, then BFE and floodway must be established within the subject property and to the limits of the detailed study. If the site is greater than 1,000 feet, but less than 3,000 feet from a downstream detailed study area, then BFEs must be established to the limits of the detailed study area and a floodway must be established within the subject property, only. If the site is greater than 3,000 feet from a detailed study area, then BFEs and a floodway must be established within the subject property, only;

- v. If the areas of special flood hazard is identified as an area of open space and is deeded as such then a hydrologic and hydraulic engineering analysis that generates base flood elevations for the subdivision proposal would not be required;
- vi. The applicant shall meet the requirement to submit technical data to FEMA in Section 2.g. when a hydrologic and hydraulic analysis is completed that generates base flood elevations;

6.14.1 Standards for Streams without Established Base Flood Elevations and/or Floodways

Located within the areas of special flood hazard (Zones A), are small streams where no base flood data has been provided or where no floodways have been identified. The following provisions apply to single lot construction within such areas:

- a. No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within 50 feet of the stream bank unless certification with supporting technical data by a registered, professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge;
- b. If part a is satisfied and base flood elevation data is available from other sources, all new construction and substantial improvements within such areas shall comply with all applicable flood hazard ordinance provisions and shall be elevated or flood proofed in accordance with elevations established in accordance with the Stormwater Management Ordinance;
- c. Data from preliminary, draft, and final Flood Insurance Studies constitutes best available data. Refer to FEMA Floodplain Management Technical Bulletin 1-98 *Use of Flood Insurance Study (FIS) Data as Available Data*. If an appeal is pending on the study in accordance with 44 CFR Ch. 1, Part 67.5 and 67.6, the data does not have to be used;
- d. When base flood elevation data is not available from a federal, State, or other source one of the following methods may be used to determine a BFE. For further information regarding the methods for determining BFEs listed below refer to FEMA's manual *Managing Floodplain Development in Approximate Zone A Areas*:

- i. Contour Interpolation:
 - (1) Superimpose approximate Zone A boundaries onto a topographic map and estimate a BFE;
 - (2) Add one-half of the contour interval of the topographic map that is used to the BFE.
- ii. Data Extrapolation - A BFE can be determined if a site within 500 feet upstream of a reach of a stream reach for which a 100-year profile has been computed by detailed methods, and the floodplain and channel bottom slope characteristics are relatively similar to the downstream reaches.

Hydrologic and Hydraulic Calculations - Perform hydrologic and hydraulic calculations to determine BFEs using FEMA approved methods and software.

6.14.2 Standards for Streams with Established Base Flood Elevations but no Floodways

Along rivers and streams where Base Flood Elevation (BFE) data is provided but neither floodway are identified for a Special Flood Hazard Area on the FIRM or in the FIS. The following provision applies within such areas.

No encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one-half foot at any point within the community.

6.14.3 Standards for Areas of Shallow Flooding (AO Zones)

Located within the areas of special flood hazard, are areas designated as shallow flooding. The following provisions shall apply within such areas:

- a. All new construction and substantial improvements of residential structures shall have the lowest floor elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor shall be elevated at least four (4) feet above the highest adjacent grade;
- b. All new construction and substantial improvements of non-residential structures shall:
 - i. Have the lowest floor elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent

grade. If no depth number is specified, the lowest floor shall be elevated at least four (4) feet above the highest adjacent grade;

- ii. Be completely flood proofed together with attendant utility and sanitary facilities to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

6.15 Historic Structures

Variations may be issued for the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

6.16 Agricultural Structures

Variations may be issued to wet flood proof an agricultural structure in accordance with Technical Bulletin 7-93, *Wet Flood proofing Requirements for Structures Located in Special Flood Hazard Areas in accordance with the National Flood Insurance Program*, document number FIA-TB-7, dated 12/93, and available from the Federal Emergency Management Agency. In order to minimize flood damages during the base flood and the threat to public health and safety, the structure must meet the following standards:

- a. Use of the structure must be limited to agricultural purposes as listed below:
 - i. Pole frame buildings with open or closed sides used exclusively for the storage of farm machinery and equipment;
 - ii. Steel grain bins and steel frame corncribs;
 - iii. General-purpose barns for the temporary feeding of livestock that are open on at least one side;
 - iv. For livestock confinement buildings, poultry houses, dairy operations, and similar livestock operations, variations may not be issued for structures that were substantially damaged. New construction or substantial improvement of such structures must meet the elevation requirements of Article IV.B.2 of this ordinance;
 - v. Detached garages and storage sheds solely used for parking and limited storage in connection with agricultural uses only, which are

no greater than 500 square feet in area.

- b. The agricultural structure must be built or rebuilt, in the case of an existing building that is substantially damaged, with flood-resistant materials for the exterior and interior building components and elements below the base flood elevation;
- c. The agricultural structure must be adequately anchored to prevent flotation, collapse, or lateral movement. All of the structure's components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, hydrodynamic, and debris impact forces. Where flood velocities exceed 5 feet per second, fast-flowing floodwaters can exert considerable pressure on the building's enclosure walls or foundation walls;
- d. The agricultural structure must meet the venting requirement of Section 2 of this ordinance;
- e. Any mechanical, electrical, or other utility equipment must be located above the base flood elevation so that they are contained within a watertight, flood proofed enclosure that is capable of resisting damage during flood conditions;
- f. The agricultural structure must comply with the floodway encroachment provisions of this manual;
- g. Major equipment, machinery, or other contents must be protected. Such protection may include protective watertight flood proofed areas within the building, the use of equipment hoists for readily elevating contents, permanently elevating contents on pedestals or shelves above the base flood elevation, or determining that property owners can safely remove contents without risk to lives and that the contents will be located to a specified site out of the floodplain in accordance with the temporary development provisions of this manual.

6.17 Considerations

In passing upon such applications, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

- a. the danger that materials may be swept onto other lands to the injury of others;
- b. the danger to life and property due to flooding or erosion damage, and the safety of access to the property in times of flood for ordinary and emergency vehicles;
- c. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

- d. the importance of the services provided by the proposed facility to the community;
- e. the necessity to the facility of a waterfront location, where applicable;
- f. the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- g. the compatibility of the proposed use with existing and anticipated development, and the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- h. the expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site,
- i. the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges and,
- j. Agricultural structures must be located in wide, expansive floodplain areas, where no other alternative location for the agricultural structure exists. The applicant must demonstrate that the entire farm acreage, consisting of a contiguous parcel of land on which the structure is to be located, must be in the Special Flood Hazard Area and no other alternative locations for the structure are available.

6.18 Findings

Findings listed above shall be submitted to the appeal board, in writing, and included in the application for a variance. Additionally, comments from the Department of Natural Resources, Land, Water and Conservation Division, State Coordinator's Office, must be taken into account and included in the permit file.

6.19 Floodways

Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result unless a CLOMR is obtained prior to issuance of the variance. In order to insure the project is built in compliance with the CLOMR for which the variance is granted the applicant must provide a bond for 100% of the cost to perform the development.

6.20 Conditions

Upon consideration of the factors listed above and the purposes of this ordinance,

the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance. The following conditions shall apply to all variances:

- a. Variances may not be issued when the variance will make the structure in violation of other federal, State, or local laws, regulations, or ordinances.
- b. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- c. Variances shall only be issued upon a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship, and 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 the public, or conflict with existing local laws or ordinances.
- d. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. Such notification shall be maintained with a record of all variance actions.
- e. The local administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.
- f. Variances shall not be issued for un-permitted development or other development that is not in compliance with the provisions of this ordinance. Violations must be corrected in accordance with Article III.F.5 of this ordinance.

6.21 Floodplain Management Building Procedures

The following information describes the specific procedures from obtaining a building permit to final inspection for construction in a designated flood area. It is the responsibility of the property owner/contractor to provide this information to the Floodplain Manager if it is determined the property or any part of the property is located in a designated flood area.

Requirements for Construction in a Designated Flood Area

A. Single Family Construction (New Construction) in AE zones with established Base Flood Elevations (BFE'S) including Lake Murray.

If your property is located on Lake Murray or it is determined to have a flood zone touching the property you must have the following:

- 1. A foundation survey stamped and signed by a South Carolina Registered Land Surveyor. The 100-year flood line must be shown and ground elevations taken at each corner of the house. This must be done with-in 30 days of the approved footing inspection. A hold will be put on the rough-in inspection until this is satisfied.*
- 2. If the entire footprint of the house is out of the 100-year flood line no further flood certification is required.*
- 3. If the foundation survey determines that the footprint of the house falls within the 100-year flood line the following construction requirements will apply:*
 - a. The lowest floor including basement and garage must be elevated at least 2 feet above the designated BFE.*
 - b. All mechanical, utility, HVAC units and ductwork, hot water heaters, washers, dryers, and all similar equipment and their operating components must be elevated to at least 2 feet above the designated BFE.*
 - c. Fuel storage tanks located below the BFE must be secured against flotation and lateral movement. This can be accomplished by anchoring the tank with tie down straps or anchor bolts onto a concrete slab or counterweight.*
 - d. Flood vents must be installed in the foundation based on the following criteria:*
 - 1. Provide a minimum of 2 openings having a total area of 1 square inch for every 1 square foot of area subject to flooding.*
 - 2. The bottom of openings shall be no higher than 1 foot above grade.*
 - 3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they cannot be closed at any time and permit the automatic flow of floodwater in both directions.*
 - e. An as-built elevation certificate must be submitted at finished construction signed and stamped by a South Carolina Registered Land Surveyor to verify floor elevations, flood vents, and elevation of machinery and equipment.*
 - f. A site inspection will be performed by the Floodplain Manager to verify the as-built elevation certificate.*

B. Residential Additions to any property that has a designated flood zone including Lake Murray.

- 1. Before a building permit may be issued, the applicant must submit a survey with ground elevations taken at the existing residence and ground elevations taken at the proposed corners of the addition.*
- 2. If the elevations of the existing residence or proposed addition are above the 100-year Base Flood Elevation (BFE), a hold will be put on the rough-in inspection and the Floodplain Manager will verify the proposed addition based upon the submitted survey. If the addition is built according to the submitted survey the hold will be lifted from the permit.*
- 3. If any elevations of the existing residence or proposed addition are below the 100-year Base Flood Elevation the addition will have to be built according to the above specifications for houses located in a flood zone.*
- 4. If the addition is deemed to be a substantial improvement the existing residence will have to be brought into compliance with Lexington County Floodplain Management regulations as well.*

C. Single Family Construction in a Zone A (without established base flood elevation)

- 1. A survey must be submitted by a South Carolina Registered Land Surveyor showing the location of the house and the scaled location of the flood line. If the home is located outside the scaled limits of the flood zone, no further flood certification is needed.*
- 2. If the home is determined to be inside the flood zone, the flood regulations for single-family construction in AE Zones with designated BFE will apply. The BFE for this property will be determined by the Lexington County Floodplain Manager or by some other approved method.*

D. Mobile Homes

Mobile homes are subject to the same floodplain management regulations as described for single-family construction in flood zones. In addition the mobile home must be anchored to a foundation system to resist flotation, collapse, and lateral movement. Flood vents will be required if the mobile home rests on a solid foundation.



COUNTY OF LEXINGTON
PUBLIC WORKS DEPARTMENT
ENGINEERING

MEMORANDUM

DATE: September 12, 2008

TO: Katherine Hubbard
County Administrator

FROM: John Fecht, Public Works Director
Assistant County Administrator

RE: "Skip" Paving and Right-of-Way Issues

Public Works has evaluated both "skip" paving and right-of-way (ROW) issues for roads to be paved by the County through any funding source. The term "skip" paving basically means paving a section of road instead of paving the entire road. We have quite a few roads petitioned for paving that are over two miles in length and a few over four miles. Staff will recommend paving when a petitioned road ranks high enough and the funding is available. Once County Council approves it, we begin the right-of-way process. If we cannot obtain ROW for the entire road, then we look at segments of the road to pave that will benefit the traveling public and also reduce maintenance costs.

Additionally, ROW requirements have been discussed. The attached document (Exhibit A) is the staff recommendation, which covers both issues.

We have had several requests to extend or complete the paving on roads that have already been paved to a certain point. We recommend these requests be ranked in the same manner that we use to evaluate roads for paving (i.e. traffic counts, road maintenance costs, etc.). Once this is accomplished, we can compare these rankings to our current list and based on available funding these requests may be considered by County Council.

EXHIBIT A

Staff recommends the following proposed Dirt Road Paving Policy in an effort to address “Skip Paving”.

- 1.) Staff will establish the necessary right-of-way (ROW) for a given road based on engineering needs (drainage, pavement width, utilities, traffic, etc). As a result the ROW required on petitioned roads will vary.
- 2.) A road segment proposed for paving must adjoin a paved road.
- 3.) If an entire road does not meet the County’s requirements for paving (petitioned, traffic, maintenance cost, school bus route & number of years petitioned), a segment of that road may be considered for paving based on a basic traffic analysis.
- 4.) If a stand-alone dirt road does not adjoin an existing paved road but warrants paving, allow staff to consider including a portion of the next dirt road that adjoins a paved road (which may not warrant paving on its own.)
- 5.) When the maintenance cost associated with maintaining a segment of the dirt road is determined by staff to be cost prohibitive, it will be considered for paving.
- 6.) When an unpaved segment located in the middle of two paved segments exists due to the inability to secure ROW, staff will determine if it is in the best interest of the County maintenance to connect the segments.
- 7.) When the necessary ROW cannot be secured to staff satisfaction, the road will not be considered for paving.

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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RESOLUTION

THE COUNCIL FOR THE COUNTY OF LEXINGTON, SOUTH CAROLINA, MEETING IN GENERAL SESSION THE 23RD DAY OF SEPTEMBER, TWO THOUSAND AND EIGHT, ADOPTED THE FOLLOWING:

WHEREAS, Rev. William “Bill” Alexander Green, son of Roger and Marguerite Green, has been throughout his thirteen years of ministry at Saxe Gotha Presbyterian Church a firm and steadfast pastor and friend to the members of the congregation as well as to his community; and

WHEREAS, he has freely offered his hand in times of adversity by equipping Stephen Ministry and Member Assistance Programs, counseling those in times of crisis, and holding the hands of the sick and dying; and

WHEREAS, Rev. Green was instrumental in the formation of ministries that met the needs of those residing in the Lexington, SC community such as Habitat for Humanity, Operation Turkey, Harvest Hope, Lexington Interfaith Community Services, Samaritan’s Well and numerous other ministries; and

WHEREAS, he served on the board of directors of an assortment of ministries including Lexington Interfaith Community Services, Keeping Every Youth Safe program, Network of Single Adult Ministries, School Ministries of South Carolina, Medical Missions, and the Amazon Missionary Fellowship; and

WHEREAS, Rev. Green faithfully served the Trinity Presbytery through its Council, Migrant Ministry, Division of Mission, Division of New Church Development, Personnel Committee, Division of Evangelism and Church Support, and Sudan Mission; and

WHEREAS, he was a leader in international missions focusing on ministry in Africa, Central and South America and organizing numerous mission trips to an array of countries; and

WHEREAS, his life, even in the face of serious illness, continues to be a demonstration of the Gospel of the Lord that he serves.

NOW, THEREFORE, BE IT RESOLVED that we, the members of Lexington County Council offer its deepest gratitude to **REVEREND WILLIAM ALEXANDER GREEN** for his tireless efforts and selfless service on behalf of the people of our community and beyond.

William C. “Billy” Derrick, Chairman

Debra B. “Debbie” Summers, Vice Chairman

James E. “Jim” Kinard, Jr.

George H. “Smokey” Davis

Bobby C. Keisler

Johnny W. Jeffcoat

John W. Carrigg, Jr.

William B. Banning, Sr.

M. Todd Cullum

ATTEST:

Diana W. Burnett, Clerk

RESOLUTION

THE COUNCIL FOR THE COUNTY OF LEXINGTON, SOUTH CAROLINA, MEETING IN GENERAL SESSION THE 23RD DAY OF SEPTEMBER, TWO THOUSAND AND EIGHT, ADOPTED THE FOLLOWING:

WHEREAS, Lexington County is proud of its sons and daughters, both past and present, who have fought in every war since our country's founding to defend liberty and freedom both here and abroad; and

WHEREAS, Lexington County is proud to be the home of thousands of U.S. Military Veterans, many of whom have proudly and faithfully served in the United States Navy both at home and overseas with distinguished service; and

WHEREAS, their honor, courage and commitment make these sailors and veterans both heroes and role models for everyone in our community; and

WHEREAS, Navy Week in Lexington County has been developed in order to celebrate and honor the United States Navy's many contributions to our county.

NOW, THEREFORE, BE IT RESOLVED that we, the members of Lexington County Council hereby proclaim September 20 - 27, 2008 as **UNITED STATES NAVY WEEK** in Lexington County and, on behalf of the more than 250,000 citizens of our county, salute all who have served and are serving in the Navy and thank them for their immeasurable efforts in our county.

William C. "Billy" Derrick, Chairman

Debra B. "Debbie" Summers, Vice Chairman

James E. "Jim" Kinard, Jr.

George H. "Smokey" Davis

Bobby C. Keisler

Johnny W. Jeffcoat

John W. Carrigg, Jr.

William B. Banning, Sr.

M. Todd Cullum

ATTEST:

Diana W. Burnett, Clerk



APPOINTMENTS BOARDS & COMMISSIONS

September 23, 2008

JIM KINARD

Assessment Appeals Board - Robbie L. Stabler - Term expired 09/21/08 - Eligible for Reappointment – Nomination form for Christopher Lykes included.

SMOKEY DAVIS

Board of Zoning Appeals - Bryan Clemenz (Resigned 03/20/07) Term expired 12/31/07
Assessment Appeals Board - L. Wayne Arnold - Term expired 09/21/08 - Eligible for reappointment

BOBBY KEISLER

Assessment Appeals Board -Sabrina S. Rogers - Term expired 09/21/08 - Eligible for reappointment
Board of Zoning Appeals -Wayne Shumpert (Resigned 07/21/08) - Term expires 12/31/10

JOHNNY JEFFCOAT

Assessment Appeals Board - Beth Dorn Lindardt - Term expired 09/21/07 - Eligible for reappointment
Planning Commission - Eddie Wilder - Term expired 8/26/08 - Not eligible for reappointment
Museum Commission - Sandra Burdett - Term expired 11/01/05 - Not eligible for reappointment

JOHN CARRIGG

Assessment Appeals Board - Vacant - Term expired 09/21/06
Museum Commission - Vacant - Term expired 11/01/06

BILL BANNING

Museum Commission - Toni L. Greer - Term expired 11/1/07 - Not eligible for reappointment

TODD CULLUM

Lexington Health Services - Ronald Moore (deceased) - Term expires 3/10/09
Assessment Appeals Board - Bill Power - Term expired 08/21/08 - Eligible for reappointment

AIKEN/BARNWELL/LEXINGTON COUNTIES COMMUNITY ACTION COMMISSION, INC.

Juanice Aaron - Term expired 12/31/05 - Eligible for reappointment

BUILDING CODES BOARD OF APPEALS

Building - Steve Martin - Term expired 8/13/08 - Eligible for reappointment
Electrical - Michael C. Shealy - Term expired 8/13/08 - Eligible for reappointment



LEXINGTON COUNTY COUNCIL BOARD/COMMISSION NOMINATION FORM

Name of Board/Commission: Assessment Appeals Board

Nominee: Christopher Lykes

Address: 810 Huckabee Mill Rd Swansea, SC 29160

Employed by: Department of Health + Human Svc. Business Owner

Address: 1801 Main St. Columbia, SC 29102

Home Telephone: 803-568-2617 Business Telephone: 803-898-2583

Mobile Phone: 803-603-3486 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):

B.S. from USC - Upstate
Member of Trustee Board at Mt Moriah AME Church
Member of Swansea Improvement Board
Participating member of United Black Fund of Midland
Executive Committee Person for the SC Democratic Party

Submitted by: Christopher Lykes Lexington County Council

Council District Number: 1 Telephone 803-785-8103

Date: 08-21-08 FAX - 803-785-8101

COUNTY OF LEXINGTON

Procurement Services

MEMORANDUM

(O) 785-8319

(F) 785-2240

DATE: September 12, 2008

TO: Katherine L. Hubbard
County Administrator

THROUGH: Reggie Murphy
Procurement Manager

FROM: Angela M. Seymour
Procurement Officer

**SUBJECT: (4) EMS Unit Replacements
Public Safety/EMS**

We are in receipt of a requisition for the purchase of four (4) EMS Unit Replacements for Public Safety/EMS. These replacement vehicles are being purchased from Taylor Made Ambulances through the Lexington County Contract #C06018-03/16/06H.

These vehicles have been recommended and approved in accordance with the Fleet Management Policy by Ellis Gammons, Fleet Manager. The cost for these vehicles, including applicable sales tax, is \$402,740.00.

Funds are appropriated in the following account:

1000-131400-5A9105	Public Safety/EMS
(4) EMS Unit Replacements	\$ 402,740.00

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 September 23, 2008.

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) 785-8319

(F) 785-2240

DATE: September 12, 2008

TO: Katherine L. Hubbard
County Administrator

THROUGH: Reggie Murphy
Procurement Manager

FROM: Angela M. Seymour
Procurement Officer

SUBJECT: (1) Heavy Duty Response/Supply Vehicle
Public Safety/EMS

We are in receipt of a requisition for the purchase of one (1) Heavy Duty Response/Supply Vehicle for Public Safety/EMS. This replacement vehicle is being purchased from Benson Ford Mercury through the South Carolina State Contract #07-S7329-A12763.

This vehicle has been recommended and approved in accordance with the Fleet Management Policy by Ellis Gammons, Fleet Manager. The cost for the vehicle, including applicable sales tax, is \$34,552.00.

Funds are appropriated in the following account:

1000-131400-5A9109	Public Safety/EMS
(1) Heavy Duty Response/Supply Vehicle	\$ 34,552.00

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 September 23, 2008.

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) 785-8319

(F) 785-2240

DATE: August 14, 2008

TO: Katherine L. Hubbard
County Administrator

THROUGH: Reggie Murphy
Procurement Manager

FROM: Angela M. Seymour
Procurement Officer

SUBJECT: (1) Service Truck – Replacement
Public Safety/Fire Services

We are in receipt of requisitions for the purchase of one (1) Service Truck Replacement for Public Safety/Fire Services. The requested vehicle is being purchased through the South Carolina State Contract #08-S7613-A13411. The vehicle will require the purchase and installation of emergency equipment and accessories, which will be purchased from various vendors through the appropriate low bidder. This vehicle has been recommended and approved in accordance with the Fleet Management Policy by Ellis Gammons, Fleet Manager.

The cost for the vehicle including any emergency equipment/installation and accessories is shown on the list below. The total cost including applicable sales tax for all vehicles is \$44,477.07.

It is recommended that the award be made to multiple vendors as follows:

Burns Automotive	\$ 38,037.00
West Chatham Warning Devices	\$ 5,816.05
Slagle Fire Equipment	\$ 624.02

Funds are appropriated in the following account:

1000-151100-5A9195	Public Safety/Fire Service
(1) Service Truck – Replacement	\$ 44,477.07

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 September 23, 2008.

copy: Larry Porth, Director of Finance/Assistant County Administrator
Chief Bruce Rucker, Assistant Sheriff / Director of Public Safety & Homeland Security
Russell Rawl, Fire Service Coordinator
Ellis Gammons, Fleet Manager

COUNTY OF LEXINGTON

Procurement Services

MEMORANDUM

(O) 785-8319

(F) 785-2240

DATE: September 3, 2008

TO: Katherine L. Hubbard
County Administrator

THROUGH: Reggie Murphy
Procurement Manager

FROM: Angela M. Seymour
Procurement Officer

SUBJECT: (1) Backhoe – Replacement
Public Works

We received a purchase request from Public Works to procure (1) Backhoe. This item will be purchased with reference to South Carolina state contract number 08-S7663/6400000122-A13663 from Flint Equipment. This will be a replacement backhoe.

John Fechtcl, Director of Public Works/Assistant County Administrator has reviewed and recommended this purchase. The total cost, including applicable sales tax, is \$67,915.00.

Funds are appropriated in the following account:

1000-121300-5A9078	(1) Backhoe - Replacement	\$67,915.00
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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 September 23, 2008.

copy: Larry Porth, Director of Finance/Assistant County Administrator
John Fechtcl, Director of Public Works/Assistant County Administrator

COUNTY OF LEXINGTON

Procurement Services

MEMORANDUM

(O) 785-8319

(F) 785-2240

DATE: August 26, 2008

TO: Katherine L. Hubbard
County Administrator

THROUGH: Reggie Murphy
Procurement Manager

FROM: Angela M. Seymour
Procurement Officer

SUBJECT: (1) Slope Mower Tractor – Replacement
Public Works

We received a purchase request from Public Works to procure (1) Slope Mower Tractor. This item will be purchased with reference to South Carolina state contract number 05-S6476-A10098 from Blanchard Machinery Company. This will be a replacement mower tractor.

John Fechtcl, Director of Public Works/Assistant County Administrator has reviewed and recommended this purchase. The total cost, including applicable sales tax, is \$90,950.00.

Funds are appropriated in the following account:

1000-121300-5A9071	(1) Slope Mover Tractor - Replacement	\$90,950.00
--------------------	---------------------------------------	-------------

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 September 23, 2008.

copy: Larry Porth, Director of Finance/Assistant County Administrator
John Fechtcl, Director of Public Works/Assistant County Administrator

COUNTY OF LEXINGTON

Procurement Services

MEMORANDUM

(O) 785-8319

(F) 785-2240

DATE: September 12, 2008

TO: Katherine L. Hubbard
County Administrator

THROUGH: Reggie Murphy
Procurement Manager

FROM: Angela M. Seymour
Procurement Officer

SUBJECT: (1) Track Loader
B09004-09/09/08S
Public Works

Competitive bids were solicited and advertised for one (1) Track Loader for Public Works.

The bids were evaluated by John Fechtel, Director of Public Works/Assistant County Administrator; Ellis Gammons, Fleet Manager; and Angela M. Seymour, Procurement Officer. It is our recommendation to award this project to Flint Equipment Company as the lowest bidder. The total cost, including applicable sales tax, is \$192,532.65 (See attached bid tabulation).

Funds are appropriated in the following account:

1000-121300-5A9076	(1) Track Loader	\$192,532.65
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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 September 23, 2008.

copy: Larry Porth, Director of Finance/Assistant County Administrator
John Fechtel, Director of Public Works/Assistant County Administrator
Ellis Gammons, Fleet Manager;

County of Lexington

B09004
AMS
09/09/08

Bid Tabulation

BID: B09004-09/09/08S

(1) Track Loader

Qty	U/M	Description	Altman Tractor		Flint Equipment Company		C& L Landscape, Inc.		C & L Landscape, Inc. (Alternate)	
			Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost
1	ea	Track Loader		No Bid	\$ 192,232.65	\$ 192,232.65	\$ 206,938.00	\$ 206,938.00	\$ 286,378.00	\$ 286,378.00
		Tax		No Bid		\$ 300.00		\$ 300.00		\$ 300.00
		Total		No Bid		\$ 192,532.65		\$ 207,238.00		\$ 286,678.00

Bids Opened: September 9, 2008 @ 3:00 PM

Angela M. Seymour
Procurement Officer



County of Lexington

County Council

212 South Lake Drive, Suite 601

Lexington, South Carolina 29072

TELEPHONE: (803) 785-8103 FAX: (803) 785-8101

MEMORANDUM

TO: County Council

FROM: Diana Burnett

DATE: September 23, 2008

RE: November & December 2008 Schedule

Council may want to review the scheduled meeting dates for the months of November and December. At present Council is scheduled to meet November 11 and 25 and December 9 and 23, 2008

The November 11th Council meeting falls on Veterans' Day, which is being observed as a legal holiday for County and State offices. In addition, County offices will be closed November 27 and 28 for Thanksgiving and December 25 and 26 for Christmas.

If Council wishes to make revisions to the November and December meeting schedule, it would be helpful to make a decision as soon as possible so that staff can plan accordingly. Of course, the Chairman can always call a special meeting if needed.

Thank you.

Attachment

November 2008

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3	4	5	6	7	8
9	10	11 - Veterans Day/Offices Closed COUNCIL MEETING	12	13	14	15
16	17	18	19	20	21	22
23	24	25 COUNCIL MEETING	26	27 Thanksgiving Day Offices Closed	28 Thanksgiving Holiday Offices Closed	29
30						

December 2008

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3	4	5	6
7	8	9 COUNCIL MEETING	10	11	12	13
14	15	16	17	18	19	20
21	22	23 COUNCIL MEETING	24	25 Christmas Day Offices Closed	26 Christmas Holiday Offices Closed	27
28	29	30	31			

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, 4th Floor
212 South Lake Drive, Suite 401, Lexington, SC 29072
(803)785-8121

ZONING MAP AMENDMENT APPLICATION # **M08-10**

Address and/or description of the property for which the amendment is requested:

Parcels between Lincreek Drive & Lake Murray Blvd.

Zoning Classifications: (Current) R1,D,C2 (Proposed) ID

TMS#: TMS#'s 002697-03-024,061,062,063 Property Owner: H & T Investments, LLC

Reason for the request: We want to develop an office complex.

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: 08/26/08 Applicant: Property Owner Authorized Agent

Phone #(s): cell 803-609-3777 _____

Signature: Signature on File Printed Name: Brant Taylor

Street/Mailing Address: 2211 Lake Murray Blvd. Columbia SC 29212

08/26/08	Application Received
	Newspaper Advertisement
	Notices Mailed

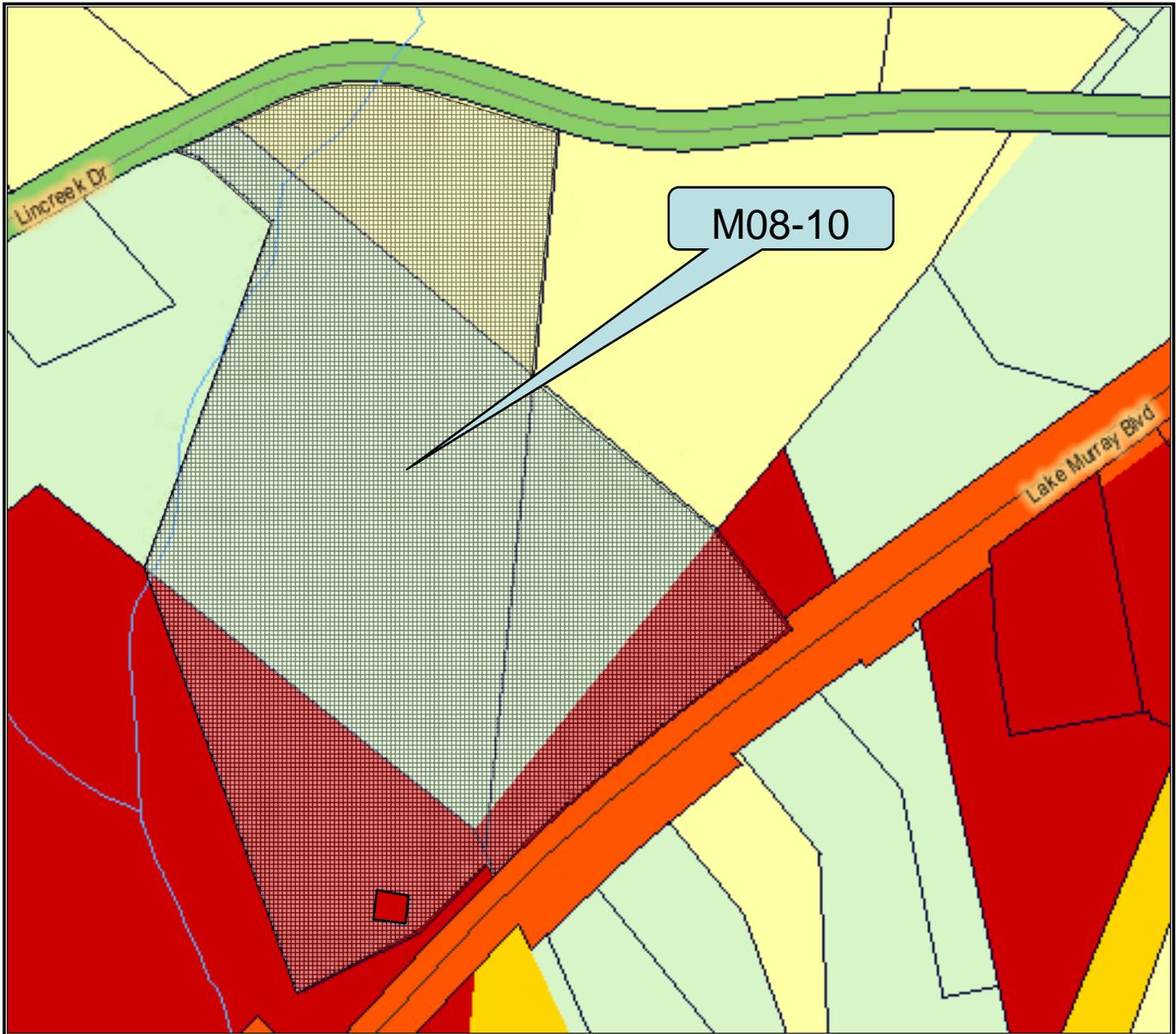
08/26/08	Fee Receipted
	Property Posted
	Planning Commission

Planning Commission Recommendation: _____

9/23/08	First Reading	Public Hearing	Second Reading	Third Reading
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Results: _____

Zoning Map Amendment Application M08-10



ZONING LEGEND

	I - Interstate		RL5 - Residential Local 5		ID - Intensive Development
	A - Arterial Road		RL6 - Residential Local 6		PD - Planned Development
	C - Collector Road		LC - Limited Commercial		R1 - Low Density Residential
	L - Local Road		C1 - Neighborhood Commercial		R2 - Medium Density Residential
	LL - Limited Local Road		C2 - General Commercial		R3 - High Density Residential
	RL4 - Residential Local 4		D - Development		RD - Restrictive Development

Zoning Map Amendment Application M08-10



NOTE: Parcel boundary lines are approximate and may appear distorted in an oblique view.

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR LEXINGTON COUNTY
ORDINANCE NO. 08-13

AN ORDINANCE AUTHORIZING (1) THE EXECUTION AND DELIVERY OF A SPECIAL SOURCE CREDIT AGREEMENT BY AND AMONG LEXINGTON COUNTY, SOUTH CAROLINA (THE "COUNTY"), INDUSTRIAL DEVELOPMENTS INTERNATIONAL, INC., ACTING FOR ITSELF OR AN AFFILIATE (THE "COMPANY"), AND HOME DEPOT U.S.A., INC. (A COMPANY PREVIOUSLY KNOWN TO COUNTY OFFICIALS AS "PROJECT STEWART"), AS THE PROPOSED TENANT (THE "TENANT"); AND (2) OTHER MATTERS RELATED THERETO.

WHEREAS, Lexington County, South Carolina (the "County"), acting by and through its County Council (the "Council"), is authorized and empowered under and pursuant to the provisions of the Code of Laws of South Carolina, 1976, as amended through the date hereof (the "Code"), particularly Title 4, Chapter 1 of the Code (the "Multi-County Park Act" or, as to Section 4-1-175 thereof, the "Special Source Act") (collectively, the "Act") and by Article VIII, Section 13 of the South Carolina Constitution: (i) to enter into agreements with certain investors to construct, operate, maintain, and improve projects through which the economic development of the State of South Carolina (the "State") will be promoted and trade developed by inducing manufacturing and commercial enterprises to locate and remain in the State and thus utilize and employ the manpower, agricultural products, and natural resources of the State; (ii) to covenant with such investors to accept certain fee in lieu of ad valorem tax payments with respect to a project; (iii) to permit investors to claim special source credits against fee in lieu of ad valorem tax payments ("Special Source Credits") to reimburse such investors for expenditures in connection with infrastructure serving the County and improved or unimproved real estate used in the operation of manufacturing or commercial enterprise in order to enhance the economic development of the County ("Special Source Improvements"); and (iv) to create, in conjunction with one or more other counties, a multi-county industrial park in order to afford certain enhanced income tax credits to such investors and facilitate the grant of Special Source Credits; and

WHEREAS, the County and Calhoun County, South Carolina ("Calhoun County" and collectively, the "Counties"), as authorized under Article VIII, Section 13(D) of the South Carolina Constitution and the MCP Act, have jointly developed a joint county industrial and business park (the "Park") pursuant to that certain Agreement for Development of Joint County Industrial Park dated as of December 11, 1995, as amended, supplemented, or replaced from time to time; and

WHEREAS, pursuant to the Special Source Act and in response to requests from companies seeking to invest in either the County or Calhoun County, the Counties have heretofore expanded the boundaries of the Park to include additional property, which inclusion has afforded the requesting companies additional tax benefits under South Carolina law, including without limitation the provision of credits against the fees-in-lieu of taxes paid by

Companies located in the Park in order to offset Special Source Improvements of qualifying industries; and

WHEREAS, Industrial Developments International, Inc., a Delaware corporation (the “Company”), in conjunction with Home Depot U.S.A., Inc. (a company previously known to County officials as “Project Stewart”) (hereinafter, the “Tenant”), proposes to establish certain commercial facilities (the “Project”) within the County and lease the Project to the Tenant, with such Tenant retaining an option to purchase the Project from the Company. The Company and the Tenant anticipate that, should their plans proceed as expected, they will invest at least Twenty-Five Million Dollars (\$25,000,000) in the Project (with a minimum of \$22,500,000 being invested in land and building costs) and create at least 300 new full-time jobs within the County within three years from the date on which the Company or Tenant, as applicable, places in service assets comprising part of the Project; and

WHEREAS, the County has determined, inter alia, on the basis of the information supplied to it by the Company and the Tenant, that the Project would subserve the purposes of the Act, and in consideration of the jobs to be created by the Tenant and the investment to be made by the Company, and in order to induce the Company to locate the Project within the County and the Tenant to maintain the Project within the County, thereby promoting the economic development of the County and surrounding areas, including Calhoun County, the County has determined to approve certain Special Source Credits with respect to the Project in order to reimburse the Company or the Tenant, as applicable, for a portion of the cost of certain Special Source Improvements undertaken in connection with the Project; and

WHEREAS, the County has agreed to diligently take all reasonable acts to insure that the Project will be included, and will remain, within the boundaries of the Park, and therefore the Company or the Tenant, as applicable, will make annual fee in lieu of tax payments with respect to the Project; and

WHEREAS, the Company and the Tenant, in lieu of any other property tax related incentives, have asked the County to grant them Special Source Credits under the terms of the Act against the annual fees-in-lieu of taxes related to the Project paid by the Company and/or the Tenant in an amount equal to One Hundred Thousand Dollars (\$100,000) per year for a period of ten (10) years, up to the maximum amount of One Million Dollars (\$1,000,000); and

WHEREAS, the granting of the Special Source Credits is subject to the terms of the Agreement (defined below), including provisions relating to certain Project Commitments (as defined in the Agreement) that must be satisfied by the Company and the Tenant, and such Special Source Credits shall be claimed by the Company or the Tenant, as applicable, against each of the first ten (10) annual fee in lieu of tax payments owed by the Company or Tenant, as applicable, with respect to the Project (the “Special Source Credit Period”), provided, however, that such Special Source Credits shall only be available in any given year of the Special Source Credit Period to the extent the fees in lieu of taxes due and payable by the Company or Tenant, as applicable, equal or exceed \$100,000 in that given year; and

WHEREAS, the County has determined that the utilization of Special Source Credits as provided for under the Act is a suitable mechanism to provide the Company and the Tenant with an incentive to locate and maintain the Project and the required Special Source Improvements in the County.

NOW, THEREFORE, BE IT ORDAINED BY THE LEXINGTON COUNTY COUNCIL AS FOLLOWS:

Section 1. Authorization of the Special Source Credit Agreement. There is hereby authorized the execution of a Special Source Credit Agreement (the "Agreement"), which is to be in substantially the form now before this meeting and hereby approved, with any minor revisions as are not materially adverse to the County and approved by the Lexington County Attorney, and all of the terms, provisions, and conditions thereof are hereby incorporated herein by reference as if the Agreement was set forth herein in its entirety. The Chairman of the Council is hereby authorized, empowered, and directed to execute the Agreement, and all agreements and instruments appropriate to implement the Agreement; the Clerk to Council is hereby authorized, empowered and directed to attest the same; and the Chairman of the Council is further authorized, empowered, and directed to deliver the Agreement to the Company and the Tenant. The Chairman of the Council and the Clerk of the Council, for an on behalf of the County, are hereby each authorized, empowered, and directed to do any and all things necessary or proper to effect the performance of all obligations of the County under and pursuant to the Agreement and to execute such documents and take such further actions as may be necessary to document the granting of the Special Source Credits to the Company and the Tenant, as applicable.

Section 2. Savings Clause. If any portion of this Ordinance shall be deemed unlawful, unconstitutional or otherwise invalid, the validity and binding effect of the remaining portions shall not be affected thereby.

Section 3. General Repealer. Any prior ordinance, the terms of which are in conflict herewith, is, only to the extent of such conflict, hereby repealed.

Section 4. Effectiveness. This Ordinance shall be effective after third and final reading.

[END OF ORDINANCE, SIGNATURE PAGE TO FOLLOW]

LEXINGTON COUNTY, SOUTH CAROLINA

By: _____
William C. Derrick, Chairman, County Council
Lexington County, South Carolina

[SEAL]

Attest:

By: _____
Diana W. Burnett, Clerk to County Council
Lexington County, South Carolina

READINGS:

First Reading: July 22, 2008
Second Reading: August 26, 2008
Public Hearing: August 26, 2008
Third Reading: September 23, 2008

SPECIAL SOURCE CREDIT AGREEMENT

BETWEEN

INDUSTRIAL DEVELOPMENTS INTERNATIONAL, INC.,

HOME DEPOT U.S.A., INC.

AND

LEXINGTON COUNTY, SOUTH CAROLINA

DATED AS OF OCTOBER 1, 2008

SPECIAL SOURCE CREDIT AGREEMENT

THIS SPECIAL SOURCE CREDIT AGREEMENT (this "Agreement") is made and entered into as of October 1, 2008, by and between LEXINGTON COUNTY, SOUTH CAROLINA (the "County"), a body politic and corporate and a political subdivision of the State of South Carolina (the "State"), acting by and through the Lexington County Council (the "County Council") as the governing body of the County, INDUSTRIAL DEVELOPMENTS INTERNATIONAL, INC., a corporation organized and existing under the laws of the State of Delaware (the "Company"), and HOME DEPOT U.S.A., INC., a corporation organized and existing under the laws of the State of Delaware, as the proposed tenant (the "Tenant") of the Project (as defined below).

WITNESSETH:

As a means of setting forth the matters of mutual understanding which have resulted in the making and entering into of this Agreement, the following statements of fact are herewith recited:

(a) The County, acting by and through its County Council, is authorized pursuant to the provisions of the Code of Laws of South Carolina, 1976, as amended through the date hereof (the "Code"), particularly Title 4, Chapter 1, Section 170 of the Code (the "Multi-County Park Act"), Title 4, Chapter 1, Section 175 of the Code (the "Special Source Credit Act"), Title 4, Chapter 29, Section 68 of the Code (the "Special Source Revenue Bond Act" and collectively with the Multi-County Park Act and the Special Source Credit Act, the "Act"), and Article VIII, Section 13 of the South Carolina Constitution, to (i) enter into agreements with certain investors to construct, operate, maintain, and improve projects through which the economic development of the State of South Carolina (the "State") will be promoted and trade developed by inducing manufacturing and commercial enterprises to locate and remain in the State and thus utilize and employ the manpower, agricultural products, and natural resources of the State; (ii) covenant with such investors to accept certain fee in lieu of ad valorem tax payments with respect to a project; (iii) permit investors to claim special source credits against their fee in lieu of ad valorem tax payments ("Special Source Credits") to reimburse such investors for expenditures in connection with infrastructure serving the County and improved or unimproved real estate used in the operation of a manufacturing or commercial enterprise in order to enhance the economic development of the County ("Special Source Improvements"); and (iv) create, in conjunction with one or more other counties, a multi-county industrial park in order to afford certain enhanced income tax credits to such investors and facilitate the grant of Special Source Credits.

(b) The County and Calhoun County, South Carolina ("Calhoun County" and collectively, the "Counties"), as authorized under Article VIII, Section 13(D) of the South Carolina Constitution and the Multi-County Park Act, have jointly developed a joint county industrial and business park (the "Park") pursuant to that certain Agreement for Development of Joint County Industrial Park dated as of December 11, 1995 (as amended, supplemented, or replaced from time to time, the "Park Agreement").

(c) Pursuant to that certain Ordinance No. 08-12 enacted by the County on July 22, 2008, and by that certain Ordinance No. _____ enacted by Calhoun County on July 14, 2008, the

Counties further amended the Park Agreement to include the Company's property described in Exhibit A attached hereto (the "Property") within the boundaries of the Park.

(d) The Company, in conjunction with the Tenant, intends to establish certain commercial facilities (the "Project") on the Property located within the County, which Project will be leased by the Company to the Tenant, with such Tenant retaining an option to purchase the Project from the Company. The Company and the Tenant anticipate that, should their plans proceed as expected, they will invest at least Twenty-Five Million Dollars (\$25,000,000) in the Project (with a minimum of \$22,500,000 being invested in land and building costs) and create at least 300 new full-time jobs within the County within three years from the date on which the Company or the Tenant, as applicable, places in service assets comprising part of the Project (the "Compliance Period").

(e) In consideration of the Company's and Tenant's significant investment in the Project, the County has determined to grant Special Source Credits against the annual fees-in-lieu of taxes (at the normal assessment ratios applicable to the classes of property constituting the Project) related to the Project paid by the Company and/or the Tenant in an amount equal to One Hundred Thousand Dollars (\$100,000) per year for a period of ten (10) years, up to the maximum amount of One Million Dollars (\$1,000,000), subject to the terms and conditions stated below.

(f) By proper action by the County Council, the County has duly authorized the execution and delivery of this Agreement and the Special Source Credits as set forth herein, the inclusion of the Project in the Park, and any and all actions reasonably necessary and appropriate to consummate the transactions contemplated hereby.

NOW, THEREFORE, AND IN CONSIDERATION of the respective representations and agreements hereinafter contained, the parties hereto agree as follows, with the understanding that no obligation of the County described herein shall create a pecuniary liability or charge upon its general credit or taxing powers, but shall be payable solely out of the sources of payment described herein and shall not under any circumstances be deemed to constitute a general obligation of the County.

Section 1. *Special Source Credits.* Subject to the satisfaction by the Company and/or Tenant, as applicable, of the Project Commitments (as defined and set forth in Section 2 below), the County hereby grants the Company or Tenant, as applicable, Special Source Credits for any costs expended by the Company and the Tenant, as applicable, on Special Source Improvements related to the Project in an amount equal to One Hundred Thousand Dollars (\$100,000) per year for a period of ten (10) years, up to the maximum amount of One Million Dollars (\$1,000,000). The Special Source Credits shall be claimed by the Company or the Tenant, as applicable, against each of the first ten (10) annual fee in lieu of tax payments owed by the Company or Tenant, as applicable, with respect to the Project (the "Special Source Credit Period"), provided, however, that such Special Source Credits shall only be available in any given year of the Special Source Credit Period to the extent the fees in lieu of taxes due and payable by the Company or Tenant, as applicable, equal or exceed \$100,000 in that given year.

Subject to the limitations set forth below, the County Auditor is hereby directed to apply the

credit amount to reduce the Company's or Tenant's, as applicable, annual fee-in-lieu of tax liability at the Project in the amounts and for the years specified above. The Special Source Credit amounts shall be shown on the bill sent by the County to the Company or Tenant or other applicable taxpayer at the Site. The Company shall be required to use the Special Source Credits to reimburse itself for the costs of the Special Source Improvements.

Section 2. Project Commitments. The Company and the Tenant agree, as applicable, that (a) within the Compliance Period the Tenant will, or will cause the Company to, invest at least Twenty-Five Million Dollars (\$25,000,000) in the Project (the "Minimum Investment Requirement"), with at least \$22,500,000 of such Minimum Investment Requirement being invested in land and building costs; (b) within the Compliance Period, the Tenant will create no fewer than 300 new full-time jobs at the Project (the "Minimum Job Requirement"); and (c) the Tenant will either (i) exercise its purchase option and become the owner/operator of the Project or (ii) remain as the sole tenant of the Project during the Special Source Credit Period (the "Operating Requirement"). The Minimum Investment Requirement, the Minimum Job Requirement, and the Operating Requirement are sometimes referred to herein collectively as the "Project Commitments".

The County hereby acknowledges that the Tenant has engaged the Company to cause all or part of the Project to be constructed and/or acquired by the Company in a build-to-suit arrangement. The County hereby authorizes such plans and any alternate plans whereby the Tenant causes all or part of the Project to be constructed and/or acquired by any other developer or by a Company Affiliate (as hereinafter defined) and authorizes the Company and the Tenant to enter into financing arrangements with respect to the Project, including without limitation real and personal property leases and other financing arrangements where the Company or another developer or financing entity is the owner of all or part of the real property portion of the Project for income tax purposes. Capital expenditures by the Company and the Tenant or by any developer, Company Affiliate or financing entity with respect to the Project shall count toward the Minimum Investment Requirement hereunder and, to the extent permitted by law, under the Code.

Section 3. Adjustment and Termination of Special Source Credits. The failure of the Company or Tenant, as applicable, to satisfy the Minimum Investment Requirement or the Minimum Job Requirement by the end of the Compliance Period or to satisfy the Operating Requirement for the entire Special Source Credit Period, shall give the County the right to adjust or terminate the Special Source Credits as follows:

(a) If, by the end of the Compliance Period, the Company or the Tenant, as applicable, fails to reach the Minimum Investment Requirement, the County shall (i) seek reimbursement of all or any portion of the Special Source Credits previously claimed and received by the Company, and (ii) terminate the Special Source Credits prospectively.

(b) If, by the end of the Compliance Period, the Tenant fails to satisfy the Minimum Job Requirement, the greatest number of full-time jobs created at any time during the Compliance Period shall be subtracted from the Minimum Job Requirement to obtain the "Jobs Shortfall". The Jobs Shortfall shall be divided by the Minimum Job Requirement and converted to a percentage to determine the "Jobs Shortfall Percentage" (with all percentages rounded to the nearest whole percentage). For example, if the Tenant's greatest number of jobs created is 230

jobs at any time within the Compliance Period, this would result in a Jobs Shortfall of 70 jobs, or a 23% Jobs Shortfall Percentage (300 minus 230 = 70; 70 divided by 300 = 0.23).

If there is a Jobs Shortfall, the County shall (i) seek reimbursement of the Special Source Credits previously claimed and received by the Company or Tenant, as applicable, in an amount not to exceed the amount of Special Source Credits received by the Company or the Tenant, as applicable, multiplied by the Jobs Shortfall Percentage, and(ii) reduce all prospective Special Source Credit benefits pro rata based on the Jobs Shortfall Percentage.

For example, if a 23% Jobs Shortfall Percentage is calculated at the end of the Compliance Period (Year 3), the County shall (i) seek reimbursement in the amount of 23% of the Special Source Credits previously claimed and received by the Company or Tenant, as applicable, or \$46,000 ($\$100,000 \times 23\% = \$23,000$ p/yr; $\$23,000 \times 2$ years = \$46,000); and (ii) decrease the Special Source Credits to \$77,000 p/yr on a prospective basis ($\$100,000 \times 23\% = \$23,000$; $\$100,000$ minus $\$23,000 = \$77,000$).

(c) If the Tenant terminates its tenancy at the Project facility and otherwise does not become the owner and operator of the Project facility during the Special Source Credit Period, the County shall have the right, in its sole discretion, to terminate the Special Source Credits prospectively.

Section 4. Assignment. To the extent allowable under the Act, the Company may assign all or a part of its rights and/or obligations under this Agreement, or any other agreement related hereto, or transfer any and all assets of the Company to any financial institution or other lender, any corporation, limited liability company, partnership or other person or entity which owns all or part of the Company or which is owned in whole or in part by the Company or by any partner, shareholder or owner of the Company (“Company Affiliates”), or to any person or company which leases the Project to the Company or any of the Company Affiliates as long as the Company or any such Company Affiliate sub-leases the Project to Tenant, and any of the foregoing conveyances are hereby approved by the County. The County agrees, upon the request of the Company, to take all further action necessary to implement such assignment, transfer, or investment in accordance with the provisions of the Act.

Section 5. Payment of Administration Expenses. The Company will reimburse the County from time to time for its administration expenses, including all reasonable expenses, including attorney’s fees, to which it might be put in the review of this Agreement and in the fulfillment of its obligations under this Agreement and in the implementation of its terms and provisions; provided that, the parties understand that, based upon the County attorney's current understanding of the transaction, the fees will not exceed \$5,500 for review of the inducement documentation, this Agreement, and any related procedural documents including the requisite ordinances for both the Special Source Credit approval and the expansion of the existing multi-county park with Calhoun County. Aside from the attorneys’ fees, the County anticipates no out of pocket expenses in connection with this Agreement and the transactions authorized hereby.

Section 6. Indemnification.

(a) The Tenant shall and agrees to hold the County and its County Council members,

officers, agents, attorneys and employees harmless from all pecuniary liability in connection with those reasons set forth in (b)(i) or (ii) of this section.

(b) Notwithstanding the fact that it is the intention of the parties that neither the County nor any of its members, officers, agents, attorneys and employees shall incur any pecuniary liability to any third party (i) by reason of the terms of this Agreement or the undertakings of the County required hereunder, or (ii) by reason of the performance of any act in connection with the entering into and performance of the transactions described in this Agreement, if the County or any of its members, officers, agents, attorneys or employees should incur any such pecuniary liability, then, in that event the Tenant shall indemnify and hold harmless the County and its members, officers, agents, attorneys and employees against all pecuniary claims by or on behalf of any person, firm or company, arising out of the same, and all costs and expenses incurred in connection with any such claim, and upon notice from the County, the Tenant at its own expense shall defend the County and its officers, agents, attorneys and employees in any such action or proceeding.

(c) Notwithstanding the foregoing, the Tenant shall not be obligated to indemnify, hold harmless, or defend the County or any of its individual members, officers, agents and employees for expenses, claims, losses or damages arising from the intentional or willful misconduct or gross negligence of the County or any of its individual officers, agents or employees.

Section 7. *Binding Effect.* This Agreement shall be binding, in accordance with its terms, upon and inure to the benefit of the Company, the Tenant, and the County, and their respective successors and assigns. In the event of the dissolution of the County or the consolidation of any part of the County with any other political subdivision or the transfer of any rights of the County to any other such political subdivision, all of the covenants, stipulations, promises and agreements of this Agreement shall bind and inure to the benefit of the Company and the Tenant and successors of the County from time to time and any entity, officer, board, commission, agency or instrumentality to whom or to which any power or duty of the County has been transferred.

Section 8. *Counterparts.* This Agreement may be executed in any number of counterparts, and all of the counterparts taken together shall be deemed to constitute one and the same instrument.

Section 9. *Governing Law.* This Agreement and all documents executed in connection herewith shall be construed in accordance with and governed by the laws of the State. To the extent of any conflict between the provisions of this Agreement and the Act, the Act controls.

Section 10. *Amendments.* The provisions of this Agreement may only be modified or amended in writing by an agreement or agreements entered into between the parties.

Section 11. *Further Assurance.* From time to time the County agrees to execute and deliver to the Company and the Tenant such additional instruments as either may reasonably request to effectuate the purposes of this Agreement.

Section 12. *Severability.* If any provision of this Agreement is declared illegal, invalid or unenforceable for any reason, the remaining provisions hereof shall be unimpaired and

such illegal, invalid or unenforceable provision shall be reformed so as to most closely effectuate the legal, valid and enforceable intent thereof and so as to afford the Company and the Tenant with the maximum benefits to be derived herefrom, it being the intention of the County to offer the Company and the Tenant the strongest inducement possible to locate, maintain and further develop the Project in the County.

Section 13. *Limited Obligation.* ANY OBLIGATION OF THE COUNTY CREATED BY OR ARISING OUT OF THIS AGREEMENT SHALL BE A LIMITED OBLIGATION OF THE COUNTY, PAYABLE BY THE COUNTY SOLELY FROM THE PROCEEDS DERIVED UNDER THIS AGREEMENT AND SHALL NOT UNDER ANY CIRCUMSTANCES BE DEEMED TO CONSTITUTE A GENERAL OBLIGATION OF THE COUNTY WITHIN THE MEANING OF ANY CONSTITUTIONAL OR STATUTORY LIMITATION.

Section 14. *Execution Disclaimer.* Notwithstanding any other provisions, the County is executing this Agreement as a statutory accommodation to assist the Company and the Tenant in achieving the intended benefits and purposes of the Act. The County has made no independent legal or factual investigation regarding the particulars of this transaction and it executes in reliance upon representations by the Tenant that this document complies with all laws and regulations, particularly those pertinent to industrial and commercial development projects in South Carolina.

[END OF AGREEMENT, SIGNATURE PAGE(S) TO FOLLOW]

IN WITNESS WHEREOF, the County, acting by and through the County Council, has caused this Agreement to be executed in its name and behalf by the Chairman of County Council and to be attested by the Clerk to County Council; and the Company has caused this Agreement to be executed by its duly authorized officers, all as of the day and year first above written.

COUNTY:

LEXINGTON COUNTY, SOUTH CAROLINA

By: _____
William C. Derrick, Chairman
Lexington County, South Carolina

[SEAL]

Attest:

By: _____
Diana W. Burnett, Clerk to County Council
Lexington County, South Carolina

COMPANY:

INDUSTRIAL DEVELOPMENTS
INTERNATIONAL, INC.

By: _____
Name: _____
Its: _____

TENANT:

HOME DEPOT U.S.A., INC.

By: _____
Name: _____
Title: _____

EXHIBIT A

Legal Description of Property

All that certain piece, parcel or tract of land with any improvements thereon, containing 52.42 acres, situated, lying and being approximately 3.6 miles East of South Congaree, the County of Lexington, State of South Carolina, on the North side of a public road known as Pine Ridge Drive. Commencing at the intersection of the SouthWestern right-of-way of U.S. Highway #321, #176, #21 and the SouthEastern right-of-way of Sandhills Parkway, from said Point of Commencement running along the SouthEastern right-of-way of Sandhills Parkway S56°33'45"W for a distance of 547.97" to a 5/8" rebar found at the intersection of Foster Brothers Drive, thence turning and running along the NorthEastern right-of-way of Foster Brothers Drive S11°33'45"W for a distance of 43.10' to the end of the existing Foster Brothers Drive and to a 5/8" rebar found, thence turning and running along the NorthEastern right-of-way of the proposed 66' wide extension of Foster Brothers Drive S33°29'15"E for a distance of 750.01' to a 1/2" rebar set, thence continuing along the NorthEastern right-of-way of a proposed 70' radial cul-de-sac of the extension of Foster Brothers Drive along a curve to the right S31° 25'24"E for a distance of 125.76', a radius of 70.00' and a length of 156.23' to a 1/2" rebar set being the Point of Beginning, thence turning and leaving the proposed cul-de-sac of Foster Brothers Drive and running through property of Foster Brothers Dixiana Sand Company S01°06'30"W for a distance of 1187.24' to a 1/2" rebar set on the Northern right-of-way of a proposed road; said road running through property of Foster Brothers Dixiana Sand Company, thence turning and running along the Northern right-of-way of said proposed road along a curve to the right S74°04'47"W for a distance of 700.25', a radius of 1195.59' and a length of 710.67' to a 1/2" rebar set on the Northern right-of-way of Pine Ridge Drive (a public paved road), thence continuing along the Northern right-of-way of Pine Ridge Drive N88°53'52"W for a distance of 33.36' to a 1/2" rebar set, thence continuing along the Northern right-of-way of Pine Ridge Drive N88°47'52"W for a distance of 405.20' to a 1/2" rebar set, thence continuing along the Northern right-of-way of Pine Ridge Drive along a curve to the left S89°10'29"W for a distance of 405.56', a radius of 5729.10' and a length of 405.65' to a 1/2" rebar set, thence continuing along the Northern right-of-way of Pine Ridge Drive S87°12'24"W for a distance of 331.33' to a 1/2" rebar set, thence turning and leaving the Northern right-of-way of Pine Ridge Drive and running along property of Foster Brothers Dixiana Sand Company N01°06'14"E for a distance of 1222.57' to a 1/2" rebar set, thence continuing along property of Foster Brothers Dixiana Sand Company S88°53'30"E for a distance of 1156.78' to a 1/2" rebar set, thence continuing along property of Foster Brothers Dixiana Sand Company N56°30'44"E for a distance of 620.89' to a 1/2" rebar set on the SouthWestern right-of-way of the proposed 66' wide extension of Foster Brothers Drive, thence turning and running along the right-of-way of the proposed 66' wide extension of Foster Brothers Drive S33°29'16"E for a distance of 95.56' to a 1/2" rebar set, thence continuing along the right-of-way of the proposed 66' wide extension of Foster Brothers along a curve to the left S59°33'01"E for a distance of 139.91', a radius of 70.00' and a length of 214.87' to the Point of Beginning.

Being that same property shown on an ALTAI/ACSM Land Title Survey prepared by Survey One, LLC, dated February 22, 2008, and being recorded in Plat Book 12862, Page 33, Lexington County, South Carolina Records.



COUNTY OF LEXINGTON, SOUTH CAROLINA

Community Development

County Administration Building, 4th Floor
212 South Lake Drive, Suite 401, Lexington, SC 29072
(803)785-8121

ZONING MAP AMENDMENT APPLICATION # M08-07

Address and/or description of the property for which the amendment is requested:

White Water Drive, portion of Rocky Ramp Drive & Launch Court

Zoning Classifications: (Current) (L) Local (Proposed) (RL4) Residential Local Four

TMS#: Property Owner:

Reason for the request: To be more consistent with the surrounding properties

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: 06/30/08 Applicant: Property Owner Authorized Agent

Phone #(s): home 803-345-6785

Signature: Signature on File Printed Name: George L. Duke

Street/Mailing Address: 637 Webster Pointe Dr. Chapin SC 29036

Table with 2 columns: Date and Description. Rows include: 06/30/08 Application Received, 09/04/08 Newspaper Advertisement, 09/02/08 Notices Mailed, 06/30/08 Fee Received, 09/08/08 Property Posted, Planning Commission.

Planning Commission Recommendation:

Table with 4 columns: Date, First Reading, Public Hearing, Second Reading, Third Reading. Row: 07/22/08, 09/23/08.

Results:

COUNTY OF LEXINGTON, SOUTH CAROLINA
Department of Community Development
County Administration Building (803) 785-8121
212 South Lake Drive Ste. 401 Lexington, South Carolina 29072

STAFF SUMMARY ZONING MAP AMENDMENT #M08-07

Description of the amendment: This Map Amendment request is for a change in road classification for White Water Drive, portion of Rocky Ramp Drive and Launch Court from Local (L) to Residential Local Four (RL4).

Character of the Area: This area consists of Lake Murray, Timberlake golf course, single family residential and vacant property.

Zoning History: This is the Northern Lexington County Planning Area zoned in August 1987. There have been four map amendments in the area. Each of these map amendments was for a road classification change.

Council District: Six-Johnny W. Jeffcoat

Attachments: Chart of Allowed Uses by Zoning District
Political Boundary Maps
Location Maps

EXCERPTS TAKEN FROM:

LEXINGTON COUNTY



ZONING ORDINANCE

August 27, 2008

Table 1: District Permitted Access by Street Classification

The following table designates the types of uses or activities, or combinations of two or more activities, that are permitted in a district. A parcel is eligible for a use or activity if the parcel is zoned in a district that permits the use or activity and the use or activity is accessible only through the use of a street with a minimum street width of 40 feet.

There are limits placed on some uses or activities. These are listed in the table. The first column in the table 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 lots per acre, or maximum floor area ratio (FAR). A floor area ratio is an expression of the total floor area of a structure or building, including usable basements, compared to the total lot area. For example, a 1000 square foot building on a 10,000 square foot lot would have a floor area ratio of 10.

Current Zoning

7

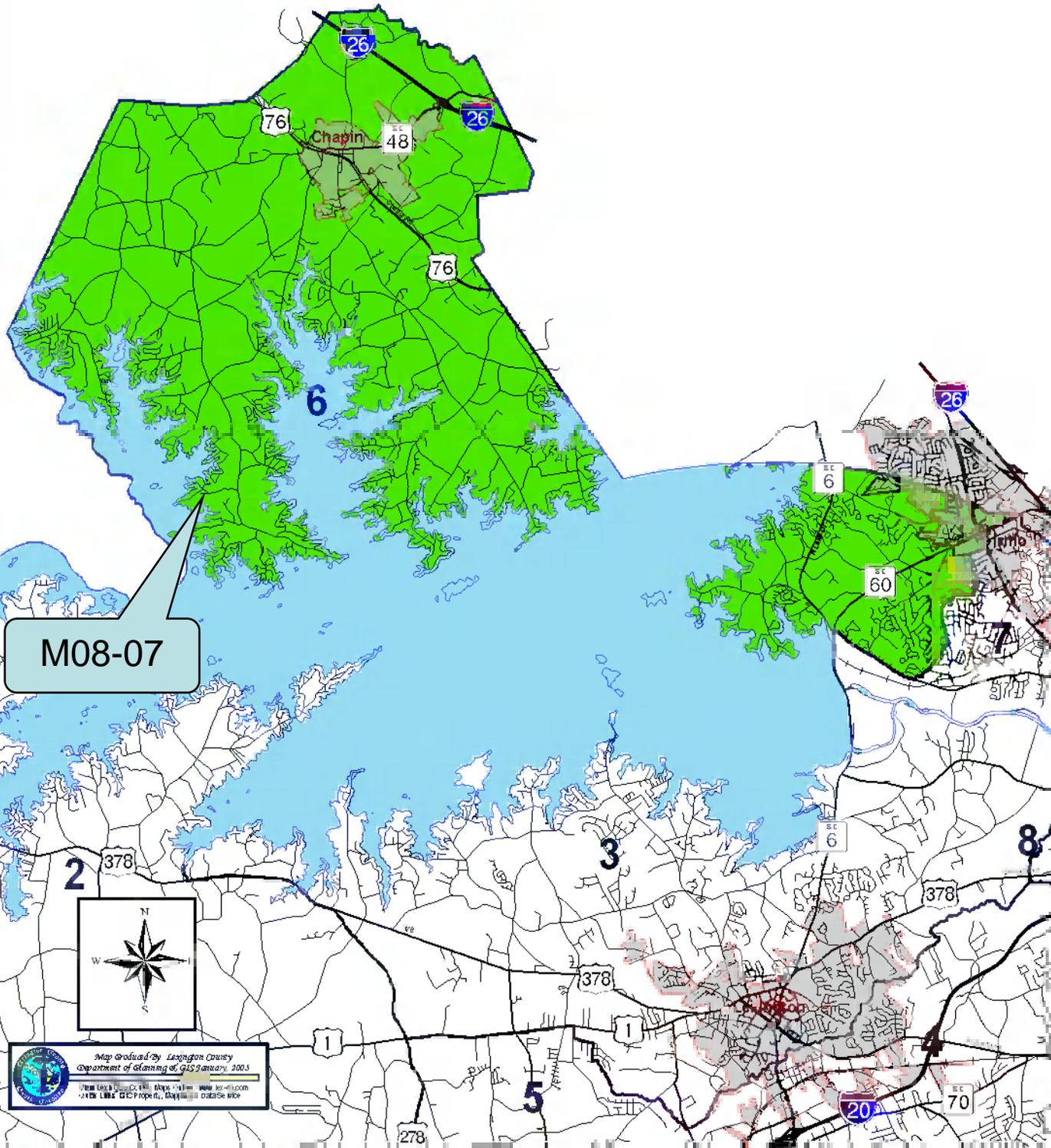
Proposed Zoning

A	C	L	RL6	RL5	RL4	LL & 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)
✓	✓	✓					Fancier's Kennel/Catery
✓	✓	✓					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, Catteries, 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

1	2	3	R1.6	R1.5	R1.4	LL & M (w/ Limit)	ACTIVITIES
✓	✓	✓				✓ 12 Bldg/acre	Nursing Homes
✓	✓	✓				✓ 03 FAR	Personal Conference Services
✓	✓	✓				✓	Print Mergers
✓	✓	✓					Party Plans
✓	✓	✓				✓ 10 FAR	Professional Services
✓	✓	✓					Radiative Materials Handling
✓	✓	✓					Railroad
✓	✓	✓					Receiving Center
✓	✓	✓				✓ 10 FAR	Research Services
✓	✓	✓	✓	✓	✓	✓ 4 DU/acre	Residential Detached
✓	✓	✓	✓	✓		✓ 3 DU/acre	Residential Attached (Attached Dwelling Unit)
✓	✓	✓	✓	✓		✓ 5 DU/acre	Residential Attached (Attached Dwelling Unit)
✓	✓	✓	✓	✓		✓ 1 DU/acre	Retirement Community Assisted Living
✓	✓	✓					Salvage/Wrecking Yard
✓	✓	✓					Scrap Operations
✓	✓	✓					Business Parks
✓	✓	✓					Shopping Center
✓	✓	✓					Industrial Park
✓	✓	✓					Towing and Impoundment Lot
✓	✓	✓					Truck Enterprises
✓	✓	✓					Terminal 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)
✓	✓	✓					Vaporization
✓	✓	✓					Yards

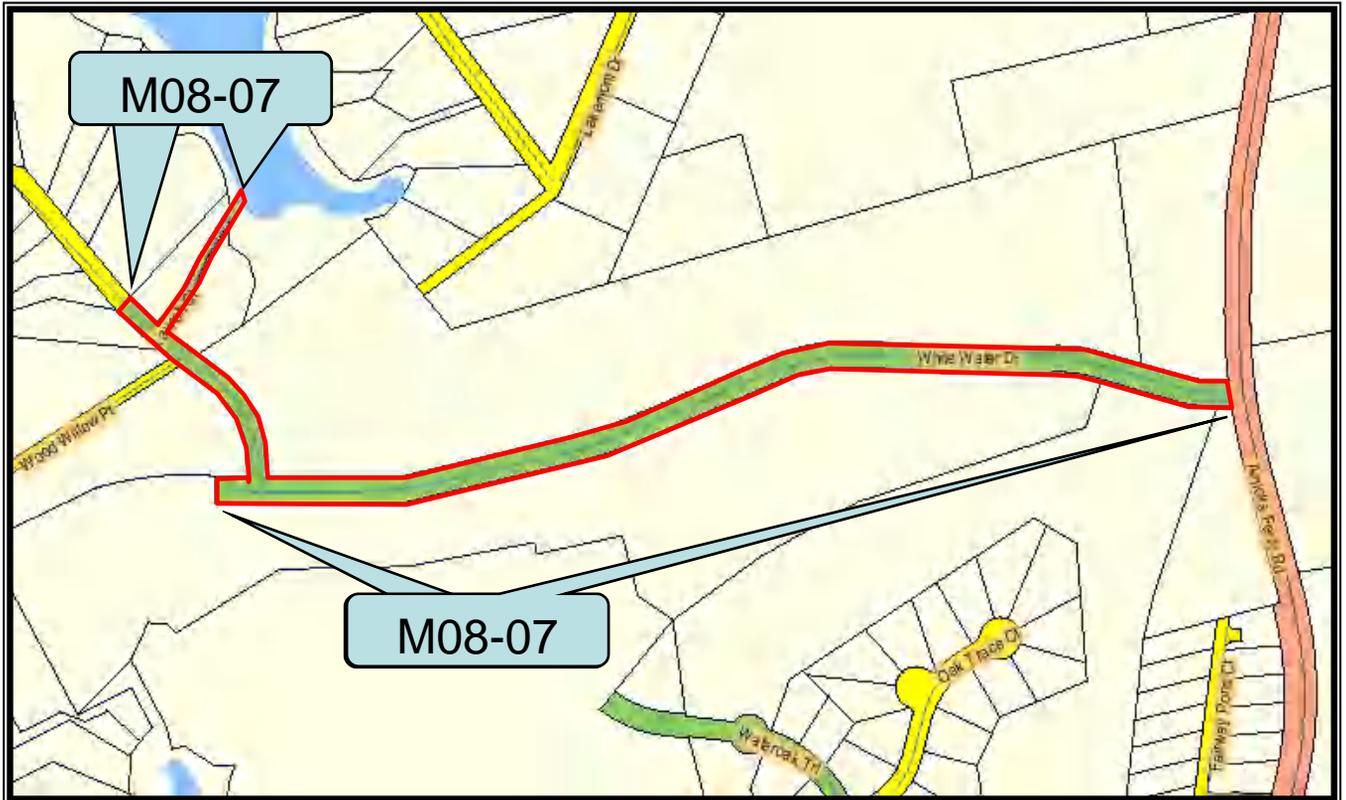
- Access by these classification is allowed only if the Group Activity (membership facility owned, operated, and used by the property owner in the surrounding neighborhood) does not limit the facility is being established.
- Access by these classification is allowed only if the fee is paid.
- Access by this classification is allowed only if the facility also has an associated lot used in accordance with...
- Access by this classification is allowed only if the Group Activity is a part of a planned development that includes residential development as a part of its design.

Lexington County Council District 6



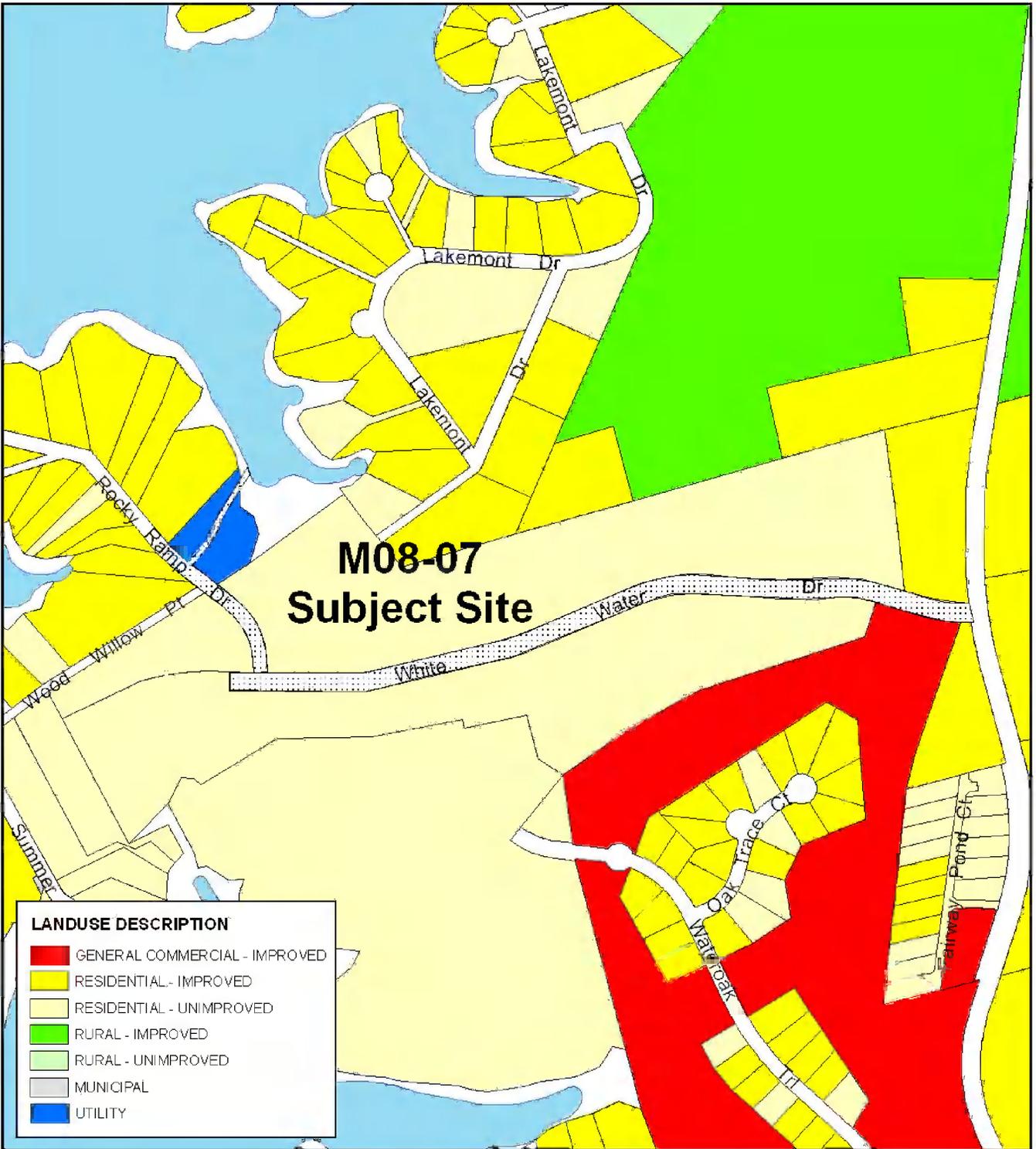
M08-07

Zoning Map Amendment Application M08-07



ZONING LEGEND

	I - Interstate		RL5 - Residential Local 5		ID - Intensive Development
	A - Arterial Road		RL6 - Residential Local 6		PD - Planned Development
	C - Collector Road		LC - Limited Commercial		R1 - Low Density Residential
	L - Local Road		C1 - Neighborhood Commercial		R2 - Medium Density Residential
	LL - Limited Local Road		C2 - General Commercial		R3 - High Density Residential
	RL4 - Residential Local 4		D - Development		RD - Restrictive Development



**Existing Landuse
Map Amendment # M08-07**

Zoning Map Amendment Application M08-07

Existing Local (L) portions of White Water Dr,
Rocky Ramp Dr, and Launch Ct.

Section 1 (from Amicks Ferry Rd, west)



NOTE: Parcel boundary lines are approximate
and may appear distorted in an oblique view.

Zoning Map Amendment Application M08-07

Existing Local (L) portions of White Water Dr,
Rocky Ramp Dr, and Launch Ct.

Section 2 (from Section 1, west)



NOTE: Parcel boundary lines are approximate
and may appear distorted in an oblique view.

Zoning Map Amendment Application M08-07

Existing Local (L) portions of White Water Dr,
Rocky Ramp Dr, and Launch Ct.



NOTE: Parcel boundary lines are approximate
and may appear distorted in an oblique view.



COUNTY OF LEXINGTON, SOUTH CAROLINA

Community Development

County Administration Building, 4th Floor
212 South Lake Drive, Suite 401, Lexington, SC 29072
(803)785-8121

ZONING MAP AMENDMENT APPLICATION # M08-08

Address and/or description of the property for which the amendment is requested:

Three Oak Lane & Water Oak Trail

Zoning Classifications: (Current) (L) Local (Proposed) (RL4) Residential Local Four

TMS#: Property Owner:

Reason for the request: To be more consistent with the surrounding properties

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: 06/30/08 Applicant: Property Owner Authorized Agent

Phone #(s): home 803-345-6785

Signature: Signature on File Printed Name: George L. Duke

Street/Mailing Address: 637 Webster Pointe Dr. Chapin SC 29036

Table with 2 columns: Date, Action. Rows include: 06/30/08 Application Received, 06/30/08 Fee Received, 09/04/08 Newspaper Advertisement, 09/08/08 Property Posted, 09/02/08 Notices Mailed, 09/02/08 Planning Commission

Planning Commission Recommendation:

Table with 5 columns: Date, Action, Date, Action, Action. Rows include: 07/22/08 First Reading, 9/23/08 Public Hearing, Second Reading, Third Reading

Results:

COUNTY OF LEXINGTON, SOUTH CAROLINA
Department of Community Development
County Administration Building (803) 785-8121
212 South Lake Drive Ste. 401 Lexington, South Carolina 29072

STAFF SUMMARY ZONING MAP AMENDMENT #M08-08

Description of the amendment: This Map Amendment request is for a change in road classification for Three Oak Lane and Water Oak Trail from Local (L) to Residential Local Four (RL4).

Character of the Area: This area consists of Lake Murray, Timberlake golf course, single family residential and vacant property.

Zoning History: This is the Northern Lexington County Planning Area zoned in August 1987. There have been four map amendments in the area. Each of these map amendments was for a road classification change,

Council District: Six-Johnny W. Jeffcoat

Attachments: Chart of Allowed Uses by Zoning District
Political Boundary Maps
Location Maps

EXCERPTS TAKEN FROM:

LEXINGTON COUNTY



ZONING ORDINANCE

August 27, 2008

Table 1: District Permitted Access by Street Classification

The following table designates the types of district uses and types of accessory or secondary activities. A principal activity which is restricted to only a certain specific street classification may not locate where the activity is reachable only through the use of a street with a different classification.

There are limits placed on some uses in residential districts via Land Use Ordinance (L.U.O.) - 10.01.010. The first 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 lots per acre, or maximum floor area ratio (FAR). A floor area ratio is an expression of the total floor area of a structure or building, including usable basements, compared to the total lot area. For example, a 1000 square foot building on a 10,000 square foot lot would have a floor area ratio of 10.

Current Zoning

7

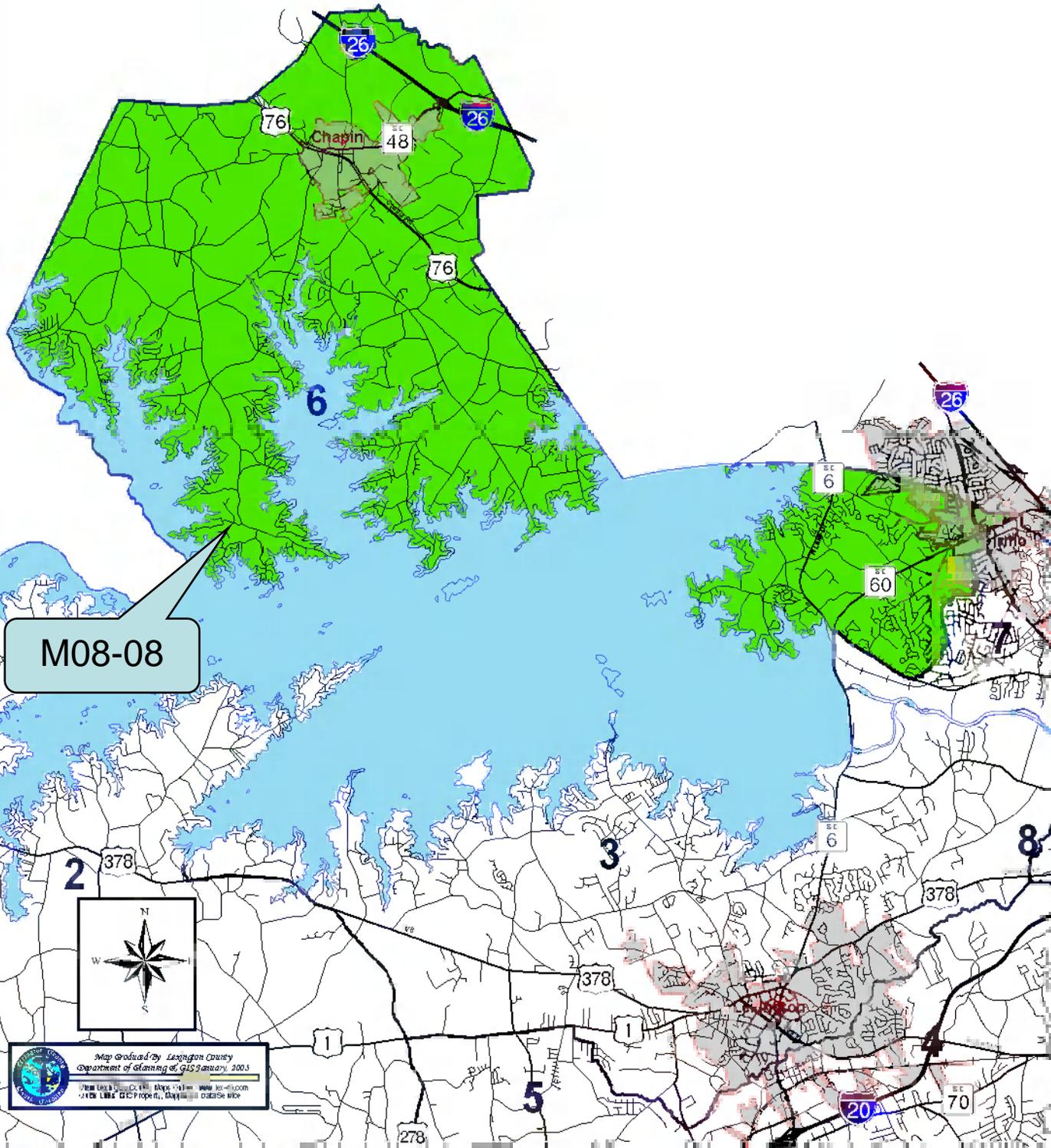
Proposed Zoning

A	C	L	RL6	RL5	RL4	LL & 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)
✓	✓	✓					Fancier's Kennel/Catery
✓	✓	✓					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, Catteries, 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

1	2	3	R1.6	R1.5	R1.4	LL & M (w/ Limit)	ACTIVITIES
✓	✓	✓				✓ 12 Bldg/acre	Nursing Homes
✓	✓	✓				✓ 03 FAR	Personal Conference Services
✓	✓	✓				✓	Print Mergers
✓	✓	✓					Party Plans
✓	✓	✓				✓ 10 FAR	Professional Services
✓	✓	✓					Radiative Materials Handling
✓	✓	✓					Railroad
✓	✓	✓					Receiving Center
✓	✓	✓				✓ 10 FAR	Research Services
✓	✓	✓	✓	✓	✓	✓ 4 DU/acre	Residential Detached
✓	✓	✓	✓	✓		✓ 3 DU/acre	Residential Attached (Maximum Dwelling Units)
✓	✓	✓	✓	✓		✓ 5 DU/acre	Residential Attached (Maximum Dwelling Units)
✓	✓	✓	✓			✓ 1 DU/acre	Retirement Community Assisted Living
✓	✓	✓					Salvage/Wrecking Yard
✓	✓	✓					Scrap Operations
✓	✓	✓					Business Parks
✓	✓	✓					Shopping Center
✓	✓	✓					Industrial Park
✓	✓	✓					Towing and Impoundment Lot
✓	✓	✓					Truck Enterprises
✓	✓	✓					Terminal 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)
✓	✓	✓					Vaporization
✓	✓	✓					Yards

- Access by these classification is allowed only if the Group Activity (membership facility owned, operated, and used by the property owner in the surrounding neighborhood) does not limit the facility is being established.
- Access by these classification is allowed only if the fee is paid.
- Access by this classification is allowed only if the facility also has an associated lot used in accordance with...
- Access by this classification is allowed only if the Group Activity as a part of a planned development that includes residential development as a part of the design.

Lexington County Council District 6



M08-08

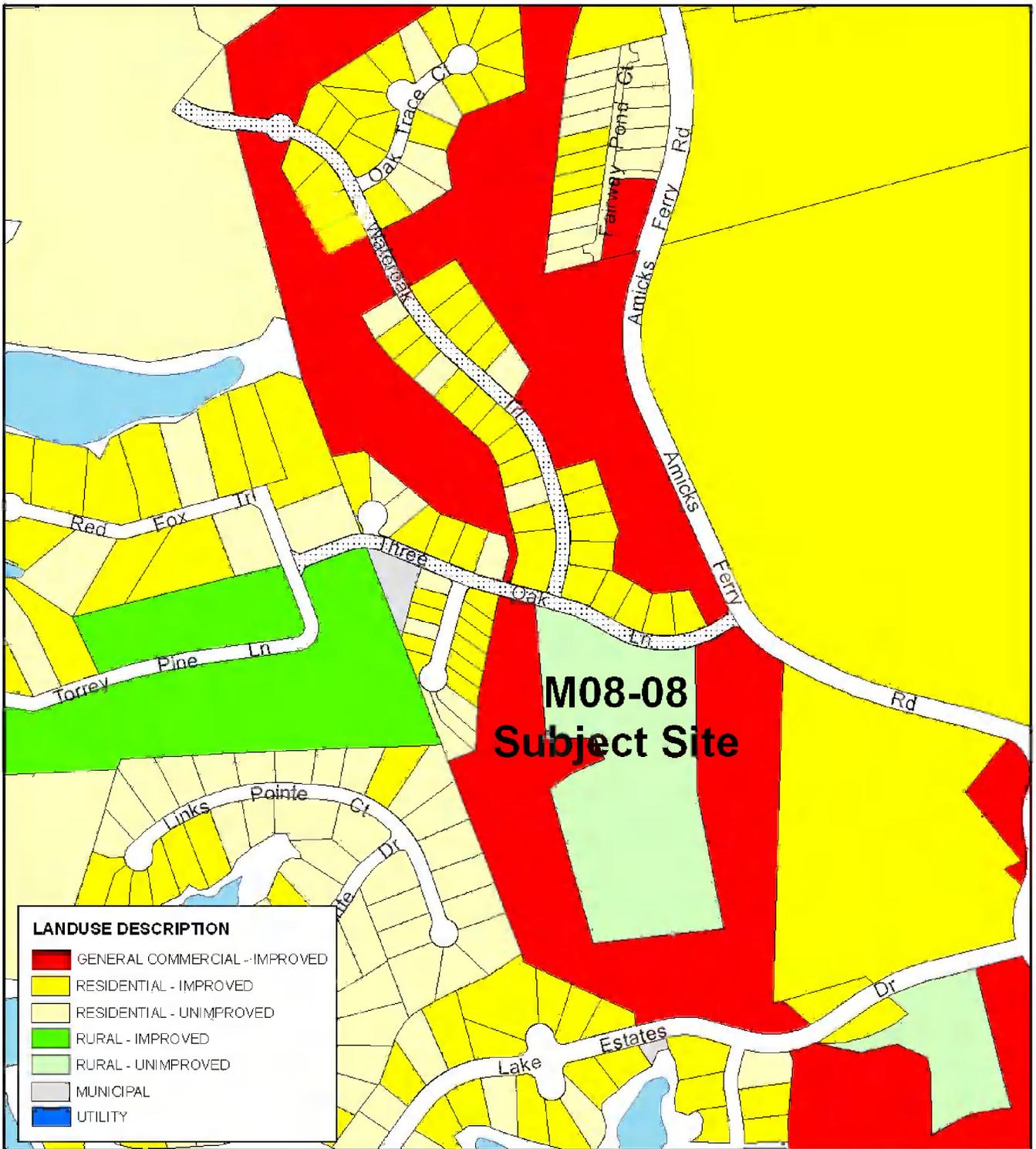
Map produced by Lexington County
Department of Planning & GIS January, 2005
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All other GIS Property, Mapping, or Database info.

Zoning Map Amendment Application M08-08



ZONING LEGEND

	I - Interstate		RL5 - Residential Local 5		ID - Intensive Development
	A - Arterial Road		RL6 - Residential Local 6		PD - Planned Development
	C - Collector Road		LC - Limited Commercial		R1 - Low Density Residential
	L - Local Road		C1 - Neighborhood Commercial		R2 - Medium Density Residential
	LL - Limited Local Road		C2 - General Commercial		R3 - High Density Residential
	RL4 - Residential Local 4		D - Development		RD - Restrictive Development



Existing Landuse Map Amendment # M08-08

Zoning Map Amendment Application M08-08

Three Oak Ln and Water Oak Trail.



NOTE: Parcel boundary lines are approximate and may appear distorted in an oblique view.

Zoning Map Amendment Application M08-08

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