

**AGENDA**  
**LEXINGTON COUNTY COUNCIL**  
**Committee Meetings**  
**Tuesday, August 25, 2009**  
**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. Also, if time permits, Council may elect to enter into Executive Session to discuss contractual, legal, personnel matters, etc.**

**12:00 p.m. - 12:05 p.m. - Economic Development**

- (1) Approval of Minutes - Meetings of May 26 and July 28, 2009..... **A**
- (2) Old Business/New Business
- (3) Adjournment

**12:05 p.m. - 12:50 p.m. - Planning & Administration**

- (1) 2010-14 Five Year Consolidated Plan (CDBG Program and HOME Program) (Goals 1,2,3)  
- Community Development - Ronald Scott, Director ..... **B**
- (2) Homelessness Prevention and Rapid Re-Housing Program (HPRP) (Goals 1,2,3) -  
Community Development - Rhonda Dean, Community Development Administrator..... **C**
- (3) Zoning Text Amendment T08-11 (Goal 2) - Planning and GIS - Charlie Compton, Director ..... **D**
- (4) Approval of Minutes - Meeting of July 28, 2009 ..... **E**
- (5) Old Business/New Business - Land Use Growth, HOME Program
- (6) Adjournment

**12:50 p.m. - 1:00 p.m. - Justice**

- (1) Personnel Position Re-classification Upgrade - Sheriff's Department - Col. Allan Paavel ..... **F**
- (2) Recovery Act Justice Assistance Grant (JAG) Program Award (Goal 3) - Sheriff's  
Department - Col. Allan Paavel ..... **G**
- (3) Approval of Minutes - Meeting of July 28, 2009 ..... **H**
- (4) Old Business/New Business
- (5) Adjournment

**1:00 p.m. - 1:35 p.m. - Health & Human Services**

- (1) DHEC EMS Grant-in-Aid Grant Application (Goal 3) - Public Safety/EMS - Brian Hood,  
Coordinator ..... **I**

- (2) V. C. Summer Facility - Approval of Emergency Planning Support Agreement (Goals 1,2) - Public Safety/Emergency Management - Tom Collins, Emergency Management Coordinator ..... **J**
- (3) Gaston Outdoor Burning Ordinance Enforcement (Goal 2) - Public Safety/Fire Service - Chief Russell Rawl, Fire Service Coordinator..... **K**
- (4) Volunteer Fire Assistance Grant Application (Goal 3) - Public Safety/Fire Service - Eddie Turner, Chief Operations Officer..... **L**
- (5) Approval of Minutes - Meetings of June 9 and July 28, 2009..... **M**
- (6) Old Business/New Business - Lexington County Fire Code/Timber Cutting
- (7) Adjournment

**1:35 p.m. - 1:40 p.m. - Public Works**

- (1) Approval of Minutes - Meeting of July 28, 2009 ..... **N**
- (2) Old Business/New Business - Traffic Congestion, Alternate Material for Road Swells, New Road - Corley Mill/Riverchase, Assessment of Ponds Inventory
- (3) Adjournment

**1:40 p.m. - 1:55 p.m. - Airport**

- (1) Partial Apron Rehabilitation Project FAA Grant Award (Goal 3) - Public Works - Jim Starling, Engineering Associate III..... **O**
- (2) Zoning Text Amendment T09-04 - Update to Article 4 - Airport District, Chapter 3. Designation of Pelion Corporate Airport District (Goal 2) - Planning and GIS - Charlie Compton, Director ..... **P**
- (3) Approval of Minutes - Meeting of July 28, 2009 ..... **Q**
- (4) Old Business/New Business
- (5) Adjournment

**1:55 p.m. - 2:00 p.m. - Solid Waste**

- (1) Approval of Minutes - Meetings of May 26 and July 28, 2009..... **R**
- (2) Old Business/New Business
- (3) Adjournment

**2:00 p.m. - 4:15 p.m. - Committee of the Whole**

- (1) Local Matching Funds for the Regional Hazard Mitigation Plan Update (Goals 1,2) - Central Midlands Council of Governments - Mr. Norman Whitaker, Executive Director ..... **S**
- (2) Auxiliary Administration Building Space Allocation - Veterans Affairs - Gary Baker, Director and Dean Crepes, Director of Registration and Elections..... **T**
- (3) Demonstration of a Classroom Response System - Planning and GIS - Charlie Compton, Director ..... **U**
- (4) United Way Pace-Setter Campaign Update - Joe Mergo, County Deputy Administrator

- (5) Telecommunications Subcommittee Update (Goals 1,2,3) - Information Services - Mike Ujcich, CIO and William Byrd, Communications Subcommittee Member
- (6) EMS Funding Request (Goal 1) - Public Safety/EMS - Brian Hood, Coordinator
- (7) Approval of Minutes - Meeting of July 28, 2009 ..... V
- (8) Possible Executive Session if Time Permits
- (9) Old Business/New Business - Tax Installment Payments, Local Contractors Procurement Incentives
- (10) 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.**

**Economic Development**

B. Banning, Sr., Chairman  
J. Kinard, V Chairman  
B. Derrick  
J. Jeffcoat  
T. Cullum  
D. Summers

**Justice**

J. Kinard, Chairman  
S. Davis, V Chairman  
B. Derrick  
B. Keisler  
D. Summers

**Public Works**

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

**Solid Waste**

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

**Planning & Administration**

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

**Health & Human Services**

J. Jeffcoat, Chairman  
B. Banning, Sr., V Chairman  
J. Kinard  
B. Keisler  
D. Summers

**Airport**

J. Carrigg, Jr., Chairman  
J. Kinard, V Chairman  
S. Davis  
J. Jeffcoat  
D. Summers

**Committee of the Whole**

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

**A G E N D A**  
**LEXINGTON COUNTY COUNCIL**  
**Tuesday, August 25, 2009**  
**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**

**Resolution**

(1) Mrs. Tammy Johns-Brown.....**W**

**Appointments** .....**X**

**Bids/Purchases/RFPs**

(1) Homelessness Prevention and Rapid Re-Housing Program - Community Development .....**Y**

(2) Administration of IRS Section 125 Insurance Plan - Human Resources .....**Z**

(3) Architectural and Engineering Services for a New Lake Murray Fire Station - Public  
Safety/Fire Service.....**1**

(4) South Apron Rehabilitation Project - Lexington County Airport at Pelion - Public Works .....**2**

**Approval of Minutes - Meeting of July 28, 2009** .....**3**

**Ordinances**

- (1) Ordinance 09-06 - An Ordinance to Amend the Lexington County Code of Ordinances, Chapter 14, Building and Building Regulations; by Adding a New Article Therein for the Purpose of Establishing Regulations and Requirements Related to Smoking in the Unincorporated Areas of Lexington County - 3<sup>rd</sup> and Final Reading.....4
- (2) Ordinance 09-11 - An Ordinance to Establish the Procedure for Voting for all County Established and Appointed Boards and Commissions - 2<sup>nd</sup> Reading .....5

**Committee Reports**

**Justice, J. Kinard, Chairman**

- (1) Personnel Position Re-classification Upgrade - **Tab F**
- (2) Recovery Act Justice Assistance Grant (JAG) Program Award - **Tab G**

**Health & Human Services, J. Jeffcoat, Chairman**

- (1) DHEC EMS Grant-in-Aid Grant Application - **Tab I**
- (2) V. C. Summer Facility - Approval of Emergency Planning Support Agreement - **Tab J**
- (3) Gaston Outdoor Burning Ordinance Enforcement - **Tab K**
- (4) Volunteer Fire Assistance Grant Application - **Tab L**

**Airport, J. Carrigg, Jr., Chairman**

- (1) Partial Apron Rehabilitation Project FAA Grant Award - **Tab O**

**Committee of the Whole, D. Summers, Chairman**

- (1) Local Matching Funds for the Regional Hazard Mitigation Plan Update - **Tab S**
- (2) Auxiliary Administration Building Space Allocation - **Tab T**

**Budget Amendment Resolutions**

**6:00 P.M. - Public Hearings**

- (1) Ordinance 09-11 - Ordinance to Establish the Procedure for Voting for all County Established and Appointed Boards and Commissions - **Tab 5**
- (2) Zoning Map Amendment M09-02 - Irmo Drive.....6
- (3) Zoning Map Amendment M09-03 - Fox Trot Trail.....7
- (4) Zoning Text Amendment T09-04 - Update to Article 4 - Airport District, Chapter 3. Designation of Pelion Corporate Airport District - **Tab P**

**OLD BUSINESS/NEW BUSINESS**

**EXECUTIVE SESSION/LEGAL BRIEFING**

**MATTERS REQUIRING A VOTE AS A RESULT OF EXECUTIVE SESSION**

**ADJOURNMENT**

**MISSION:**

**Provide quality services to our citizens at a reasonable cost.**

**VISION:**

**Planned growth for our communities with abundant opportunities for all in a quality environment.**

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 - Suite 401  
Lexington, SC 29072  
Phone: (803) 785-8121  
Fax: (803) 785-8188

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## MEMORANDUM

TO: Planning and Administration Committee  
Lexington County Council

THROUGH: Katherine Hubbard, County Administrator

FROM: Ronald T. Scott, Community Development Director

DATE: August 14, 2009

RE: 2010-14 Five Year Consolidated Plan (CDBG Program and HOME Program)

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Each year, the County receives an allocation of funds from the US Department of Housing and Urban Development (HUD) to implement the Community Development Block Grant (CDBG) Program and the HOME Investment Partnerships (HOME) Program. These programs are designed to address the community development and housing needs of low and moderate income areas and households in Lexington County. All funding allocated through the County's CDBG Program and HOME Program is guided by a Five Year Consolidated Plan, which is approved by HUD. The Plan provides an overview of the County's needs and establishes priorities to address those needs (see the attached excerpts from the 2005-2009 Plan). The current Plan will expire June 30, 2010.

We have begun the process to create the 2010-2014 Plan. We estimate the County will receive approximately \$10 million in CDBG and HOME funds over the next five years, contingent upon federal appropriations. The development of a new Plan is a comprehensive process involving surveys, data analysis, community meetings, stakeholder meetings, and public hearings. The initial public meeting to obtain input into the development of the Plan will take place on Monday, August 17th at 6:00 p.m. In addition to the Plan, the County must also update its Analysis of Impediments to Fair Housing Choice (AI).

The planning process will span approximately eight months. Training and Development Associates (TDA) is the designated consultant to assist Community Development staff in preparing the Plan and the AI, which are due to HUD by May 15, 2010. During the Planning and Administration Committee meeting, Community Development staff will provide a brief update and overview on the CDBG Program and the HOME Program. A representative of TDA will also provide an overview on the process of updating the Plan and the AI.

**Requested Action: No action needed at this time. This information is provided as a general update to County Council.**

### III. Community and Housing Profile

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

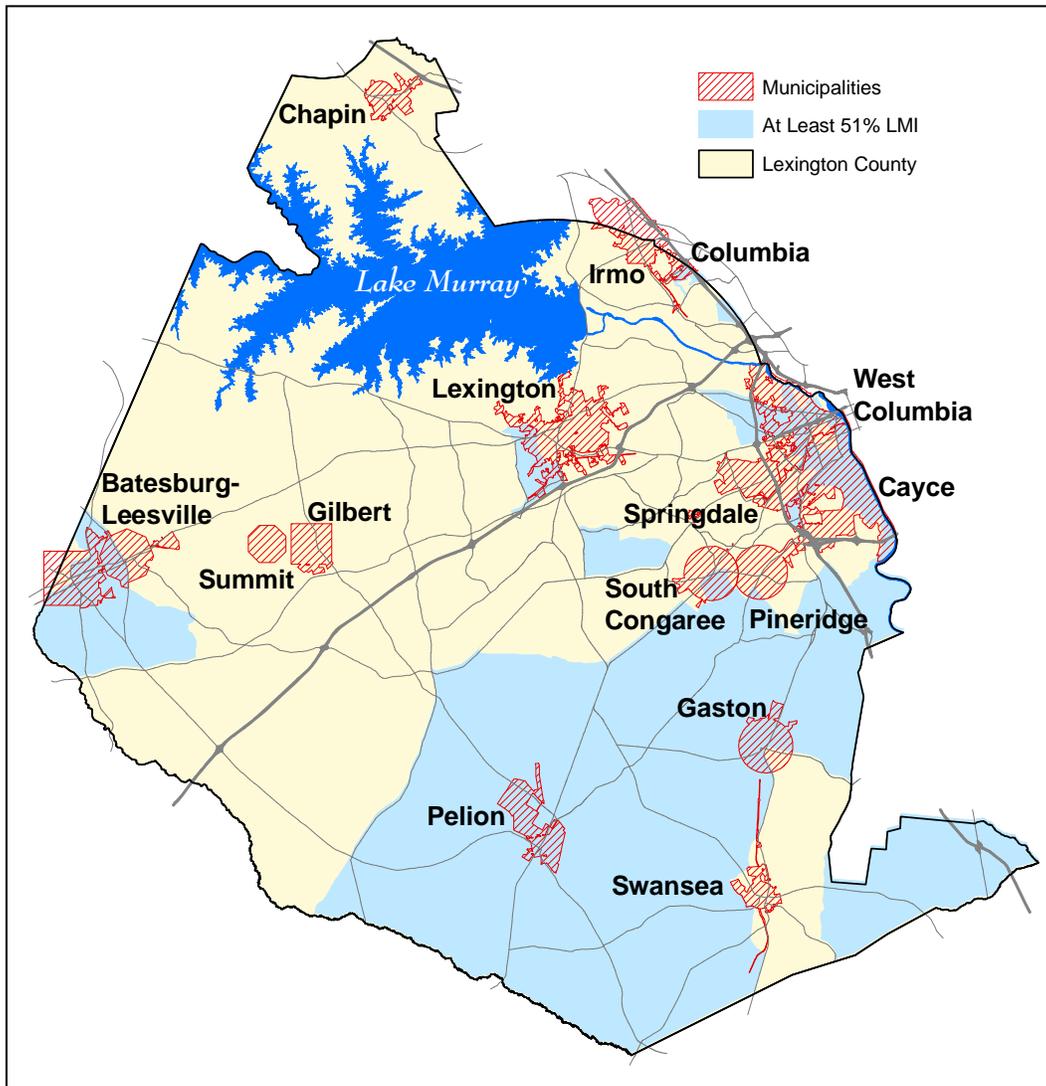
Significant demographic trends and issues include:

- The County's growth rate of 28.9% from 1990 to 2000 to a population of more than 216,000 was the State's fifth highest.
- From 1990 to 2000, population in the 45-to-64 age group increased by more than 56% and the number of residents age 65 and over increased by nearly 48%.
- Lexington County experienced a 218% increase in its Hispanic population during the past decade, with the number of Hispanic residents nearly tripling.
- Nearly 38% of households countywide are considered to be low and moderate income (LMI).
- Sixty-one percent of the County's renter households are considered to be low and moderate income.
- Nearly 48% of families living in poverty are headed by a single female with children under the age of 18.
- The unemployment rate for Lexington County has risen steadily from 2.0% in 2000 to 3.3% in 2004.
- There has been a shift from higher wage manufacturing jobs to lower wage wholesale/retail and service employment in Lexington County in the last decade.
- There were 90,978 housing units in Lexington County in 2000, an increase of nearly 35% from 1990.
- Manufactured/mobile housing comprises nearly one-fourth (23.1%) of the housing units in Lexington County.
- Permitting for multi-family housing has consistently been low in the unincorporated area of the County.
- There is a projected 14.5% increase in housing units from 2000 to 2009 in Lexington County, resulting in a housing count of 104,138 units in the County by 2009.
- The median cost for owner-occupied housing units in Lexington County in 2000 was \$92,700 – well above the median cost of housing units statewide at \$83,100.
- At \$548, median rent for occupied housing units in Lexington County in 2000 was higher than the statewide median rent of \$510.

- Nearly 40% of elderly renters spent more than 30% of their income on rent and nearly 18% of elderly homeowners spent more than 30% of their income on housing costs.
- An extremely low-income household in Lexington County earning \$18,180 (30% of the area median income of \$60,600) can afford a monthly rent of no more than \$455, while the County's current Fair Market Rent for a two-bedroom housing unit is \$625.
- Social Security recipients (receiving \$564 monthly) can only afford monthly rent of \$169 or less, while the current local Fair Market Rent for a one-bedroom unit is more than triple that at \$561.
- Among the County's extremely low-income households, nearly 70% have housing problems. Nearly 65% of extremely low-income households in Lexington County have a housing cost burden of more than 30% and the cost burden for more almost half (47.6%) of households in that income group is more than 50% of their gross income.
- Housing problems are a concern for more than half (51.1%) of very low-income households in the County. Nearly 49% of Lexington County's very low-income households have a housing cost burden of more than 30% and 18.8% have a cost burden of more than half of their gross income.
- African-Americans, Hispanics and other minority households experienced a disproportionately higher percentage of housing problems than Lexington County households as a whole.

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

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



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

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

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

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

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

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



# County of Lexington

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## MEMORANDUM

TO: Planning and Administration Committee  
Lexington County Council

THROUGH: Katherine Hubbard, County Administrator

FROM: Ronald T. Scott, Community Development Director

DATE: August 14, 2009

RE: Homelessness Prevention and Rapid Re-Housing Program (HPRP)

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As a result of the American Recovery and Reinvestment Act of 2009 passed by the federal government, Lexington County was allocated \$588,970 in funding for the Homelessness Prevention and Rapid Re-Housing Program (HPRP). The purpose of the HPRP is to provide homelessness prevention assistance to households who would otherwise become homeless, many due to the economic crisis, and to provide assistance to rapidly re-house persons who are homeless. The funds under this program are intended to target two populations of persons facing housing instability: 1) Individuals and families who are currently in housing but are at risk of becoming homeless and need temporary rent or utility assistance to prevent them from being homeless or assistance to move to another unit (prevention). 2) Individuals and families who are experiencing homelessness (residing in emergency or transitional shelters or on the street) and need temporary assistance in order to obtain housing and retain it (rapid re-housing).

Through a Request for Qualifications (RFQ) process, Lexington Interfaith Community Services (LICS) and SC Appleseed Legal Justice Center were selected to carryout HPRP eligible activities. LICS will provide financial assistance through rental assistance, utility payments, moving costs or hotel vouchers and housing relocation and stabilization services through case management, outreach, and housing placement. The SC Appleseed Legal Justice Center will provide outreach and education services to HPRP participants. HPRP funds are available for a maximum 3-year period beginning September 30, 2009 and at least 60 percent of the funds must be spent within 2 years.

Staff recommends awarding the HPRP grant of \$525,000 to LICS and \$20,000 to SC Appleseed Legal Justice Center for a three (3) year grant period, ending no later than September 30, 2012. Five percent (\$29,448) of the allocation will be used for administration and \$14,522 will be used for required data collection and evaluation. No vote on the project is necessary during the committee meeting. The project will be brought before the full Council for consideration under Bids and Purchases during the afternoon Council meeting.

# Memorandum

August 14, 2009

**To:** Katherine Hubbard  
County Administrator

**For:** Planning and Administration Committee  
County Council

**From:** Charlie Compton, Director  
Department of Planning and GIS

**Reference:** Zoning Text Amendment #T08-11

The Planning Commission has devoted quite a number of meetings to this amendment and we feel it is complete enough for the Planning and Administration Committee to begin its review. The attached draft contains all of the recommended changes, but also includes a few references to possible additional modifications that are being researched.

**Enclosure:** Zoning Text Amendment #T11-08



COUNTY OF LEXINGTON, SOUTH CAROLINA

**Community Development**

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

ZONING TEXT AMENDMENT APPLICATION # **T08-11**

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

ARTICLE 2 - APPLICATION OF REGULATIONS - Chapter 5 - Signs, and other related sections of the Zoning Ordinance as applicable.

Reason for the request: To fully implement the concept of scenic corridors and to better coordinate the transition of properties into municipalities through annexation.

Submitted on behalf of:       County Council       Planning Commission

Printed Name: Charles M. Compton      Title: Director of Planning and GIS

Signature: Signature on File

9/23/08	Application Received		Newspaper Advertisement
	Planning Commission		

Planning Commission Recommendation: \_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

# DRAFT update (as of August 12, 2009)

## Chapter 5. Signs

### 25.00 Intent and Purpose

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

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

### 26.00 Definitions and Quick Reference Chart

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

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

Awning Signs. See Marquee Signs definition.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Illuminated Signs. Signs either internally or externally lighted by an artificial source.

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

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

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

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

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

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

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

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

Portable or Moveable Signs. Any signs, which rests upon, but are not attached to the ground, a structure, a frame, building, or other surface. Such signs include, but are not limited to, the following: trailer signs, signs mounted to and/or displayed from a parked vehicle (see Section 26.40k for allowable vehicle signs), sandwich board signs, sidewalk or curb signs, and inflatable signs.

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

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

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

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

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

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

Sign. Any device which informs or attracts attention.

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

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

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

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

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

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

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

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

Windblown Sign. Any banner, device, or display designed to be moved by natural or artificially generated sources of air, that contains a written or pictorial message.

## Quick Reference Chart

**LEGEND:** T = Temporary P = Permanent \$ = Permit Required E = Exempt X = Not Allowed

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

Sign Type	Ordinance Section Reference	T	P	E	X	Required Setback from Right-of-way	Required Setback from Adjoining Property	Display Area, Height and/or Spacing Restrictions
Advertising Signs	26.60		✓\$			10 ft.*	10 ft.*	✓
Audible Signs	26.32				✓			
Banners	**							
Banners over Public R/W	26.40a	✓						
Business Signs	26.50		✓\$			10 ft.*	10 ft.*	✓
Canopy Signs	26.53		✓\$			10 ft.*	10 ft.*	✓
Changeable Copy Signs	26.52		✓\$			10 ft.*	10 ft.*	✓
Commercial Center Signs	26.52		✓\$			10 ft.*	10 ft.*	✓
Contractor's Signs	26.40b	✓						✓
Development/Project Signs	26.40f	✓						✓
Directory Signs	26.52		✓\$			10 ft.*	10 ft.*	✓
Driveway Signs	26.53		✓				10 ft.*	✓
Electronic Message Board	26.52	**	**					
Flag	26.20			✓				
Flashing Signs	26.33				✓			
Illuminated Signs	26.13d 26.15 26.55	** ** **	** ** **					
Incidental Signs	26.20h			✓				
Inflatable Signs	**							
Marquee Signs	26.52 26.53		✓\$ ✓\$			10 ft.* 10 ft.*	10 ft.* 10 ft.*	✓ ✓
Moving Signs	26.34				✓			
Pennants	26.40c	✓\$				10 ft.*		✓

Sign Type	Ordinance Section Reference	T	P	E	X	Required Setback from Right-of-way	Required Setback from Adjoining Property	Display Area, Height and/or Spacing Restrictions
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Political Campaign Signs	26.40d	✓						
Portable or Moveable Signs	26.40e	✓\$						✓
Projecting Signs	26.53		✓\$			10 ft.*	10 ft.*	✓
Projection Signs	**							
Public Information Signs	26.20c			✓				
Real Estate Signs								
On-Premise	26.40f	✓						✓
Off-Premise	26.40f	✓						✓
On-Premise Sub./Dev. Signs	26.40f	✓						✓
Off-Premise Sub./Dev. Signs	26.40f	✓	✓\$					✓
Residential/Commercial/Industrial Subdivision and Residential Development Signs	26.53		✓\$			10 ft.*	10 ft.*	✓
Seasonal Signs	26.40g	✓						✓
Short-Term Personal Information Signs	26.40h	✓						✓
Sponsorship Signs	26.40i	✓						
Temporary Directional Signs	26.40j	✓						✓
Vehicular Signs	26.40k	✓						
Wall Signs	26.53		✓\$					✓
Window Signs	26.20g			✓				
Windblown Signs	**							

\* If the distance from the edge of the road to the edge of the right-of-way is greater than 20 feet, the 10-foot setback from the road right-of-way shall not apply.

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

## 26.10 General Provisions

### 26.11 Construction Standards

All signs shall comply with the appropriate provisions of the County's Building Code, and shall maintain clearances from all overhead electrical conductors in accordance with the National Electric Code, provided that no sign shall be installed closer than 10 feet horizontally or vertically from any conductor. Temporary signs shall be erected or placed to remain in the intended location and not to become a safety hazard or litter problem.

### **26.12 Unsafe or Hazardous Signs**

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

### **26.13 Maintenance**

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

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

### **26.14 Public Right-of-Way**

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

### **26.15 Illuminated Signs**

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

### **26.20 Exempt Signs**

The following are not subject to these sign regulations:

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

### **26.30 Prohibited Signs**

#### **26.31 Signs Imitating Traffic or Emergency Signals**

No sign shall be permitted which imitates an official traffic sign or signal, or contains words or symbols displayed in a manner which might mislead or confuse drivers of vehicles, or which displays intermittent lights resembling the color, size, shape, or order of lights customarily used in traffic

signals, on emergency vehicles, or on law enforcement vehicles, except as part of a permitted private or public traffic control sign.

### **26.32 Audible Signs**

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

### **26.33 Flashing Signs**

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

### **26.34 Moving Signs**

No sign shall be permitted which moves or presents the illusion of movement in any manner, when such movement is provided by means other than the movement of air.

### **26.35 Signs Attached to or Painted on Selected Features**

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

## **26.40 Temporary Signs**

In keeping with Section 25.00 Intent and Purpose, temporary signs that are in compliance with the requirements of Section 22.10 Driveway and Street Restrictions, Section 26.10 General Provisions, Section 125.00 Conflict with Other Laws, and all other applicable requirements of this Ordinance, shall be allowed.

### **a. Banners over Public Rights-of-Way**

Banners spanning over public rights-of-way are allowed, subject to approval by the appropriate South Carolina Department of Transportation agency or appropriate local governmental (County or Municipal) agency responsible for maintenance of the right-of-way. Banners attached to existing utility pole shall require the approval of such utility agency.

### **b. Contractors' Signs**

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

### **c. Pennants**

**Pennants are** any lightweight plastic, fabric, or other material, regardless of shape, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move with the wind. Pennants shall be limited to two strands for every 100 feet of road frontage or portion thereof. A strand is defined as being between two attachment points. Pennants and/or attachment points shall be set back a minimum of 10 feet from the road rights-of-way. Pennants are allowed only in conjunction with the permitting of Portable or Movable signs.

### **d. Political Campaign Signs**

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

### **e. Portable or Movable Signs**

Portable or movable signs shall be permitted up to two separate times per year for a period not to exceed 30 consecutive days per occurrence. Portable signs must be located at least 20 feet from any adjoining business signs or small advertising signs. Pennants are allowed only in conjunction with a permit under this section and in accordance with Section 26.40c.

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

**f. Real Estate Signs**

Real Estate Signs are temporary signs offering real estate for sale, rent, or lease. These signs do not have to be set back from road rights-of-way, but still must comply with the engineering criteria found in the Lexington County Land Development Manual and the Driveway Restrictions found in Section 22.10 of this Ordinance.

On-Premise – The real estate sign display area shall not exceed 6 square feet for individual parcels restricted for residential use only and 32 square feet for all other parcels. There may be only one sign per 200 feet of street frontage or portion thereof and such signs shall be removed within seven days of the conveyance or lease of the property.

Off-Premise – Real estate signs not exceeding 4 square feet in area and 2½ feet in height are allowed off-premises, provided they are located on private property with the property owners’ permission. These signs do not have to be set back from road rights-of-way. Such signs shall be removed within seven days of the conveyance or lease of the property.

On-Premise Subdivision/Development/Project Signs shall be allowed in addition to the permanent Subdivision/Development Signs provided they do not exceed 32 square feet, one per entrance, and are ~~meet the same restrictions for On-Premise and Off-Premise Real Estate Signs, except that Off-Premise Development/Project Signs shall be removed after 75~~ 100 percent of the original lots, units, etc. have been sold or leased.

Off-Premise Subdivision/Development Signs shall be allowed provided they are located on private property with the property owners’ permission and meet the following requirements:

- a. They must be located within one mile of the subdivision or development.
- b. These signs shall not contain more than 24 square feet in display area. The decorative structure on which the sign is displayed may not exceed 32 square feet.
- c. The maximum height of the sign and/or decorative structure shall be 4 feet.
- d. These structures and signs must have the same appearance as the permanent on-site signs and be constructed of the same or similar materials.
- e. These off-premise signs must be removed after 90 percent of the lots, units, etc. have been sold or leased.

Multiple subdivisions/developments desiring to place off-premise directional signs on the same property are encouraged to share a single sign structure. They must meet the same size and location requirements of this section, however, the maximum height of the sign structure may be 8 feet. Materials used should be of similar quality as the permanent on-site signs, i.e. painted plywood would not be acceptable. A second sign in the same location that is not sharing a sign structure may not obstruct the view of the first sign.

**g. Seasonal Signs**

Seasonal Signs are signs advertising seasonal or holiday products or services *[need more descriptive language here]*. These signs shall not exceed 32 square feet in area and must be located on private property with the property owner’s permission. There may be only one sign per 500 feet of street frontage or portion thereof and such signs must be removed within seven days after the end of the season. These signs do not have to be set back from road rights-of-way.

**h. Short-Term Personal Information Signs**

Short-term personal information signs, such as garage sale, lost and found pets, and wedding and reception directions, are allowed provided they are located on private property with the property owner’s permission.

These signs shall not exceed six square feet in size, are limited to no more than seven consecutive days, and must be removed within twenty-four hours after the completion of the event. These signs do not have to be set back from road rights-of-way.

**i. Sponsorship Signs**

**Sponsorship Signs** are signs employed by a school or by a civic, fraternal, religious, charitable or similar organization, which identifies the sponsor (by name, address and/or logo, crest, insignia, trademark or emblem only) of recreational or sports facilities provided on the premises where such signs are displayed. “Sponsorship Fence Signs” shall mean sponsorship signs affixed to permanent fencing. “Facility” shall mean the entire premises of an elementary or secondary school or a recreation or a sports facility. These signs are intended to be used for a specific event or sporting season. They must meet all safety standards and local event/location restrictions imposed by the event committee, site owner, etc. Such signs intended to remain beyond the event or sporting season limitation shall be regulated as permanent signs under the appropriate definitions found in this ordinance.

**j. Temporary Directional Signs**

**Temporary Directional Signs** are intended for use with seasonal activities ~~and~~ for civic, church, or community special events *[need more descriptive language here]* not associated with permanent business activities. These signs ~~shall be limited to eight in total number and~~ shall not exceed 12 square feet per sign and must be located on private property with the property owner’s permission. **There may be only one sign per 500 feet of street frontage or portion thereof and such** ~~These~~ signs do not have to be set back from road rights-of-way. These signs must be removed within seven days after the end of the season or after the individual event for which it was intended. Such signs do not constitute a land use unto themselves and are not considered Off-Premise Advertising Signs.

**k. Vehicular Signs**

**Vehicular Signs** are signs on vehicles or trailers, which are in a street legal operating condition. Signage, no matter how attached or painted, on a currently, properly licensed vehicle (motorized or not - including trailers) used in the everyday conduct of the business or activity that it is advertising, is allowed. Vehicles with such signage may be parked in normal designated parking places, but not on grassy areas, sidewalks, or other locations not normally available to customers or patrons of the business. Disabled or unlicensed vehicles, on which signage has been placed, shall be regulated as permanent signs under the appropriate definitions found in this Ordinance. Signs resting upon, mounted to and/or displayed from a parked vehicle, used other than as described above, shall be considered as Portable or Movable Signs.

**26.50 Business Signs**

**26.51 Location**

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

**26.52 Maximum Display Area, Height, and Number of Signs**

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

Location	Maximum Static Display Area per Sign	Maximum Changeable Copy or Electronic Message Board	Maximum Height
Restrictive Development Districts	75 square feet	40 square feet	15 feet
Intensive Development Districts	100 square feet	60 square feet	20 feet
Commercial Centers in ID District	300 square feet	80 square feet	35 feet
Commercial Centers in RD District	150 square feet	40 square feet	15 feet

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

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

A parcel with street access only by an easement over another parcel may consider that easement frontage as an allowed location for a business sign provided it is allowed by the easement agreement. A similar parcel that includes ownership of the strip of property which provides access may also consider that frontage as an allowed location for a business sign. In both situations the signs must meet all of the requirements of this section including location restrictions.

Multiple signs allowed on the same frontage of the same parcel must be located at least 500 feet apart.

The maximum display area allowed for commercial centers includes any directory signs. In addition, each business within a commercial center may erect one wall, projecting, or marquee sign; and, each individual business not within a commercial center may erect one wall, projecting, or marquee sign per street frontage.

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

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

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

Electronic Message Board. An electrical or electronic sign using digital technology or a pattern of lights to form various words or graphics which is capable of changing copy continuously. Images displayed using digital technology must be static messages and the content shall not include animated, flashing, scrolling or full-motion video elements. Static images may not be continuously changing in such a manner that the changes are visible to the traveling public. However, it is permissible to change images daily or hourly as necessary to communicate new information. Electronic Message Boards that are no larger than half of the maximum allowed display area for changeable copy may change static messages once every 6 seconds provided the message is text only and the text does not change through animation or scrolling. All digital business signs shall have an automatic dimmer and a photo cell sensor to adjust the illumination intensity or brilliance of the sign so that it shall not cause glare or impair the vision of motorists. These signs shall not exceed a maximum illumination of 7500 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits between dusk to dawn as measured from the sign's face. **(NOTE: Need more information on where to measure.)**

### 26.53 Specialty Signs

Canopy Signs are any signs which are erected on a separate, freestanding roof-like covering. Only business logos or names are allowed as canopy signs, with a maximum of one logo or name on each canopy face. A logo is the symbol or trademark of a company. No portion of a canopy sign shall be

permitted above the top of the roof of the covering to which it is attached, or permitted to be lower than eight feet above ground level. An owner of a business with a canopy connected to a building has the option of using either canopy or marquee signage, but not both.

Driveway Signs indicating the direction of travel are required on all one-way driveways. These signs must be above-ground signs, with a maximum height of 2½ feet, and located at the edge of the existing road right-of-way.

Marquee Signs are any signs erected, stenciled, engraved on, attached to, or suspended from a marquee. A marquee is defined as any hood, awning, or roof-like structure of permanent construction, which is supported from a wall of a building and projects beyond the building wall, and is generally designed and constructed to provide protection against the weather. Such a sign shall not exceed 15 percent of the area of the wall of the first story of the building or business to which it is attached. **A maximum of 12 feet in height can be used for this 15 percent measurement.** No portion of a marquee sign shall be permitted above the top of the roof of the building to which it is attached, or permitted to be lower than 8 feet above ground level. The marquee sign information may be dispersed anywhere on the marquee as long as the total display area of all information does not exceed the 15 percent requirement.

Public Information Signs are signs containing no message, copy, announcement, or decoration other than instructions or directions to the public except for subordinate identity. Such signs include, but are not limited to, identifying the following: restrooms, public telephones, walkways, entrance and exit drives, freight entrances, and traffic directions. Information signs shall be allowed on business lots provided that no such sign shall exceed 6 square feet in display area. Information signs shall not count toward the maximum number of signs allowable nor the maximum display area of signs allowable.

Projecting Signs are any signs which are erected on a building wall or structure and extend beyond the building wall more than twelve inches. Such a sign shall not exceed 15 percent of the area of the wall of the first story of the building or business to which it is attached. **A maximum of 12 feet in height can be used for this 15 percent measurement.** No portion of a projecting sign shall be permitted above the top of the roof of the building to which it is attached, or permitted to be lower than 8 feet above ground level.

Residential/Commercial/Industrial Subdivision and Residential Development Signs are permanent signs displaying no information other than the name of the subdivision, group housing development, apartment/condominium complex, or mobile home park. Such signs may be either single signs or gateway signs (paired signs on each side of an entrance). These signs shall not exceed 100 square feet each in display area, and shall not exceed a height of 6 feet. However, the display area and height restrictions are not intended to apply to the entire decorative structure on which the sign is displayed. Within the same project, a single sign or pair of gateway signs must be at least 300 feet from another single sign or pair of gateway signs. Such signs shall also be exempt from the 10-foot setback restriction of Section 26.51, but still must comply with the engineering criteria found in the Lexington County **Land Development Guidelines Manual** and the Driveway Restrictions found in Section 22.10 of this Ordinance. A sign can be located in a road right-of-way median if such sign complies with all engineering criteria found in the Lexington County Development Guidelines.

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

## **26.54 High Rise Buildings**

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

**26.55 Businesses Signs on Scenic Corridors and/or in Restricted Development Districts**

The following additional restrictions shall apply on Scenic Corridors as defined in the Lexington County Landscape Ordinance.

Location	Maximum Static Display Area per Sign	Maximum Changeable Copy Area	Maximum Height
Business Sign in Scenic Corridor 1	60 square feet	30 square feet	6 feet
Business Sign in Scenic Corridor 2	60 square feet	30 square feet	6 feet
Business Sign in Scenic Corridor 3	100 square feet	60 square feet	10 feet
Commercial Center in Scenic Corridor 1 or 2	150 square feet	40 square feet	15 feet
Commercial Center in Scenic Corridor 3	200 square feet	60 square feet	20 feet

Illuminated signs, including changeable copy area, for individual businesses and commercial centers located on Scenic Corridors 1 and 2, as defined in the Lexington County Landscaping Ordinance, or in Restrictive Development Districts as defined in the Lexington County Zoning Ordinance, shall meet one of the following conditions:

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

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

**NOTE: More research is being done on the following to see if we can find a better answer. We will also be addressing color of signs in this entire Scenic section.**

If digital technology is used, it must replicate the appearance standards outlined above. Images displayed must be static messages and the content shall not include animated, flashing, scrolling or full-motion video elements. Static images may not be continuously changing in such a manner that the changes are visible to the traveling public. However, it is permissible to change images daily or hourly as necessary to communicate new information.

**26.60 Advertising Signs**

**26.61 Location**

Advertising signs are identified as principal activities in this article and are therefore subject to all other provisions of this Ordinance. They shall be permitted only on streets that have at least four lanes, only in the zoning districts where they are allowed, and provided only where they meet the street access requirements of this Ordinance. Regardless of the street access restrictions, advertising signs are allowed to locate on interstate highways, expressways, and frontage roads (except when classified RL4, RL5, or RL6) where their right-of-way is contiguous to an interstate highway or expressway; these signs, however, must be located within 200 feet of the right-of-way of the interstate or frontage road, if applicable. No advertising sign shall be allowed on Scenic Corridors 1 and 2, as defined in the Lexington County Landscape Ordinance, or within 1000 feet of the banks of the Saluda, Congaree, or Edisto Rivers.

All portions of advertising signs must maintain at least a 10-foot setback from all property lines and the existing road right-of-way. If the distance from the edge of the road to the right-of-way is greater than 20 feet, the 10-foot setback from the road right-of-way shall not apply. In some locations, the required minimum setbacks may be greater than this. Such signs shall also comply with all provisions of Section 22.10, Driveway and Street Restrictions.

To minimize the opportunity for visual distraction during vehicular merge operations, advertising signs will be restricted within the vicinity of interstate interchanges and rest areas. No advertising sign

located along an interstate may be erected within 500 feet of an interchange or rest area. The interchange or rest area is considered to begin or end at the point where the pavement widens for an entrance or exit ramp/lane. When the entrance or exit ramp/lane is not on the same side of the road as the proposed advertising sign, the point of measurement shall be determined by identifying the location of the relative pavement widening and applying it to an identical point on the side of the road where the advertising sign is proposed to be located.

#### **26.62 Maximum Display Area**

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

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

#### **26.63 Minimum Spacing**

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

#### **26.64 Maximum Height**

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

#### **26.65 Minimum Height**

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

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

#### **26.66 Small Advertising Signs Digital Technology**

~~Small advertising signs are not required to meet the spacing and height provisions of Sections 26.63, 26.64, and 26.65, provided they have less than 72 square feet of display area, conform to the location requirements for advertising signs, stay 20 feet from any adjoining business signs, 500 feet from other small advertising signs, and 300 feet\* from advertising signs on the same side of the highway; and do not exceed 15 feet in height.~~

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

Advertising signs using newer digital technology which allows static images to be changed instantly must follow the following restrictions:

- a. Images displayed must be static messages and the content shall not include animated, flashing, scrolling or full-motion video elements.
- b. The static images may be changed in succession at a rate no faster than once every 6 seconds.
- c. Spacing of these signs shall not be closer than 2000 feet apart.
- d. All digital advertising signs shall have an automatic dimmer and a photo cell sensor to adjust the illumination intensity or brilliance of the sign so that it shall not cause glare or impair the vision of motorists. These signs shall not exceed a maximum illumination of 7500 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits between dusk to dawn as measured from the sign’s face. **(NOTE: Need more information on where to measure.)**

## **26.67 South Carolina Code of Laws**

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

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.



*Lexington County Sheriff's Department*

*Administrative Bureau*

## **MEMORANDUM**

**TO:** Ms. Debbie Summers, County Council Chairman  
Ms. Katherine Hubbard, County Administrator

**FROM:** Colonel Allan Paavel

**DATE:** August 15, 2009

**RE:** Personnel Position Re-classification, POSN #000244

During the FY 2009-2010 budget process, the Lexington County Sheriff's Department requested a re-classification of the position that is assigned to our Special Operations Unit. In January of 2009, this unit was re-organized; giving more supervisory and specialized duties to the officer in charge of this unit. This officer is in a Grade 13 position; and as a result of these additional duties and responsibilities, the decision was made to budget for an upgrade of this position, to a Grade 16 (Sergeant), in our requested budget. During the budget process, we were asked to make some tough decisions regarding the upcoming budget; therefore, this position re-classification/upgrade was eliminated from our recommended budget.

We have filled the Special Operations Unit supervisor's position with an officer who also is our lead helicopter pilot. Considering the extra duties and responsibilities assigned to this supervisor's position; and now adding the duties of being a helicopter pilot, we feel that it is necessary to request that our original upgrade request for this position be re-considered. The total amount of this upgrade, from a Grade 13 to a Grade 16 (Sergeant), is \$7366.00, including the cost of fringe benefits. Our personnel and salaries accounts will have sufficient capacity, due to vacancies, to absorb the cost of this upgrade without negatively impacting these accounts.



**COUNTY OF LEXINGTON**  
**RECOVERY ACT: JUSTICE ASSISTANCE GRANT**  
**Annual Budget**  
**FY 2009-10 Estimated Revenue**

Object Code	Revenue Account Title	Actual 2007-08	Received Thru Dec 2008-09	Amended Budget Thru Dec 2008-09	Projected Revenues Thru Jun 2008-09	Requested 2009-10	Approved 2009-10	Awarded 2009-10
<b>* Recovery Act: Justice Assistance Grant (JAG):</b>								
<b>Revenues (Organization: 000000)</b>								
457000	Federal Grant Income					259,655	260,971	260,971
461000	Investment Interest					0	0	0
	<b>** Total Revenue</b>					<u>259,655</u>	<u>260,971</u>	<u>260,971</u>
	<b>***Total Appropriation</b>					259,655	260,971	260,971
FUND BALANCE								
	Beginning of Year					<u>0</u>	<u>0</u>	<u>0</u>
FUND BALANCE - Projected								
	End of Year					<u><u>0</u></u>	<u><u>0</u></u>	<u><u>0</u></u>

**COUNTY OF LEXINGTON**  
**RECOVERY ACT: JUSTICE ASSISTANCE GRANT**  
**Annual Budget**  
**Fiscal Year 2009-10**

Fund: 2496  
Division: Law Enforcement  
Organization: 151200 - LE/Operations

		<b>BUDGET</b>					
Object Expenditure Code	Classification	2007-08 Expend	2008-09 Expend (Dec)	2008-09 Amended (Dec)	2009-10 Requested	2009-10 Approved	2009-10 Awarded
<b>Personnel</b>							
510100	Salaries & Wages				0	0	0
510199	Special Overtime				0	0	0
511112	FICA - Employer's Portion				0	0	0
511114	Police Retirement - Employer's Portion				0	0	0
511120	Insurance Fund Contribution				0	0	0
511130	Workers Compensation				0	0	0
511131	SC Unemployment				0	0	0
515600	Clothing Allowance				0	0	0
<b>* Total Personnel</b>					<b>0</b>	<b>0</b>	<b>0</b>
<b>Operating Expenses</b>							
521000	Office Supplies				500	500	500
521200	Operating Supplies				2,500	2,500	2,500
521208	Police Supplies				2,500	2,500	2,500
522300	Vehicle Repairs & Maintenance - 5				7,500	7,500	7,500
524100	Vehicle Insurance - 5				2,730	2,730	2,730
524201	General Tort Liability Insurance - 5				3,725	3,725	3,725
525000	Telephone				1,260	1,260	1,260
525020	Pagers and Cell Phones - 5				540	540	540
525030	800 MHz Radio Service Charges - 5				3,435	3,435	3,435
525041	E-mail Service Charges - 5				540	540	540
525210	Conference & Meeting Expenses				5,000	5,000	5,000
525300	Subscription, Dues, & Books				225	225	225
525400	Gas, Fuel, & Oil				10,000	10,000	10,000
525600	Uniforms & Clothing				15,000	15,000	15,000
529903	Contingency				0	1,316	1,316
<b>* Total Operating</b>					<b>55,455</b>	<b>56,771</b>	<b>56,771</b>
<b>** Total Personnel &amp; Operating</b>					<b>55,455</b>	<b>56,771</b>	<b>56,771</b>
<b>Capital</b>							
540000	Small Tools & Minor Equipment				2,500	2,500	2,500
540010	Minor Software				2,500	2,500	2,500
	(5) Marked Vehicles and Equipment w/ Installation				133,700	133,700	133,700
	(5) Handguns and Accessories				2,750	2,750	2,750
	(5) 800 MHz Radio and Accessories				25,000	25,000	25,000
	(5) Digital Cameras and Accessories				1,250	1,250	1,250
	(5) Ruggedized Laptops and Accessories				29,000	29,000	29,000
	(5) Tasers and Accessories				6,500	6,500	6,500
	(5) Rechargeable Flashlights and Accessories				1,000	1,000	1,000
<b>** Total Capital</b>					<b>0</b>	<b>0</b>	<b>0</b>
<b>*** Total Budget Appropriation</b>					<b>0</b>	<b>0</b>	<b>0</b>
					<b>259,655</b>	<b>260,971</b>	<b>260,971</b>



**Department of Justice**

Office of Justice Programs

Bureau of Justice Assistance

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Office of Justice Programs

*Washington, D.C. 20531*

August 6, 2009

Mrs. Katherine Hubbard  
Lexington County  
212 South Lake Drive  
Lexington, SC 29072-3489

Dear Mrs. Hubbard:

On behalf of Attorney General Eric Holder, it is my pleasure to inform you that the Office of Justice Programs has approved your application for funding under the FY 09 Recovery Act Edward Byrne Memorial Justice Assistance Grant Program Local Solicitation in the amount of \$260,971 for Lexington County.

Enclosed you will find the Grant Award and Special Conditions documents. This award is subject to all administrative and financial requirements, including the timely submission of all financial and programmatic reports, resolution of all interim audit findings, and the maintenance of a minimum level of cash-on-hand. Should you not adhere to these requirements, you will be in violation of the terms of this agreement and the award will be subject to termination for cause or other administrative action as appropriate.

If you have questions regarding this award, please contact:

- Program Questions, Zephyr X. Fraser, Program Manager at (202) 616-0416; and
- Financial Questions, the Office of the Chief Financial Officer, Customer Service Center (CSC) at (800) 458-0786, or you may contact the CSC at [ask.ocfo@usdoj.gov](mailto:ask.ocfo@usdoj.gov).

Congratulations, and we look forward to working with you.

Sincerely,

A handwritten signature in black ink, appearing to read "James H. Burch II".

James H. Burch II  
Acting Director

Enclosures



**Department of Justice**  
Office of Justice Programs  
Office for Civil Rights

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Washington, D.C. 20531

August 6, 2009

Mrs. Katherine Hubbard  
Lexington County  
212 South Lake Drive  
Lexington, SC 29072-3489

Dear Mrs. Hubbard:

Congratulations on your recent award. In establishing financial assistance programs, Congress linked the receipt of Federal funding to compliance with Federal civil rights laws. The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice is responsible for ensuring that recipients of financial aid from OJP, its component offices and bureaus, the Office on Violence Against Women (OVW), and the Office of Community Oriented Policing Services (COPS) comply with applicable Federal civil rights statutes and regulations. We at OCR are available to help you and your organization meet the civil rights requirements that come with Justice Department funding.

**Ensuring Access to Federally Assisted Programs**

As you know, Federal laws prohibit recipients of financial assistance from discriminating on the basis of race, color, national origin, religion, sex, or disability in funded programs or activities, not only in respect to employment practices but also in the delivery of services or benefits. Federal law also prohibits funded programs or activities from discriminating on the basis of age in the delivery of services or benefits.

**Providing Services to Limited English Proficiency (LEP) Individuals**

In accordance with Department of Justice Guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, recipients of Federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website at <http://www.lep.gov>.

**Ensuring Equal Treatment for Faith-Based Organizations**

The Department of Justice has published a regulation specifically pertaining to the funding of faith-based organizations. In general, the regulation, Participation in Justice Department Programs by Religious Organizations; Providing for Equal Treatment of all Justice Department Program Participants, and known as the Equal Treatment Regulation 28 C.F.R. part 38, requires State Administering Agencies to treat these organizations the same as any other applicant or recipient. The regulation prohibits State Administering Agencies from making award or grant administration decisions on the basis of an organization's religious character or affiliation, religious name, or the religious composition of its board of directors.

The regulation also prohibits faith-based organizations from using financial assistance from the Department of Justice to fund inherently religious activities. While faith-based organizations can engage in non-funded inherently religious activities, they must be held separately from the Department of Justice funded program, and customers or beneficiaries cannot be compelled to participate in them. The Equal Treatment Regulation also makes clear that organizations participating in programs funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. For more information on the regulation, please see OCR's website at <http://www.ojp.usdoj.gov/ocr/etfbo.htm>.

State Administering Agencies and faith-based organizations should also note that the Safe Streets Act, as amended; the Victims of Crime Act, as amended; and the Juvenile Justice and Delinquency Prevention Act, as amended, contain prohibitions against discrimination on the basis of religion in employment. Despite these nondiscrimination provisions, the Justice Department has concluded that the Religious Freedom Restoration Act (RFRA) is reasonably construed, on a case-by-case basis, to require that its funding agencies permit faith-based organizations applying for funding under the applicable program statutes both to receive DOJ funds and to continue considering religion when hiring staff, even if the statute that authorizes the funding program generally forbids considering of religion in employment decisions by grantees.

Questions about the regulation or the application of RFRA to the statutes that prohibit discrimination in employment may be directed to this Office.

## Enforcing Civil Rights Laws

All recipients of Federal financial assistance, regardless of the particular funding source, the amount of the grant award, or the number of employees in the workforce, are subject to the prohibitions against unlawful discrimination. Accordingly, OCR investigates recipients that are the subject of discrimination complaints from both individuals and groups. In addition, based on regulatory criteria, OCR selects a number of recipients each year for compliance reviews, audits that require recipients to submit data showing that they are providing services equitably to all segments of their service population and that their employment practices meet equal employment opportunity standards.

## Complying with the Safe Streets Act or Program Requirements

In addition to these general prohibitions, an organization which is a recipient of financial assistance subject to the nondiscrimination provisions of the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, 42 U.S.C. § 3789d(c), or other Federal grant program requirements, must meet two additional requirements: (1) complying with Federal regulations pertaining to the development of an Equal Employment Opportunity Plan (EEOP), 28 C.F.R. § 42.301-.308, and (2) submitting to OCR Findings of Discrimination (see 28 C.F.R. §§ 42.205(5) or 31.202(5)).

### 1) Meeting the EEOP Requirement

In accordance with Federal regulations, Assurance No. 6 in the Standard Assurances, COPS Assurance No. 8.B, or certain Federal grant program requirements, your organization must comply with the following EEOP reporting requirements:

If your organization has received an award for \$500,000 or more and has 50 or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare an EEOP and submit it to OCR for review **within 60 days from the date of this letter**. For assistance in developing an EEOP, please consult OCR's website at <http://www.ojp.usdoj.gov/ocr/eeop.htm>. You may also request technical assistance from an EEOP specialist at OCR by dialing (202) 616-3208.

If your organization received an award between \$25,000 and \$500,000 and has 50 or more employees, your organization still has to prepare an EEOP, but it does not have to submit the EEOP to OCR for review. Instead, your organization has to maintain the EEOP on file and make it available for review on request. In addition, your organization has to complete Section B of the Certification Form and return it to OCR. The Certification Form can be found at <http://www.ojp.usdoj.gov/ocr/eeop.htm>.

If your organization received an award for less than \$25,000; or if your organization has less than 50 employees, regardless of the amount of the award; or if your organization is a medical institution, educational institution, nonprofit organization or Indian tribe, then your organization is exempt from the EEOP requirement. However, your organization must complete Section A of the Certification Form and return it to OCR. The Certification Form can be found at <http://www.ojp.usdoj.gov/ocr/eeop.htm>.

### 2) Submitting Findings of Discrimination

In the event a Federal or State court or Federal or State administrative agency makes an adverse finding of discrimination against your organization after a due process hearing, on the ground of race, color, religion, national origin, or sex, your organization must submit a copy of the finding to OCR for review.

## Ensuring the Compliance of Subrecipients

If your organization makes subawards to other agencies, you are responsible for assuring that subrecipients also comply with all of the applicable Federal civil rights laws, including the requirements pertaining to developing and submitting an EEOP, reporting Findings of Discrimination, and providing language services to LEP persons. State agencies that make subawards must have in place standard grant assurances and review procedures to demonstrate that they are effectively monitoring the civil rights compliance of subrecipients.

If we can assist you in any way in fulfilling your civil rights responsibilities as a recipient of Federal funding, please call OCR at (202) 307-0690 or visit our website at <http://www.ojp.usdoj.gov/ocr/>.

Sincerely,



Michael L. Alston  
Director

cc: Grant Manager  
Financial Analyst



Department of Justice  
Office of Justice Programs  
**Bureau of Justice Assistance**

**Grant**

PAGE 1 OF 9

1. RECIPIENT NAME AND ADDRESS (Including Zip Code) Lexington County 212 South Lake Drive Lexington, SC 29072-3489		4. AWARD NUMBER: 2009-SB-B9-2832	
		5. PROJECT PERIOD: FROM 03/01/2009 TO 02/28/2013 BUDGET PERIOD: FROM 03/01/2009 TO 02/28/2013	
		6. AWARD DATE 08/06/2009	7. ACTION Initial
1A. GRANTEE IRS/VENDOR NO. 576000378		8. SUPPLEMENT NUMBER 00	
		9. PREVIOUS AWARD AMOUNT \$ 0	
3. PROJECT TITLE FY 2009 Recovery Act JAG Program		10. AMOUNT OF THIS AWARD \$ 260,971	
		11. TOTAL AWARD \$ 260,971	
12. SPECIAL CONDITIONS THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S).			
13. STATUTORY AUTHORITY FOR GRANT This project is supported under FY09 Recovery Act (BJA-Byrne JAG) Pub. L. No. 111-5, 42 USC 3750-3758			
15. METHOD OF PAYMENT PAPRS			
[REDACTED] AGENCY APPROVAL [REDACTED]		[REDACTED] GRANTEE ACCEPTANCE [REDACTED]	
16. TYPED NAME AND TITLE OF APPROVING OFFICIAL James H. Burch II Acting Director		18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL Katherine Hubbard County Administrator	
17. SIGNATURE OF APPROVING OFFICIAL 		19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL	19A. DATE
[REDACTED] AGENCY USE ONLY [REDACTED]			
20. ACCOUNTING CLASSIFICATION CODES FISCAL YEAR 9 FUND CODE B BUD. ACT. SB DIV. OFC. 80 DIV. REG. 00 SUB. 00 POMS AMOUNT 260971		21. ISBUGT2718	



Department of Justice  
Office of Justice Programs  
**Bureau of Justice Assistance**

**AWARD CONTINUATION  
SHEET  
Grant**

PAGE 2 OF 9

PROJECT NUMBER 2009-SB-B9-2832

AWARD DATE 08/06/2009

*SPECIAL CONDITIONS*

1. The recipient agrees to comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide.
2. The recipient acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if recipient is required to submit one pursuant to 28 C.F.R. Section 42.302), that is approved by the Office for Civil Rights, is a violation of its Certified Assurances and may result in suspension or termination of funding, until such time as the recipient is in compliance.
3. The recipient agrees to comply with the organizational audit requirements of OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, and further understands and agrees that funds may be withheld, or other related requirements may be imposed, if outstanding audit issues (if any) from OMB Circular A-133 audits (and any other audits of OJP grant funds) are not satisfactorily and promptly addressed, as further described in the current edition of the OJP Financial Guide, Chapter 19.
4. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of OJP.
5. The recipient must promptly refer to the DOJ OIG any credible evidence that a principal, employee, agent, contractor, subgrantee, subcontractor, or other person has either 1) submitted a false claim for grant funds under the False Claims Act; or 2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving grant funds. This condition also applies to any subrecipients. Potential fraud, waste, abuse, or misconduct should be reported to the OIG by -

mail:

Office of the Inspector General  
U.S. Department of Justice  
Investigations Division  
950 Pennsylvania Avenue, N.W.  
Room 4706  
Washington, DC 20530

e-mail: [oig.hotline@usdoj.gov](mailto:oig.hotline@usdoj.gov)

hotline: (contact information in English and Spanish): (800) 869-4499

or hotline fax: (202) 616-9881

Additional information is available from the DOJ OIG website at [www.usdoj.gov/oig](http://www.usdoj.gov/oig).

6. **RECOVERY ACT – Conflict with Other Standard Terms and Conditions**  
The recipient understands and agrees that all other terms and conditions contained in this award, or in applicable OJP grant policy statements or guidance, apply unless they conflict or are superseded by the terms and conditions included here that specifically implement the American Recovery and Reinvestment Act of 2009, Public Law 111-5 (“ARRA” or “Recovery Act”) requirements. Recipients are responsible for contacting their grant managers for any needed clarifications.



Department of Justice  
Office of Justice Programs  
**Bureau of Justice Assistance**

**AWARD CONTINUATION  
SHEET  
Grant**

PAGE 3 OF 9

PROJECT NUMBER 2009-SB-B9-2832

AWARD DATE 08/06/2009

*SPECIAL CONDITIONS*

7. The grantee agrees to assist BJA in complying with the National Environmental Policy Act (NEPA), the National Historic Preservation Act, and other related federal environmental impact analyses requirements in the use of these grant funds, either directly by the grantee or by a subgrantee. Accordingly, the grantee agrees to first determine if any of the following activities will be funded by the grant, prior to obligating funds for any of these purposes. If it is determined that any of the following activities will be funded by the grant, the grantee agrees to contact BJA.

The grantee understands that this special condition applies to its following new activities whether or not they are being specifically funded with these grant funds. That is, as long as the activity is being conducted by the grantee, a subgrantee, or any third party and the activity needs to be undertaken in order to use these grant funds, this special condition must first be met. The activities covered by this special condition are:

- a. New construction;
- b. Minor renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
- c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
- d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
- e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

The grantee understands and agrees that complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. The grantee further understands and agrees to the requirements for implementation of a Mitigation Plan, as detailed at [website], for programs relating to methamphetamine laboratory operations.

Application of This Special Condition to Grantee's Existing Programs or Activities: For any of the grantee's or its subgrantees' existing programs or activities that will be funded by these grant funds, the grantee, upon specific request from BJA, agrees to cooperate with BJA in any preparation by BJA of a national or program environmental assessment of that funded program or activity.

8. To avoid duplicating existing networks or IT systems in any initiatives funded by BJA for law enforcement information sharing systems which involve interstate connectivity between jurisdiction, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the grantee can demonstrate to the satisfaction of BJA that this requirement would not be cost effective or would impair the functionality of an existing or proposed IT system.
9. The grantee agrees to comply with all reporting, data collection and evaluation requirements, as prescribed by law and detailed by the BJA in program guidance for the Justice Assistance Grant (JAG) Program. Compliance with these requirements will be monitored by BJA.
10. The recipient agrees that any information technology system funded or supported by OJP funds will comply with 28 C.F.R. Part 23, Criminal Intelligence Systems Operating Policies, if OJP determines this regulation to be applicable. Should OJP determine 28 C.F.R. Part 23 to be applicable, OJP may, at its discretion, perform audits of the system, as per the regulation. Should any violation of 28 C.F.R. Part 23 occur, the recipient may be fined as per 42 U.S.C. 3789g(c)-(d). Recipient may not satisfy such a fine with federal funds.



Department of Justice  
Office of Justice Programs  
**Bureau of Justice Assistance**

**AWARD CONTINUATION  
SHEET  
Grant**

PAGE 4 OF 9

PROJECT NUMBER 2009-SB-B9-2832

AWARD DATE 08/06/2009

*SPECIAL CONDITIONS*

11. The grantee agrees to comply with the applicable requirements of 28 C.F.R. Part 38, the Department of Justice regulation governing "Equal Treatment for Faith Based Organizations" (the "Equal Treatment Regulation"). The Equal Treatment Regulation provides in part that Department of Justice grant awards of direct funding may not be used to fund any inherently religious activities, such as worship, religious instruction, or proselytization. Recipients of direct grants may still engage in inherently religious activities, but such activities must be separate in time or place from the Department of Justice funded program, and participation in such activities by individuals receiving services from the grantee or a sub-grantee must be voluntary. The Equal Treatment Regulation also makes clear that organizations participating in programs directly funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. Notwithstanding any other special condition of this award, faith-based organizations may, in some circumstances, consider religion as a basis for employment. See [http://www.ojp.gov/about/ocr/equal\\_fbo.htm](http://www.ojp.gov/about/ocr/equal_fbo.htm).
12. The recipient agrees to ensure that the State Information Technology Point of Contact receives written notification regarding any information technology project funded by this grant during the obligation and expenditure period. This is to facilitate communication among local and state governmental entities regarding various information technology projects being conducted with these grant funds. In addition, the recipient agrees to maintain an administrative file documenting the meeting of this requirement. For a list of State Information Technology Points of Contact, go to <http://www.it.ojp.gov/default.aspx?area=policyAndPractice&page=1046>.
13. The recipient agrees that funds received under this award will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities.
14. **RECOVERY ACT - JAG - Trust Fund**  
The recipient is required to establish a trust fund account. (The trust fund may or may not be an interest-bearing account.) The fund, including any interest, may not be used to pay debts or expenses incurred by other activities beyond the scope of either the Edward Byrne Memorial Justice Assistance Grant Program (JAG) or Recovery JAG Program. The recipient also agrees to obligate and expend the grant funds in the trust fund (including any interest earned) during the period of the grant. Grant funds (including any interest earned) not expended by the end of the grant period must be returned to the Bureau of Justice Assistance no later than 90 days after the end of the grant period, along with the final submission of the Financial Status Report (SF-269).
15. **RECOVERY ACT – Access to Records; Interviews**  
The recipient understands and agrees that DOJ (including OJP and the Office of the Inspector General (OIG)), and its representatives, and the Government Accountability Office (GAO), shall have access to and the right to examine all records (including, but not limited to, books, papers, and documents) related to this Recovery Act award, including such records of any subrecipient, contractor, or subcontractor.  
  
The recipient also understands and agrees that DOJ and the GAO are authorized to interview any officer or employee of the recipient (or of any subrecipient, contractor, or subcontractor) regarding transactions related to this Recovery Act award.
16. **RECOVERY ACT – One-time funding**  
The recipient understands and agrees that awards under the Recovery Act will be one-time awards and accordingly that its proposed project activities and deliverables are to be accomplished without additional DOJ funding.



Department of Justice  
Office of Justice Programs  
**Bureau of Justice Assistance**

**AWARD CONTINUATION  
SHEET  
Grant**

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PROJECT NUMBER 2009-SB-B9-2832

AWARD DATE 08/06/2009

*SPECIAL CONDITIONS*

17. **RECOVERY ACT – Separate Tracking and Reporting of Recovery Act Funds and Outcomes**

The recipient agrees to track, account for, and report on all funds from this Recovery Act award (including specific outcomes and benefits attributable to Recovery Act funds) separately from all other funds, including DOJ award funds from non-Recovery Act awards awarded for the same or similar purposes or programs. (Recovery Act funds may be used in conjunction with other funding as necessary to complete projects, but tracking and reporting of Recovery Act funds must be separate.)

Accordingly, the accounting systems of the recipient and all subrecipients must ensure that funds from this Recovery Act award are not commingled with funds from any other source.

The recipient further agrees that all personnel (including subrecipient personnel) whose activities are to be charged to the award will maintain timesheets to document hours worked for activities related to this award and non-award-related activities.

18. **RECOVERY ACT – Subawards – Monitoring**

The recipient agrees to monitor subawards under this Recovery Act award in accordance with all applicable statutes, regulations, OMB circulars, and guidelines, including the OJP Financial Guide, and to include the applicable conditions of this award in any subaward. The recipient is responsible for oversight of subrecipient spending and monitoring of specific outcomes and benefits attributable to use of Recovery Act funds by subrecipients. The recipient agrees to submit, upon request, documentation of its policies and procedures for monitoring of subawards under this award.

19. **RECOVERY ACT – Subawards – DUNS and CCR for Reporting**

The recipient agrees to work with its first-tier subrecipients (if any) to ensure that, no later than the due date of the recipient's first quarterly report after a subaward is made, the subrecipient has a valid DUNS profile and has an active registration with the Central Contractor Registration (CCR) database.

20. **RECOVERY ACT - Quarterly Financial Reports**

The recipient agrees to submit quarterly financial status reports to OJP. At present, these reports are to be submitted on-line (at <https://grants.ojp.usdoj.gov>) using Standard Form SF 269A, not later than 45 days after the end of each calendar quarter. The recipient understands that after October 15, 2009, OJP will discontinue its use of the SF 269A, and will require award recipients to submit quarterly financial status reports within 30 days after the end of each calendar quarter, using the government-wide Standard Form 425 Federal Financial Report from (available for viewing at [www.whitehouse.gov/omb/grants/standard\\_forms/ffr.pdf](http://www.whitehouse.gov/omb/grants/standard_forms/ffr.pdf)). Beginning with the report for the fourth calendar quarter of 2009 (and continuing thereafter), the recipient agrees that it will submit quarterly financial status reports to OJP on-line (at <https://grants.ojp.usdoj.gov>) using the SF 425 Federal Financial Report form, not later than 30 days after the end of each calendar quarter. The final report shall be submitted not later than 90 days following the end of the grant period.



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**AWARD CONTINUATION  
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PROJECT NUMBER 2009-SB-B9-2832

AWARD DATE 08/06/2009

*SPECIAL CONDITIONS*

21. RECOVERY ACT – Recovery Act Transactions Listed in Schedule of Expenditures of Federal Awards and Recipient Responsibilities for Informing Subrecipients

(a) The recipient agrees to maintain records that identify adequately the source and application of Recovery Act funds, to maximize the transparency and accountability of funds authorized under the Recovery Act as required by the Act and in accordance with 2 CFR 215.21, “Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-profit Organizations” and OMB A-102 Common Rules provisions (relating to Grants and Cooperative Agreements with State and Local Governments).

(b) The recipient agrees to separately identify the expenditures for Federal awards under the Recovery Act on the Schedule of Expenditures of Federal Awards (SEFA) and the Data Collection Form (SF-SAC) required by OMB Circular A-133. This condition only applies if the recipient is covered by the Single Audit Act Amendments of 1996 and OMB Circular A-133, “Audits of States, Local Governments, and Non-Profit Organizations.” This shall be accomplished by identifying expenditures for Federal awards made under the Recovery Act separately on the SEFA, and as separate rows under Item 9 of Part III on the SF-SAC by CFDA number, and inclusion of the prefix “ARRA-” in identifying the name of the Federal program on the SEFA and as the first characters in Item 9d of Part III on the SF-SAC.

(c) The recipient agrees to separately identify to each subrecipient the Federal award number, CFDA number, and amount of Recovery Act funds, and to document this identification both at the time of subaward and at the time of disbursement of funds. When a recipient awards Recovery Act funds for an existing program, the information furnished to subrecipients shall distinguish the subawards of incremental Recovery Act funds from regular subawards under the existing program.

(d) The recipient agrees to require its subrecipients to specifically identify Recovery Act funding on their SEFA information, similar to the requirements for the recipient SEFA described above. This information is needed to allow the recipient to properly monitor subrecipient expenditure of Recovery Act funds as well as facilitate oversight by the Federal awarding agencies, the DOJ OIG, and the GAO.

22. RECOVERY ACT – Reporting and Registration Requirements under Section 1512 of the Recovery Act.

(a) This award requires the recipient to complete projects or activities which are funded under the Recovery Act and to report on use of Recovery Act funds provided through this award. Information from these reports will be made available to the public.

(b) The reports are due no later than ten calendar days after each calendar quarter in which the recipient receives the assistance award funded in whole or in part by the Recovery Act.

(c) Recipients and their first-tier recipients must maintain current registrations in the Central Contractor Registration ([www.ccr.gov](http://www.ccr.gov)) at all times during which they have active federal awards funded with Recovery Act funds. A Dun and Bradstreet Data Universal Numbering System (DUNS) Number ([www.dnb.com](http://www.dnb.com)) is one of the requirements for registration in the Central Contractor Registration.

(d) The recipient shall report the information described in section 1512(c) of the Recovery Act using the reporting instructions and data elements that will be provided online at [www.FederalReporting.gov](http://www.FederalReporting.gov) and ensure that any information that is pre-filled is corrected or updated as needed.



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**AWARD CONTINUATION  
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Grant**

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PROJECT NUMBER 2009-SB-B9-2832

AWARD DATE 08/06/2009

*SPECIAL CONDITIONS*

23. RECOVERY ACT – Provisions of Section 1512(c)

The recipient understands that section 1512(c) of the Recovery Act provides as follows:

Recipient Reports- Not later than 10 days after the end of each calendar quarter, each recipient that received recovery funds from a Federal agency shall submit a report to that agency that contains--

- (1) the total amount of recovery funds received from that agency;
- (2) the amount of recovery funds received that were expended or obligated to projects or activities; and
- (3) a detailed list of all projects or activities for which recovery funds were expended or obligated, including--
  - (A) the name of the project or activity;
  - (B) a description of the project or activity;
  - (C) an evaluation of the completion status of the project or activity;
  - (D) an estimate of the number of jobs created and the number of jobs retained by the project or activity; and
  - (E) for infrastructure investments made by state and local governments, the purpose, total cost, and rationale of the agency for funding the infrastructure investment with funds made available under this Act, and name of the person to contact at the agency if there are concerns with the infrastructure investment.
- (4) Detailed information on any subcontracts or subgrants awarded by the recipient to include the data elements required to comply with the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109-282), allowing aggregate reporting on awards below \$25,000 or to individuals, as prescribed by the Director of the Office of Management and Budget.

24. RECOVERY ACT – Protecting State and Local Government and Contractor Whistleblowers (Recovery Act, section 1553)

The recipient recognizes that the Recovery Act provides certain protections against reprisals for employees of non-Federal employers who disclose information reasonably believed to be evidence of gross management, gross waste, substantial and specific danger to public health or safety, abuse of authority, or violations of law related to contracts or grants using Recovery Act funds. For additional information, refer to section 1553 of the Recovery Act. The text of Recovery Act is available at [www.ojp.usdoj.gov/recovery](http://www.ojp.usdoj.gov/recovery).

25. RECOVERY ACT – Limit on Funds (Recovery Act, section 1604)

The recipient agrees that none of the funds under this award may be used by any State or local government, or any private entity, for construction costs or any other support of any casino or other gambling establishment, aquarium, zoo, golf course, or swimming pool.

26. RECOVERY ACT – Infrastructure Investment (Recovery Act, sections 1511 and 1602)

The recipient agrees that it may not use any funds made available under this Recovery Act award for infrastructure investment absent submission of a satisfactory certification under section 1511 of the Recovery Act. Should the recipient decide to use funds for infrastructure investment subsequent to award, the recipient must submit appropriate certifications under section 1511 of the Recovery Act and receive prior approval from OJP. In seeking such approval, the recipient shall give preference to activities that can be started and completed expeditiously, and shall use award funds in a manner that maximizes job creation and economic benefits. The text of the Recovery Act (including sections 1511 and 1602) is available at [www.ojp.usdoj.gov/recovery](http://www.ojp.usdoj.gov/recovery).



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**AWARD CONTINUATION  
SHEET  
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PROJECT NUMBER 2009-SB-B9-2832

AWARD DATE 08/06/2009

*SPECIAL CONDITIONS*

27. RECOVERY ACT – Buy American Notification (Recovery Act, section 1605)

The recipient understands that this award is subject to the provisions of section 1605 of the Recovery Act (“Buy American”). No award funds may be used for iron, steel, or manufactured goods for a project for the construction, alteration, maintenance, or repair of a public building or public work, unless the recipient provides advance written notification to the OJP program office, and a Grant Adjustment Notice is issued that modifies this special condition to add government-wide standard conditions (anticipated to be published in subpart B of 2 C.F.R. part 176) that further implement the specific requirements or exceptions of section 1605.

Section 1605 of the Recovery Act prohibits use of any Recovery Act funds for a project for the construction, alteration, maintenance, or repair of a public building or public work unless all of the iron, steel, and manufactured goods used in the project are produced in the United States, subject to certain exceptions, including United States obligations under international agreements.

For purposes of this special condition, the following definitions apply:

“Public building” and “public work” means a public building of, and a public work of, a governmental entity (the United States; the District of Columbia; commonwealths, territories, and minor outlying islands of the United States; State and local governments; and multi-State, regional, or interstate entities which have governmental functions). These buildings and works may include, without limitation, bridges, dams, plants, highways, parkways, streets, subways, tunnels, sewers, mains, power lines, pumping stations, heavy generators, railways, airports, terminals, docks, piers, wharves, ways, lighthouses, buoys, jetties, breakwaters, levees, and canals, and the construction, alteration, maintenance, or repair of such buildings and works.

“Manufactured good” means a good brought to the construction site for incorporation into the building or work that has been--

- (1) Processed into a specific form and shape; or
- (2) Combined with other raw material to create a material that has different properties than the properties of the individual raw materials.

“Steel” means an alloy that includes at least 50 percent iron, between .02 and 2 percent carbon, and may include other elements.

For purposes of OJP grants, projects involving construction, alteration, maintenance, or repair of jails, detention facilities, prisons, public crime victims’ shelters, police facilities, or other similar projects will likely trigger this provision.

NOTE: The recipient is encouraged to contact the OJP program manager – in advance – with any questions concerning this condition, including its applicability to particular circumstances.



Department of Justice  
Office of Justice Programs  
**Bureau of Justice Assistance**

**AWARD CONTINUATION  
SHEET  
Grant**

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PROJECT NUMBER 2009-SB-B9-2832

AWARD DATE 08/06/2009

*SPECIAL CONDITIONS*

28. **RECOVERY ACT – Wage Rate Requirements under Section 1606 of the Recovery Act**  
(a) Section 1606 of the Recovery Act requires that all laborers and mechanics employed by contractors and subcontractors on projects funded directly by or assisted in whole or in part by and through the Federal Government pursuant to the Recovery Act shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code.
- Pursuant to Reorganization Plan No. 14 and the Copeland Act, 40 U.S.C. 3145, the Department of Labor has issued regulations at 29 CFR Parts 1, 3, and 5 to implement the Davis-Bacon and related Acts. Regulations in 29 CFR 5.5 instruct agencies concerning application of the standard Davis-Bacon contract clauses set forth in that section. The standard Davis-Bacon contract clauses found in 29 CFR 5.5(a) are to be incorporated in any covered contracts made under this award that are in excess of \$2,000 for construction, alteration or repair (including painting and decorating).
- (b) For additional guidance on the wage rate requirements of section 1606, contact your awarding agency. Recipients of grants, cooperative agreements and loans should direct their initial inquiries concerning the application of Davis-Bacon requirements to a particular federally assisted project to the Federal agency funding the project. The Secretary of Labor retains final coverage authority under Reorganization Plan Number 14.
29. **RECOVERY ACT – NEPA and Related Laws**  
The recipient understands that all OJP awards are subject to the National Environmental Policy Act (NEPA, 42 U.S.C. section 4321 et seq.) and other related Federal laws (including the National Historic Preservation Act), if applicable. The recipient agrees to assist OJP in carrying out its responsibilities under NEPA and related laws, if the recipient plans to use Recovery Act funds (directly or through subaward or contract) to undertake any activity that triggers these requirements, such as renovation or construction. (See 28 C.F.R. Part 61, App. D.) The recipient also agrees to comply with all Federal, State, and local environmental laws and regulations applicable to the development and implementation of the activities to be funded under this award.
30. **RECOVERY ACT – Misuse of award funds**  
The recipient understands and agrees that misuse of award funds may result in a range of penalties, including suspension of current and future funds, suspension or debarment from federal grants, recoupment of monies provided under an award, and civil and/or criminal penalties.
31. **RECOVERY ACT – Additional Requirements and Guidance**  
The recipient agrees to comply with any modifications or additional requirements that may be imposed by law and future OJP (including government-wide) guidance and clarifications of Recovery Act requirements.
32. **RECOVERY ACT - JAG - Delinquent section 1512(c) reports**  
The recipient acknowledges that it has certified that it will comply with all reporting requirements under section 1512(c) of the Recovery Act. (An online reporting mechanism is anticipated to be available for award recipient use by October 10, 2009.) Further to this certification, a failure to comply with the section 1512(c) reporting requirements may, in addition to other penalties, subject the recipient to the following:  
(1) After failure to report section 1512(c) data for two consecutive reporting periods, the recipient may be— (a) precluded from drawing down funds under any OJP award, and/or (b) deemed ineligible for future discretionary OJP awards, until such time as the recipient becomes current in its section 1512(c) reporting obligations; and  
(2) After failure to report section 1512(c) data for three consecutive reporting periods, the recipient, upon written demand of the Director of BJA, shall return to OJP any unexpended award funds (including any unexpended interest earned on award funds) within 15 calendar days of the date of the demand notice. Thereafter, the recipient's award shall be converted to a cost-reimbursable grant until such time as the recipient becomes current in its section 1512(c) reporting obligations, and remains current for not less than two additional consecutive reporting periods.



**Department of Justice**  
Office of Justice Programs  
*Bureau of Justice Assistance*

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Washington, D.C. 20531

**Memorandum To:** Official Grant File

**From:** Maria A. Berry, NEPA Coordinator

**Subject:** Incorporates NEPA Compliance in Further Developmental Stages for Lexington County

The Recovery Act emphasizes the importance of compliance with the National Environmental Policy Act (NEPA) in the use of public funds. The Recovery Act - Edward Byrne Memorial Justice Assistance Grant Program (JAG) allows states and local governments to support a broad range of activities to prevent and control crime and to improve the criminal justice system, some of which could have environmental impacts. All recipients of JAG funding must assist BJA in complying with NEPA and other related federal environmental impact analyses requirements in the use of grant funds, whether the funds are used directly by the grantee or by a subgrantee or third party. Accordingly, prior to obligating funds for any of the specified activities, the grantee must first determine if any of the specified activities will be funded by the grant.

The specified activities requiring environmental analysis are:

- a. New construction;
- b. Any renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
- c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
- d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
- e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

Complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. Further, for programs relating to methamphetamine laboratory operations, the preparation of a detailed Mitigation Plan will be required. For more information about Mitigation Plan requirements,

please see <http://www.ojp.usdoj.gov/BJA/resource/nepa.html>.

Please be sure to carefully review the grant conditions on your award document, as it may contain more specific information about environmental compliance.



Department of Justice  
Office of Justice Programs  
Bureau of Justice Assistance

**GRANT MANAGER'S MEMORANDUM, PT. I:  
PROJECT SUMMARY**

**Grant**

PROJECT NUMBER  
2009-SB-B9-2832

PAGE 1 OF 1

This project is supported under FY09 Recovery Act (BJA-Byrne JAG) Pub. L. No. 111-5, 42 USC 3750-3758

1. STAFF CONTACT (Name & telephone number)

Zephyr X. Fraser  
(202) 616-0416

2. PROJECT DIRECTOR (Name, address & telephone number)

Adam DuBose  
Grants Manager  
212 South Lake Drive  
Lexington, SC 29072-3437  
(803) 785-8111

3a. TITLE OF THE PROGRAM

BJA FY 09 Recovery Act Edward Byrne Memorial Justice Assistance Grant Program Local Solicitation

3b. POMS CODE (SEE INSTRUCTIONS  
ON REVERSE)

4. TITLE OF PROJECT

FY 2009 Recovery Act JAG Program

5. NAME & ADDRESS OF GRANTEE

Lexington County  
212 South Lake Drive  
Lexington, SC 29072-3489

6. NAME & ADDRESS OF SUBGRANTEE

7. PROGRAM PERIOD

FROM: 03/01/2009 TO: 02/28/2013

8. BUDGET PERIOD

FROM: 03/01/2009 TO: 02/28/2013

9. AMOUNT OF AWARD

\$ 260,971

10. DATE OF AWARD

08/06/2009

11. SECOND YEAR'S BUDGET

12. SECOND YEAR'S BUDGET AMOUNT

13. THIRD YEAR'S BUDGET PERIOD

14. THIRD YEAR'S BUDGET AMOUNT

15. SUMMARY DESCRIPTION OF PROJECT (See instruction on reverse)

This grant program is authorized by the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) (the "Recovery Act") and by 42 U.S.C. 3751(a). The stated purposes of the Recovery Act are: to preserve and create jobs and promote economic recovery; to assist those most impacted by the recession; to provide investments needed to increase economic efficiency by spurring technological advances in science and health; to invest in transportation, environmental protection, and other infrastructure that will provide long-term economic benefits; and to stabilize state and local government budgets, in order to minimize and avoid reductions in essential services and counterproductive state and local tax increases. The Recovery Act places great emphasis on accountability and transparency in the use of taxpayer dollars.

Among other things, it creates a new Recovery Accountability and Transparency Board and a new website – Recovery.gov – to provide information to the public, including access to detailed information on grants and contracts made with Recovery Act funds.

The Justice Assistance Grant (JAG) Program funded under the Recovery Act is the primary provider of federal criminal justice funding to state and local jurisdictions. Recovery JAG funds support all components of the criminal justice system, from multi-jurisdictional drug and gang task forces to crime prevention and domestic violence programs, courts, corrections, treatment, and justice information sharing initiatives. Recovery JAG funded projects may address crime through the provision of services directly to individuals and/or communities and by improving the effectiveness and efficiency of criminal justice systems, processes, and procedures.

The County of Lexington will use its Fiscal Year 2009 Recovery Act JAG award in the amount of \$260,971 to support travel, equipment, and supplies for five resident deputies that will be added to the Sheriff's Department's Community Service Bureau. The additional resident deputies will be added to lower the percentage of crimes throughout the County, through community-oriented based policing. This community-policing approach is intended to improve the quality of life for all citizens in Lexington County.

NCA/NCF

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  
DHEC - EMS GRANT-IN-AID  
Annual Budget  
Fiscal Year - 2009-10**

Object Code	Revenue Account Title	Actual 2007-08	Received Thru May 2008-09	Amended Budget Thru May 2008-09	Projected Revenues Thru Jun 2008-09	Requested 2009-10	Approved 2009-10	Revised 2009-10
<b>*DHEC - EMS Grant-In-Aid 2520:</b>								
<b>Revenues:</b>								
459100	DHEC - EMS Grant-In-Aid	39,445	39,444	38,336	38,336	40,000	40,000	34,417
461000	Investment Interest	22	3	0	3	0	0	0
801000	Op Trn from General Fund	2,459	2,331	2,231	2,331	2,200	2,200	2,003
<b>**Total Revenue</b>		<u>41,926</u>	<u>41,778</u>	<u>40,567</u>	<u>40,670</u>	<u>42,200</u>	<u>42,200</u>	<u>36,420</u>
<b>***Total Appropriation</b>					40,567	42,200	42,200	36,420
FUND BALANCE								
Beginning of Year								
					<u>969</u>	<u>1,072</u>	<u>1,072</u>	<u>1,072</u>
FUND BALANCE - Estimated								
End of Year								
					<u>1,072</u>	<u>1,072</u>	<u>1,072</u>	<u>1,072</u>

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

<b>BUDGET</b>							
Object Code	Expenditure Classification	2007-08 Expend	2008-09 Expend (May)	2008-09 Amended (May)	2009-10 Requested	2009-10 Approved	2009-10 Revised
<b>Personnel</b>							
<b>* Total Personnel</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Operating Expenses</b>							
525210	Conference, Meeting & Training Expense	11,000	10,800	10,800	42,200	42,200	36,420
529903	Contingency	0	0	0	0	0	0
536029	DHEC - Gold Cross Ambulance Grant	0	0	5,791	0	0	0
<b>* Total Operating</b>		<b>11,000</b>	<b>10,800</b>	<b>16,591</b>	<b>42,200</b>	<b>42,200</b>	<b>36,420</b>
<b>** Total Personnel &amp; Operating</b>		<b>11,000</b>	<b>10,800</b>	<b>16,591</b>	<b>42,200</b>	<b>42,200</b>	<b>36,420</b>
<b>Capital</b>							
540010	Minor Software	2,776	0	0	0	0	0
	All Other Equipment	27,964	23,976	23,976			
<b>** Total Capital</b>		<b>30,740</b>	<b>23,976</b>	<b>23,976</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>***Total Budget Appropriation</b>		<b>41,740</b>	<b>34,776</b>	<b>40,567</b>	<b>42,200</b>	<b>42,200</b>	<b>36,420</b>



C. Earl Hunter, Commissioner

*Promoting and protecting the health of the public and the environment.*

June 19, 2009

**MEMORANDUM**

TO: Licensed Ambulance Service Directors  
County Administrators

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

SUBJECT: Grant-in-Aid Program Fiscal Year 2010

**On this website you will find the forms and guidelines** required to complete the application for EMS funding under the state Grant-in-Aid. A fact sheet showing how many emergent runs were made by each service during calendar year 2008 and the funding distribution have been forwarded to each County Administrator. The grants will be based on a 94.5% state/5.5 % local cash match. **Contracts will be sent via email to each County Administrator.**

**The new procedure(s) to be followed for the completion of the application is included on the website. We have highlighted the changes in the GIA process and have provided a “quick” reference sheet.** As soon as the applications reach DHEC EMS our review will start and approval will be issued to all counties that have applications compliant with the guidelines. Those counties, for which there is no completed application received at DHEC by **August 30, 2009**, will forfeit their monies.

Priority emphasis should continue to be placed on upgrading the skills of the EMTs within your services, especially those courses for the Intermediate or Paramedic level and for improving the quality of care you provide to the citizens of this state. In addition, **emphasis should be placed on acquiring equipment necessary to support the EMS Data System.**

**GIA funds are *not* retroactive for training courses. Funds can not be spent on training or equipment BEFORE the effective date of the contract or the date signed by all parties, whichever is later and the grant-in-aid application (DHEC 1061) has been approved by DHEC. In addition, GIA funds can not be utilized for used/refurbished equipment or administrative/service cost. Equipment items cannot include *food items* or items which are a replacement of existing equipment. The GIA List of Eligible Items 2010 is rather broad in that it includes communications equipment, rescue equipment and computer software as well as patient care equipment. However all of these support the system for providing care for the patient. Specific eligible equipment items are described under equipment on the enclosed List of Eligible Items FY2010. **Justification is not required unless the application is for a pilot project or items/training that is not listed.****

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

AWS:sbw

## The Description of the *New* Grant-in-Aid process for FY 2010

The process for approval of the grant-in-aid applications, implementation of the objectives in these applications and reimbursement of expenditures is described below:

1. **FY 2010 EMS Grant-In-Aid information is on the DHEC website. GIA contract, distribution sheet and emergent runs will be emailed to the County Administrator. County Administrator, or designee will coordinate the development and submission of all GIA applications.**
2. Contracts with each of the 46 county governments are to be completed and signed by the county administrator and returned to SC DHEC Division of EMS & Trauma **promptly, but prior to August 30, 2009.**
3. **All GIA applications are to be sent *directly* to SC DHEC Division of EMS & Trauma, as soon as possible but no later than August 30, 2009.**
4. DHEC reviews the application, **confers with the applicants** on items of question, and approves the application after necessary revisions are made.
5. A formal letter of approval is sent to the County Officials, **via email**, approving the grant-in-aid application, training and the purchase of equipment as proposed in the application. **NOTE: GIA funds are not retroactive for training courses. Funds cannot be spent on training or equipment BEFORE the effective date or the date signed by all parties, whichever is later and the grant-in-aid application (DHEC 1061) has been approved by DHEC.**
6. Equipment is purchased according to state and county purchasing requirements. See Section IV, K. of the guidelines, **download and read.**
7. Requests for reimbursements, with invoices, canceled checks etc. are submitted to SC DHEC EMS & Trauma no later than **April 30, 2010.**

**Note:** The contract requires quarterly reports on the progress of the grant. This may be completed by the office of the County Administrator.

**Download the following documents to complete the GIA application:**

1. **Grant-in-Aid Application (DHEC 1061) and the instructions.**
2. **Grant-in-Aid distribution to each of the counties.**
3. **List of Eligible Items FY2010**
4. **Quick Reference for New GIA Process**
5. **GIA Guidelines**

**Information to obtain from County Administrator:**

1. **Total emergent runs for County**
2. **EMS Provider emergent runs for each county.**

		<b>\$910,732.00</b>					
		<b>2010 GRANT-IN-AID DISTRIBUTION</b>					
COUNTY CODE	COUNTY NAME	COUNTY POPULATION	% OF STATE POPULATION	SHARE BY POPULATION	EQUAL SHARE PER COUNTY	COUNTY TOTAL	
				\$455,366.00	\$455,366.00		
1	ABBEVILLE	26,167	0.652216394%	2,969.97	9,899.26	12,869.23	
2	AIKEN	142,552	3.553129951%	16,179.75	9,899.26	26,079.01	
3	ALLENDALE	11,211	0.279435854%	1,272.46	9,899.26	11,171.72	
4	ANDERSON	165,740	4.131094324%	18,811.60	9,899.26	28,710.86	
5	BAMBERG	16,658	0.415203145%	1,890.69	9,899.26	11,789.95	
6	BARNWELL	23,478	0.585192666%	2,664.77	9,899.26	12,564.03	
7	BEAUFORT	120,937	3.014372838%	13,726.43	9,899.26	23,625.69	
8	BERKELEY	142,651	3.555597541%	16,190.98	9,899.26	26,090.24	
9	CALHOUN	15,185	0.378488399%	1,723.51	9,899.26	11,622.77	
10	CHARLESTON	309,969	7.726023751%	35,181.69	9,899.26	45,080.95	
11	CHEROKEE	52,537	1.309492594%	5,962.98	9,899.26	15,862.24	
12	CHESTER	34,068	0.849150003%	3,866.74	9,899.26	13,766.00	
13	CHESTERFIELD	42,768	1.065998806%	4,854.20	9,899.26	14,753.46	
14	CLARENDON	32,502	0.810117218%	3,689.00	9,899.26	13,588.26	
15	COLLETON	38,264	0.953735931%	4,342.99	9,899.26	14,242.25	
16	DARLINGTON	67,394	1.679805544%	7,649.26	9,899.26	17,548.52	
17	DILLON	30,722	0.765750451%	3,486.97	9,899.26	13,386.23	
18	DORCHESTER	96,413	2.403108465%	10,942.94	9,899.26	20,842.20	
19	EDGEFIELD	24,595	0.613034059%	2,791.55	9,899.26	12,690.81	
20	FAIRFIELD	23,454	0.584594463%	2,662.04	9,899.26	12,561.31	
21	FLORENCE	125,761	3.134611761%	14,273.96	9,899.26	24,173.22	
22	GEORGETOWN	55,797	1.390748582%	6,333.00	9,899.26	16,232.26	
23	GREENVILLE	379,616	9.461985657%	43,086.67	9,899.26	52,985.93	
24	GREENWOOD	66,271	1.651814601%	7,521.80	9,899.26	17,421.06	
25	HAMPTON	21,386	0.533049253%	2,427.33	9,899.26	12,326.59	
26	HORRY	196,629	4.901007275%	22,317.52	9,899.26	32,216.78	
27	JASPER	20,678	0.515402247%	2,346.97	9,899.26	12,246.23	
28	KERSHAW	52,647	1.312234360%	5,975.47	9,899.26	15,874.73	
29	LANCASTER	61,351	1.529182864%	6,963.38	9,899.26	16,862.64	
30	LAURENS	69,567	1.733967894%	7,895.90	9,899.26	17,795.16	
31	LEE	20,119	0.501469088%	2,283.52	9,899.26	12,182.78	
32	LEXINGTON	216,014	5.384181304%	24,517.73	9,899.26	34,416.99	
33	McCORMICK	9,958	0.248204641%	1,130.24	9,899.26	11,029.50	
34	MARION	35,466	0.883995362%	4,025.41	9,899.26	13,924.68	
35	MARLBORO	28,818	0.718292966%	3,270.86	9,899.26	13,170.12	
36	NEWBERRY	36,108	0.899997308%	4,098.28	9,899.26	13,997.54	
37	OCONEE	66,215	1.650418792%	7,515.45	9,899.26	17,414.71	
38	ORANGEBURG	91,582	2.282695067%	10,394.62	9,899.26	20,293.88	
39	PICKENS	110,757	2.760634814%	12,570.99	9,899.26	22,470.25	
40	RICHLAND	320,677	7.992922254%	36,397.05	9,899.26	46,296.31	
41	SALUDA	19,181	0.478089298%	2,177.06	9,899.26	12,076.32	
42	SPARTANBURG	253,791	6.325778687%	28,805.45	9,899.26	38,704.71	
43	SUMTER	104,646	2.608317223%	11,877.39	9,899.26	21,776.65	
44	UNION	29,881	0.744788400%	3,391.51	9,899.26	13,290.77	
45	WILLIAMSBURG	37,217	0.927639299%	4,224.15	9,899.26	14,123.41	
46	YORK	164,614	4.103028605%	18,683.80	9,899.26	28,583.06	
	STATE TOTAL	4,012,012	100.0000%	\$455,366.00	\$455,366.00	910,732.00	
	Note: Population projections are readjusted to the 2000 Census count.						
	Source: US Bureau of the Census, 2000 Census (as of 2000)						

## **FY 2010 Grant-In-Aid Funds** **List of Eligible Items**

### **No justification required.**

#### **Equipment** (These items cannot replace existing equipment):

1. Patient Care Equipment with a cost of \$100 or greater and a life of 1 year or greater.
2. UHF/VHF radios in accordance to EMS communication plan.
3. Emergency ambulances.
4. Computer(s), printer(s) and software.
5. Training equipment to include audio visuals.
6. 800 MHZ radios according to an approved county plan on file in the EMS office.
7. Durable equipment required by OSHA.
8. EMS share of computer aided dispatch equipment.
9. Rescue Trucks and/or rescue equipment.
10. Quick Response Vehicles.
11. 12-Lead EKG.
12. Automatic External Defibrillator (AED).
13. Global Positioning System Navigator (GPS).
14. Automatic Ventilators.
15. Disaster/Special Purpose Trailers: trailers require substantial justification. Justification may include a multi-county plan depending upon county size. Required justification will include information on geographical area, population and other pertinent information.
16. Specialized equipment to support approved training programs.

### **No justification required.**

#### **Eligible Items**

##### **\*Training**

1. Tuition and examination fees for initial training for Basic, Intermediate or Paramedic.
2. Tuition for refresher training of Basic, Intermediate or Paramedic training.
3. Training programs that result in a certification (i.e., ACLS, BTLs, PHTLS, CTC, PALS, PPLS, Emergency Medical Dispatch (EMD) program(s), Pediatric EMS Training Program (PEMSTP), and HAZMAT Medical Training.
4. Specialty Training Programs: emergency vehicle operator course, critical incident stress debriefing, extrication courses such as: confined space, crash victim extrication, high angle rescue, trench safety, Weapons of Mass Destruction and

Tactical Medical training. Prior approval is necessary if not listed. Each course curriculum must meet state standards. Travel expenses for specialty training programs, which are not available within the region are allowable as long as they are in accordance with the SC state travel guidelines.

5. Public Information and Education programs that stress injury prevention and public access. Public relations is not eligible. Public Information Education and Relations(PIER) Training.
6. EMT transitional course for all levels.
7. Initial Training of First Responders (i.e. course and examination) that results in National Registry certification.
8. Textbooks (sets or kits) valued at least \$100, and instructor manuals for the above listed programs (items 1-7).

### **Written justification required.**

#### **Pilot Projects:**

Pilot projects require substantial justification and can only be approved on an individual basis:

1. Cellular radios not part of a county plan.
2. GIA funds can be utilized for construction/capital outlay under certain conditions. For example, adding a classroom to an existing building or a substation.
3. Items not listed can be considered. Prior approval is necessary.

**NOTE: Equipment on this list will be automatically approved without justification, with the exception of pilot projects. EMS services that request equipment not on this list or questionable quantities of items may be required to submit justification or equipment literature.**

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**Troy R. Bivens**  
Mayor

**Town of Gaston**  
131 North Carlisle St.  
P.O. Box 429  
Gaston, SC 29053  
PH: (803) 796-7725 Fax: (803) 739-5793

**COUNCIL MEMBERS**

**Marvin Pound, Jr.**  
**Charlie R. Sharpe**  
**Kelly Delk**  
**Robin Ross**

**Jennifer Bellotti**  
Town Clerk

**Building Official**

**August 5, 2009**

**Department of Public Safety**  
**Attn: Fire Department**  
**212 South Lake Drive**  
**Lexington, SC 29072-3489**

**To whom it may concern:**

**The Town of Gaston Council members met on Tuesday, August 4, 2009 and voted on adopting the Lexington County Burn Ordinance.**

**We would appreciate any assistance in enforcing this issue from Lexington County.**

**If you have any questions, please contact me at 796-7725.**

**Thank you,**

**Mayor Troy Bivens**  
**Town of Gaston**

## COUNTY OF LEXINGTON Grant Request Summary Form

**Title of Grant:** Volunteer Fire Assistance Grant

**Fund:** 1000 General Fund **Department:** 131500 PS/Fire Service  
*No. Title No. Title*

**Type of Summary:** **Grant Application** X **Grant Award** \_\_\_\_\_

**Grant Overview:**

The South Carolina Forestry Commission is accepting applications for Volunteer Fire Assistance Grants to help Rural Volunteer Fire Departments meet the Wildland Urban Interface problem in South Carolina. This application will be used to purchase a fast attack skid unit, which will be used to fight wildland fires.

This skid unit is already budgeted in the Fire Departments FY 09-10 budget, this grant will allow them to supplement a portion of the units cost with grant funds.

**Grant Period:** January 1, 2009 to March 31, 2010

**Responsible Departmental Grant Personnel:** Eddie Turner, Chief Operations Officer

**Date Grant Information Released:** August 1, 2009 **Date Grant Application Due:** September 30, 2009

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

<b>Personnel</b>	\$	-
<b>Operating</b>	\$	-
<b>Capital</b>	\$	10,000.00
<b>Total</b>	\$	<u>10,000.00</u>

**Local Match Required:** Yes  No

<b>If Yes, What is the Percentage / Amount:</b>	<u>50</u>	<u>\$5,000.00</u>	
	<u>50</u>	<u>\$5,000.00</u>	
	<i>%</i>	<i>\$ Amount</i>	

**Requirements at the End of this Grant (please explain in detail):**

None

Dept. Preparer:		
Dept. Approval:	ET	8/14/2009
Finance Approval:	AD	8/14/2009
	<i>Initials</i>	<i>Date</i>



PO Box 21707  
Columbia, SC 29221  
(p) 803.896.8800  
(f) 803.798.8097  
[www.trees.sc.gov](http://www.trees.sc.gov)

Henry E. (Gene) Kodama, State Forester

*Fire Department Federal Grants Administered by the SC Forestry Commission*

## **VOLUNTEER FIRE ASSISTANCE GRANTS**

Michael J. Bozzo, Coordinator, 803-896-8810

**August 2009**

The South Carolina Forestry Commission is now accepting applications for the **Volunteer Fire Assistance (VFA)/National Fire Plan (NFP) Grants**.

**The intent of the VFA/NFP grant is to help the Rural Volunteer Fire Departments meet the Wildland Urban Interface (WUI) problem in South Carolina.** Through financial assistance in purchasing wildland firefighting equipment and making necessary training available, rural volunteer fire departments can more effectively and safely assist the Forestry Commission in dealing with wildland fires that threaten the rural developments and communities of South Carolina.

Establishing new working relationships and improving existing partnerships between the Forestry Commission and rural fire departments is critical in meeting the needs of those communities in the Wildland Urban Interface. Firewise Workshops, assessments, and Community Wildfire Protection Plans are essential in creating awareness in those *WUI* communities about their wildfire situation and what they can do to limit or reduce the risk of a disastrous wildfire in their community. With the implementation of Firewise principles, firefighters will have a better chance of saving more homes in the *WUI* with the limited resources available.

Please feel free to contact me to learn more about how your department can help implement Firewise principles in the communities your department serves, especially those in the Wildland Urban Interface.

**Grants this year will be awarded at a minimum of \$1,000 unless a qualifying department requests less.** VFA Grant application forms and related information are also available on the SC Forestry Commission website at <http://www.state.sc.us/forest/fgrants.htm>.

See attached pages.

**Mail Applications To:**

South Carolina Forestry Commission  
Michael J. Bozzo, VFA Grant Coordinator  
P.O. Box 21707  
Columbia, S. C. 29221-1707  
Office 803-896-8810

Email: [mbozzo@forestry.state.sc.us](mailto:mbozzo@forestry.state.sc.us)

**DEADLINE: September 30, 2009**

**\* \* \***

**NO FAXES!**

## **REQUIREMENTS FOR APPLYING & QUALIFYING FOR GRANTS**

### **Deadline for receiving applications is September 30, 2009**

- Fire departments must serve a rural community with a population of 10,000 or less. However, those serving a population greater than 10,000 may qualify if service area includes a rural area and department's response to wildland fires is significant.
- Fire department must return, preferably on letterhead, a proposal listing items the department would like to purchase and a short paragraph on how this will increase the capacity of the department to deal with fires in the WUI.
- Grant Type: 50/50 reimbursable matching program. If a fire department receives a \$1,200 grant they must have receipts totaling \$2,400. No single item can be more than \$10,000.
- Grants will be awarded for a minimum of \$1,000 unless a qualifying department requests less.
- You may apply for any amount that your fire department can match; however, no single item will be reimbursed for more than \$5,000. Items purchased and records of purchases are subject to being reviewed by federal and state authorities. Examples of equipment and supplies that may be purchased under the VFA grants are listed as an attachment to this letter.
- Purchases will be allowed from January 1, 2009 through March 31, 2010.
- Time (at a rate of \$20.25 per hour) and expenses the fire department incurs for refurbishing a federal excess truck (i.e., creating a brush truck) can be used as matching funds. (See Roscommon website <http://www.roscommonequipmentcenter.com/> for additional information on wildland firefighting equipment.)
- Time spent attending Wildland Fire Training, which must be documented, can be credited at the rate of \$20.25 per hour toward the fire department's matching funds.
- The Fire Department must be in compliance with NIMS in regards to required training and currency to apply for VFA grants. Please complete and sign the attached form noting your compliance.
- A Memorandum of Understanding must be renewed every three (3) years and kept in the SCFC office before a fire department can receive funds. A Memorandum of Understanding form is attached for those stations without a current MOU on file.
- Fire departments participating in the Federal Excess Property Program (FEPP) are required to be in compliance with FEPP requirements by having all federal excess equipment maintained and in use. In addition to the required Memorandum of Understanding, the Forestry Commission may also request completion of additional forms (Equipment Lease and Certificate of Liability Insurance) prior to awarding a grant.

- Do not send copies of invoices with this application. You will be notified if your application is funded by December 31, 2009. At that time you will be notified of where to send receipts along with other documentation.

A checklist of what is required is attached. Without complete documentation your request will not be considered. It is highly recommended you keep a copy of your application and especially what you request as it must match with your purchases if you are funded.

### **ADDITIONAL CONSIDERATIONS FOR GRANT AWARDS**

- ❖ Fire Departments assisting the SC Forestry Commission with conducting community assessments, developing Community Wildfire Protection Plans, assisting with Firewise workshops (i.e., Living on the Edge and How To Have a Firewise Home) and promoting the Firewise Community/USA program within communities they service will be given extra consideration.
- ❖ Fire departments involved in the Federal Excess Property Program (FEPP) must have their inventory up-to date and all equipment in operational order. Any FEPP equipment issued that is not in service must be returned to the SCFC headquarters in Columbia as noted in the Equipment Lease Agreement. An accurate inventory with all in working order will be a determining factor in whether or not VFA funds will be approved for allocating.

Forms and information are also available on the Forestry Commission website at <http://www.state.sc.us/forest/fgrants.htm>.

**DEADLINE: September 30, 2009**

**NO FAXES**

**Enclosures:**

Checklist of Required Paperwork for VFA Grant Application  
 VFA Form 1: Grant Application  
 VFA Form 2: FD Information  
 Memorandum of Understanding (MOU)  
 NIMS Agreement  
 Items Eligible for VFA Grants  
 Type 6 Engine (Brush Truck) Suggested Requirements  
 Vendors for Wildland Firefighting Equipment and Supplies

The South Carolina Forestry Commission and the USDA Forest Service are equal opportunity employers and providers.

*The South Carolina Forestry Commission and the USDA Forest Service prohibit discrimination on the basis of race, color, national origin, sex, religion, age, disability, political beliefs, sexual orientation, or marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD). To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue SW, Washington, DC 20250-9410, or call 202-720- 5964 (voice or TDD). The SC Forestry Commission and the USDA Forest Service are equal opportunity providers and employers.*

**CHECKLIST OF REQUIRED PAPERWORK  
FOR VFA GRANT APPLICATION:**

- \_\_\_\_\_ **VFA Form 1 – Grant Application** – completed by contact person and signed by authorized person (i.e. chairman, mayor, or county administrator)
- \_\_\_\_\_ **VFA Form 2 – Fire Department Information** – usually completed and signed by Fire Chief or other certifying official. Be sure to include any communities you service that would be included in the Wildland Urban/Rural interface...list individual communities.
- \_\_\_\_\_ **Memorandum of Understanding** - completed and signed by chairman of board or other certifying official. **All** Fire Departments without a current MOU must complete, sign and return. Those signed within three years are current and are kept on file here at the SCFC Headquarters.
- \_\_\_\_\_ **NIMS (Incident Management System) Agreement Form**, completed and signed as specified.
- \_\_\_\_\_ **You must return, preferably on letterhead, a listing of items you propose to purchase should your grant request be funded and a short paragraph on how and where you plan on using the items purchased. Without this information, funds will not be approved.**

**Please return all above paperwork by September 30, 2009 to:**

**Michael Bozzo  
VFA Grant Coordinator  
South Carolina Forestry Commission  
P.O. Box 21707  
Columbia, SC 29221**

**SOUTH CAROLINA FORESTRY COMMISSION**  
**VOLUNTEER FIRE ASSISTANCE GRANTS**  
**NATIONAL FIRE PLAN**  
 ~ APPLICATION ~  
 2009-2010

\_\_\_\_\_  
Date Submitted

\_\_\_\_\_  
Federal Taxpayer Identification Number (9-digits)

\_\_\_\_\_  
Fire Department Name

\_\_\_\_\_  
County

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip

\_\_\_\_\_  
Contact Person (Preferably Chief)

\_\_\_\_\_  
Title

\_\_\_\_\_  
Telephone #

\_\_\_\_\_  
Fax #

\_\_\_\_\_  
Email

**Amount Requested: 50/50 Matching Funds**

Federal \$ \_\_\_\_\_ (50% of total)

Applicant \$ \_\_\_\_\_ (50% of total)

Total \$ \_\_\_\_\_

**You must enclose a list of items you plan on purchasing with the grant funds and an explanation on how and where you plan to use the equipment.**

**Important:** For county fire departments, the person in charge of county government should sign. For rural fire departments not connected with a county or city, the chairman of the board of directors should sign. For incorporated town fire departments, the mayor should sign.

\_\_\_\_\_  
Typed or printed name of authorized representative

\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature of authorized representative

\_\_\_\_\_  
Date signed

\_\_\_\_\_  
Telephone #

**Mail to: Michael J. Bozzo, VFA Coordinator**  
 SC Forestry Commission  
 P.O. Box 21707  
 Columbia SC 29221-1707  
 PH: 803-896-8810 FAX: 803-798-8097  
 Email: [mbozzo@forestry.state.sc.us](mailto:mbozzo@forestry.state.sc.us)

**DEADLINE: September 30, 2009**

For Office Use Only:	<u>Amount Allocated</u>	<u>Payment Amount</u>
NFP Title IV	\$ _____	\$ _____
Title II	\$ _____	\$ _____

**SOUTH CAROLINA FORESTRY COMMISSION  
VOLUNTEER FIRE ASSISTANCE GRANTS  
~ FIRE DEPARTMENT INFORMATION ~  
2009-2010**

Department/Station Name: \_\_\_\_\_ County \_\_\_\_\_

Department/Station ISO Rating: \_\_\_\_\_

Year Department/Station Organized: \_\_\_\_\_

Population Protected: \_\_\_\_\_

Total Protection Area (Square Miles): \_\_\_\_\_

Number of Grass, Woods, and Brush Fires in 2008 \_\_\_\_\_

**Wildland Urban Interface (WUI)\* Communities Protected – REQUIRED (list by name):**

\_\_\_\_\_

\_\_\_\_\_

**Previous Year(s) in Which Funds Received Under the Volunteer Fire Assistance Program:**

2008 \_\_\_\_\_ 2007 \_\_\_\_\_ 2006 \_\_\_\_\_ Before 2006 \_\_\_\_\_ Never \_\_\_\_\_

**Source of Annual Operating Funds/ Budget:**

Tax \$ \_\_\_\_\_ Fund Raising/Donations \$ \_\_\_\_\_ Other \$ \_\_\_\_\_

**Total Annual Operating Funds/Budget: \$ \_\_\_\_\_ (Total of above)**

**Number Volunteer Firemen: \_\_\_\_\_ Number Paid Firemen: \_\_\_\_\_**

**Memorandum of Understanding with SC Forestry Commission: Yes \_\_\_\_\_ No \_\_\_\_\_**

**Requested/Received Wildland Fire Training through SC Forestry Commission: Yes \_\_\_\_\_ No \_\_\_\_\_**

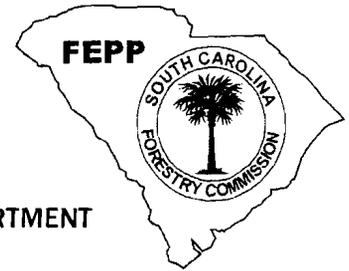
**Department/Station Responds To All Fires within Established Protection Area: Yes \_\_\_\_\_ No \_\_\_\_\_**

\_\_\_\_\_  
Person Completing This Form (Print Name & Title)      Signature of Person Completing this Form

\_\_\_\_\_  
Daytime Telephone of This Person (include area code)      Fax Number if available

\_\_\_\_\_  
Email address (if available)

*\*Wildland Urban Interface is defined as the area where structures (residences and businesses) and other human development meet or intermingle with undeveloped wildland. Generally, rural fire departments protect one to five or more such communities.*



**MEMORANDUM OF UNDERSTANDING**

between the

\_\_\_\_\_ FIRE DEPARTMENT  
and the

**SOUTH CAROLINA FORESTRY COMMISSION**

This memorandum made by and between the South Carolina Forestry Commission, an agency of the State of South Carolina, hereinafter referred to as the COMMISSION, and the \_\_\_\_\_, hereinafter referred to as FIRE DEPARTMENT.

**INTRODUCTION**

Because of the intermingling of structures and natural cover fuels in unincorporated areas of \_\_\_\_\_ County, the objectives of the two above-named organizations are inseparable; i.e., to minimize the loss of life and property as a result of uncontrolled fire. Recognizing this, we, the undersigned, have arrived at the MEMORANDUM OF UNDERSTANDING for these primary purposes:

1. Provide for closest possible cooperation on mutual objectives
2. Prevent misunderstanding as to purpose and responsibilities of our respective organizations.
3. Make possible effective support between organizations.

To implement this program, the following information as to organization makeup is exchanged:

**FIRE DEPARTMENT: MUST BE COMPLETED (may attach separate pages as needed)**

1. **AREA COVERED:** attach a narrative description and/or map
2. **SOURCE OF FUNDS:** List for example - tax district, donations, county funds, other sources
3. **FACILITIES: LIST BY STATION**
  - a. **Equipment:** kind and type of equipment/vehicles
  - b. **Manpower:** number paid vs. volunteers
4. **TYPE ORGANIZATION** (Volunteer, Subscription, Tax District, Municipal)
5. **National Incident Management System NIMS compliant:** YES \_\_\_\_\_ NO \_\_\_\_\_

**SOUTH CAROLINA FORESTRY COMMISSION**

1. **AREA COVERED:** The state of South Carolina except for incorporated areas and federal lands not under specific agreement.  
Note: Equipment may be sent into incorporated areas upon request of the municipal fire department.
2. **SOURCE OF FUNDS:** State appropriations, supplemented by federal matching funds.
3. **FACILITIES**
  - a. **Equipment** - primary equipment is type 5 tractor/plow unit which may have a blade
  - b. **Manpower** - from 1-6 firefighters per county with additional personnel available as needed
4. **RESPONSIBILITIES:** To provide a statewide system of fire protection on all lands outside of corporate limits which support enough growth or have sufficient inflammable debris or grass to constitute, in the judgment of the COMMISSION, a fire menace to itself or adjoining lands.



## NIMS (National Incident Management System) Agreement

The \_\_\_\_\_ FIRE DEPARTMENT is in compliance with NIMS in regards to required training and currency.

**FIRE DEPARTMENT NAME:**

\_\_\_\_\_

**Mailing Address:**

\_\_\_\_\_

Street and/or P.O. Box	City	State	Zip
------------------------	------	-------	-----

By: \_\_\_\_\_  
Chairman of Board or Chief (Printed Name)

By: \_\_\_\_\_  
Chairman of Board or Chief (Signature)

Date: \_\_\_\_\_

## **ITEMS ELIGIBLE FOR VFA GRANTS**

This list is not all inclusive of possible supplies/equipment which may be purchased.

### **Wildland firefighting needs (NFP):**

#### **1. Communication equipment for mutual aid frequencies between the Forestry Commission and the Fire Departments**

- two-way radios mobile and portable for mutual aid frequencies (154 MHz range)
- generators

#### **2. Wildland firefighting personal protective equipment**

- flame-resistant pants, shirts, coveralls or jumpsuits (must meet NFPA 1977, <http://www.ul.com> link to “certifications” and wildland fire for Keyword Search)
- chain saw operator’s chaps and head, eye, and ear protection;
- fire shelters and training fire shelters
- wildland fire helmet; leather gloves; safety goggles; ear plugs
- field packs

#### **3. Wildland fire fighting equipment**

- slip-in pumper units/skid units with foam injection proportioner for brush trucks
- water tank, pump with engine, foam injection proportioner, hose reel, hose and other plumbing needed for brush truck
- portable pumps
- dump tanks
- chain saws and chain saw kits
- light weight forestry hose, drafting hose, foam injection proportioners, foam nozzles, and plumbing for hose lays for pumpers and pumper tankers
- hand tools such as fire rakes, pulaskis, flaps or swatters, collapsible back pack pumps, fire shovels, axes, protective covers for the hand tools, and tool handles, Class A foam; mop-up kits; thread adapters; double female adapters; double male adapters; increasers; reducers; caps; gated wye valves; shut-off valves

### **Structure firefighting needs (Title II):**

- radios
- nozzles, hoses
- self-contained breathing apparatus
- personal protective clothing
- portable pumps, generators
- class A foam delivery equipment and foam concentrate

## **Type 6 Engine (Brush Truck) Equipment and Accessories Suggested Requirements:**

Truck all wheel drive. Suspension adequate for load

Pump Rating - minimum flow 30gpm at 100psi

Tank Capacity - range 150-400 gal

### Standard Plumbing

suction inlet, 2" (or 1½")

pressure relief valve with bypass

proportioner, foam injection

three discharge outlets, ¾", 1" (to reel), 1½"

### Hose

Booster hose, 100' x 1"

2 ea., hard suction, 10'x2" (or 1½" if pump so plumbed)

1 ea., high pressure, abrasion resistant, fill, 25'x1½"

6 ea., lightweight forestry, 50'x1½" (or 1¾")

6 ea., lightweight forestry, 50'x1"

1 ea., high pressure, garden, 50'x¾"

### Nozzles

2 ea., forester twin tip, 1"

2 ea., adjustable barrel, ¾"

2 ea., combination, 1"

1 ea., foam, air aspirated, 1"

### Reducers

1 ea., 2½"x1½"

2 ea., 1½"x1"

2 ea., 1"x¾"

### Adapters

2 ea., 1½"NH x 1½"NPSH

2 ea., 1"NPSH x 1"NH

2 ea., 1" NH x 1"NPSH

### Accessories

1 ea., gated wye, 1½"

1 ea., foot valve strainer, 2" (or 1½")

2 ea., spanner wrench

1 ea., hydrant wrench

gaskets, assorted

tees

shut-offs

double male/female

hose clamp

wands and various spray tips

handtools (rake, pulaski, shovel, torch, collapsible back pack pump)

mechanic's tools, files, spark plugs

**COUNTY OF LEXINGTON  
GENERAL FUND  
Annual Budget  
Fiscal Year - 2009-10**

Fund: 1000  
Division: Public Safety  
Organization: 131500 - County Fire Service

Object Expenditure Code Classification		2007-08 Expenditure	2008-09 Expend. (May)	2008-09 Amended (May)	<i>BUDGET</i>		2009-10 Approved
					2009-10 Requested	2009-10 Recommend	
<b>Personnel</b>							
510100	Salaries & Wages - 137	3,979,788	4,057,721	4,794,495	5,301,840	5,106,171	5,106,171
510199	Special Overtime	333,641	325,618	285,503	115,000	350,000	350,000
510200	Overtime	2,016	717	1,000	0	0	0
510300	Part Time - L/S (3.150 - FTE)	109,394	119,430	92,891	128,630	128,630	128,630
511112	FICA Cost	329,423	328,460	393,554	424,228	427,237	427,237
511113	State Retirement	6,718	6,373	9,377	7,982	7,982	7,982
511114	Police Retirement	460,420	482,158	561,871	603,383	607,729	607,729
511120	Insurance Fund Contribution - 137	725,760	737,000	804,000	1,072,500	1,027,500	1,027,500
511130	Workers Compensation	245,204	254,210	288,819	312,849	315,087	315,087
511131	S.C. Unemployment	246	311	0	0	0	0
511213	State Retirement - Retiree	2,840	2,754	0	0	0	0
511214	Police Retirement - Retiree	704	906	0	0	0	0
516100	Volunteer Subsistence	169,140	76,250	175,000	175,000	175,000	175,000
511112	FICA Cost - Non Employees	0	0	0	13,388	13,388	13,388
516130	Workers Compensation - Non Employees	24,445	26,344	28,000	30,000	30,000	30,000
519999	Personnel Contingency	0	0	171,435	0	0	0
<b>* Total Personnel</b>		<b>6,389,739</b>	<b>6,418,252</b>	<b>7,605,945</b>	<b>8,184,800</b>	<b>8,188,724</b>	<b>8,188,724</b>
<b>Operating Expenses</b>							
520100	Contracted Maintenance	20,983	17,846	22,000	29,900	29,900	29,900
520200	Contracted Services	2,560	468	975	975	975	975
520201	Phys. Fitness Prog. (OSHA Reg.1990)	51,299	65,020	74,600	77,350	75,400	75,400
520209	Driver History Screening	2,573	2,835	3,500	3,500	3,500	3,500
520230	Pest Control	0	0	600	600	600	600
520231	Garbage Pickup Services	200	1,969	3,000	3,000	3,000	3,000
520242	Hazardous Materials Supplies	0	0	0	350	350	350
520300	Professional Services	0	0	1,500	3,000	3,000	3,000
520302	Drug Testing	0	0	200	200	200	200
520304	Fire Protection Services	85,386	64,641	75,987	52,676	52,676	52,676
520500	Legal Services	1,219	0	1,500	1,500	1,500	1,500
521000	Office Supplies	7,203	10,881	11,000	13,000	13,000	13,000
521100	Duplicating	1,696	1,219	2,500	2,500	2,500	2,500
521200	Operating Supplies	37,681	28,125	35,000	40,000	40,000	40,000
521202	Fire Prevention Supplies	6,584	6,106	6,200	6,000	6,000	6,000
521203	Fire Investigation Team Supplies	494	541	1,000	1,000	1,000	1,000
521204	Foam	15,967	17,458	17,533	20,000	20,000	20,000
521205	Hazardous Materials Supplies	3,272	4,826	5,000	5,000	5,000	5,000
521206	Training Supplies	1,435	1,227	3,000	3,000	3,000	3,000
521401	Infectious Disease Control Supplies	7,361	5,002	13,860	12,530	11,510	11,510
522000	Building Repairs & Maintenance	39,128	25,580	35,000	35,000	35,000	35,000
522001	Carpet & Tile Cleaning	0	237	750	750	750	750
522050	Generator Repairs & Maintenance	0	7,175	7,560	8,000	8,000	8,000
522200	Small Equipment Repairs & Maintenance	20,341	33,424	40,000	40,000	40,000	40,000
522300	Vehicle Repairs & Maintenance	179,080	175,551	200,000	200,000	200,000	200,000
522600	Water Site Maintenance	0	0	500	500	500	500
523205	Uniform Rentals	0	4,652	25,000	0	97,000	97,000
524000	Building Insurance	11,712	13,559	13,214	13,965	13,965	13,965
524100	Vehicle Insurance - 109	61,045	59,169	58,968	59,514	59,514	59,514
524101	Comprehensive Insurance - 81	36,366	27,228	37,258	37,258	37,258	37,258
524200	Professional Liability Insurance	-188	1,053	1,085	1,085	1,085	1,085
524201	General Tort Liability Insurance	11,899	10,658	13,684	13,003	11,653	11,653
524202	Surety Bonds	0	962	1,206	0	0	0

**COUNTY OF LEXINGTON**  
**GENERAL FUND**  
**Annual Budget**  
**Fiscal Year - 2009-10**

Fund: 1000  
Division: Public Safety  
Organization: 131500 - County Fire Service

Object Expenditure Code Classification		<i>BUDGET</i>					
		2007-08 Expenditure	2008-09 Expend. (May)	2008-09 Amended (May)	2009-10 Requested	2009-10 Recommend	2009-10 Approved
Con't Operating Expenditures:							
524300	Volunteer Fireman Disability Insurance	4,565	4,565	4,565	4,565	4,565	4,565
525000	Telephone	19,794	17,803	23,000	23,000	23,000	23,000
525004	WAN Service Charges	16,819	17,219	19,350	19,350	19,350	19,350
525020	Pagers and Cell Phones	4,017	4,709	5,475	6,600	6,600	6,600
525021	Smart Phone Charges - 2	0	756	1,025	2,200	2,200	2,200
525030	800 MHz Radio Service Charges - 195	56,262	49,254	105,552	104,660	104,660	104,660
525031	800 MHz Contracted Maintenance - 195	17,188	18,508	19,982	19,165	19,165	19,165
525041	E-mail Service Charges - 146	7,939	12,038	17,160	13,224	12,702	12,702
525100	Postage	919	913	1,500	1,500	1,500	1,500
525110	Other Parcel Delivery Services	139	73	500	500	500	500
525210	Conference, Meeting & Training Expense	24,164	24,861	32,500	26,800	26,800	26,800
525230	Subscriptions, Dues, & Books	1,495	1,234	1,520	2,389	2,389	2,389
525240	Personal Mileage Reimbursement	0	0	300	300	300	300
525250	Motor Pool Reimbursement	546	184	1,000	1,000	1,000	1,000
525300	Utilities - Admin. Bldg.	5,988	5,754	6,000	6,300	6,367	6,367
525333	Utilities - Boiling Springs	4,653	4,833	6,000	6,000	6,000	6,000
525334	Utilities - Chapin	9,751	8,986	10,500	10,500	10,500	10,500
525335	Utilities - Edmund	6,850	6,697	6,500	7,300	7,574	7,574
525336	Utilities - Fairview	4,546	4,339	5,500	5,500	5,500	5,500
525337	Utilities - Gilbert	6,927	5,957	7,700	7,000	7,000	7,000
525339	Utilities - Hollow Creek	7,153	8,158	7,500	8,500	8,855	8,855
525340	Utilities - Gaston	6,133	6,281	6,500	7,200	7,226	7,226
525341	Utilities - Lake Murray	9,207	8,766	10,000	10,400	10,473	10,473
525342	Utilities - Lexington	20,122	19,484	21,000	21,700	21,806	21,806
525343	Utilities - Mack Edisto	4,911	5,137	5,000	5,700	5,918	5,918
525344	Utilities - Oak Grove	20,602	18,476	21,435	22,500	24,413	24,413
525345	Utilities - Pelion	6,106	4,746	5,529	5,529	5,529	5,529
525346	Utilities - Round Hill	6,592	6,492	6,900	7,000	7,408	7,408
525347	Utilities - Sandy Run	6,007	5,192	6,500	6,500	6,500	6,500
525348	Utilities - South Congaree	18,874	14,152	20,000	18,000	18,000	18,000
525349	Utilities - Swansea	6,507	6,804	6,760	7,000	7,069	7,069
525368	Utilities - Pine Grove	7,581	7,317	8,000	8,000	8,648	8,648
525369	Utilities - Amicks Ferry	5,046	5,704	5,200	6,000	6,000	6,000
525373	Utilities - Cross Roads (FS 23)	4,323	3,538	4,800	4,800	4,800	4,800
525374	Utilities - Red Bank	6,110	6,499	6,200	7,300	7,464	7,464
525379	Utilities - Training Facility	9,100	8,792	9,000	10,000	10,000	10,000
525382	Utilities - Samaria	4,137	4,024	4,800	4,800	4,800	4,800
525393	Utilities - Hwy # 6 / Sharps Hill	6,546	6,634	6,860	6,600	6,989	6,989
525394	Utilities - Cedar Grove	1,604	4,230	6,000	6,000	6,000	6,000
525395	Utilities - Corley Mill	1,871	8,713	6,000	8,000	9,008	9,008
525400	Gas, Fuel, & Oil	163,055	135,520	190,428	180,000	180,000	180,000
525430	Emergency Generator Fuel	0	0	500	500	500	500
525500	Laundry and Linen	4,536	3,345	4,800	4,800	4,800	4,800
525600	Uniforms & Clothing	48,830	35,094	145,000	174,500	74,500	74,500
525700	Employee Service Awards	10,808	17,177	18,700	18,700	0	0
526500	Licenses & Permits	403	401	600	800	800	800
535000	Storm Disaster & Relief	0	0	500	500	500	500
538000	Claims & Judgments	214	250	1,000	1,000	1,000	1,000
<b>* Total Operating</b>		<b>1,184,236</b>	<b>1,127,021</b>	<b>1,524,321</b>	<b>1,515,338</b>	<b>1,494,514</b>	<b>1,494,514</b>
<b>** Total Personnel &amp; Operating</b>		<b>7,573,975</b>	<b>7,545,273</b>	<b>9,130,266</b>	<b>9,700,138</b>	<b>9,683,238</b>	<b>9,683,238</b>

**COUNTY OF LEXINGTON  
GENERAL FUND  
Annual Budget  
Fiscal Year - 2009-10**

Fund: 1000  
Division: Public Safety  
Organization: 131500 - County Fire Service

Object Expenditure Code Classification		2007-08 Expenditure	2008-09 Expend. (May)	2008-09 Amended (May)	<i>BUDGET</i>		
					2009-10 Requested	2009-10 Recommend	2009-10 Approved
<b>Capital</b>							
540000	Small Tools & Minor Equipment	15,661	4,359	4,392	7,000	7,000	7,000
540010	Minor Software	1,268	2,644	2,864	9,400	9,400	9,400
540020	Fire Hose	14,833	15,730	15,916	16,000	16,000	16,000
540021	Fire Ground & Special Equipment	24,941	14,951	74,872	48,000	48,000	48,000
540022	Personal Protective Equipment	103,226	59,537	59,707	85,000	85,000	85,000
540024	Haz-Mat Equipment	6,420	0	2,492	5,000	5,000	5,000
	All Other Equipment	999,280	1,670,043	2,931,893			
5AA071	(75) Monitor/Receiver - Repl.				40,000	40,000	40,000
5AA072	(1) Pumper - Repl.				390,000	390,000	390,000
5AA073	(1) Tanker - Repl.				265,000	265,000	265,000
5AA074	(1) Service Truck - Repl.				70,500	70,500	70,500
5AA075	(1) Vehicle w/Accessories - Repl.				24,000	24,000	24,000
5AA076	(2) Thermal Imaging Camera				22,000	22,000	22,000
5AA077	Parking Lot Repairs				5,000	5,000	5,000
5AA078	(24) Personal Computers (F1) - Repl.				17,400	17,400	17,400
5AA079	(5) 6000PSI Cylinders				7,700	7,700	7,700
5AA080	(9) SCBA Face Masks				4,500	4,500	4,500
5AA081	(20) SCBA Heads-Up Display Units				4,000	4,000	4,000
5AA082	(10) SCBA Clear Command Voice Units				10,200	10,200	10,200
5AA083	(2) VHF Radios - Repl.				2,400	2,400	2,400
5AA084	(30) 800 MHz Radios - Repl.				105,000	105,000	105,000
5AA085	(2) Utility Trailers				2,600	2,600	2,600
5AA086	(1) Bunker Gear Washer				5,600	5,600	5,600
5AA087	(1) Smoke Machine - Repl.				1,800	1,800	1,800
5AA088	(3) Pagers				4,815	1,605	1,605
5AA089	(3) Bunker Gear				15,300	5,100	5,100
5AA090	(1) 800 Mhz Radio				3,500	3,500	3,500
5AA091	(1) Fast Attack Skid Unit				10,000	10,000	10,000
<b>** Total Capital</b>		<b>1,165,629</b>	<b>1,767,264</b>	<b>3,092,136</b>	<b>1,181,715</b>	<b>1,168,305</b>	<b>1,168,305</b>
<b>*** Total Budget Appropriation</b>		<b>8,739,604</b>	<b>9,312,537</b>	<b>12,222,402</b>	<b>10,881,853</b>	<b>10,851,543</b>	<b>10,851,543</b>

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

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COUNTY OF LEXINGTON  
PUBLIC WORKS DEPARTMENT  
ENGINEERING

Memorandum

To: Katherine Hubbard, County Administrator  
From: Jim Starling, Engineering Associate III  
Date: 8/20/2009  
Re: FAA Grant Offer for the Lexington County Airport at Pelion Apron Rehab Project

---

The FAA has approved Lexington County's grant application for the Apron Rehabilitation Project and they have submitted a grant offer to fund 95% (\$348,790.00) of the project cost. The project cost as shown on the grant application is \$367,147.00. Last year, the FAA approved a grant for 95% (\$75,230.00) of the preliminary engineering fees (\$79,190.00). This puts the total project cost at \$446,337.00. The remaining balance from both of these grants is \$22,317.00 or 5% of the total project. An SCDOA grant application has been submitted requesting 2.5% of the total project cost or \$11,159.00. This will leave Lexington County responsible for funding the remaining 2.5% or \$11,159.00.

If Lexington County accepts this grant offer, a grant agreement will need to be signed by you along with Jeff Anderson, Lexington County's attorney and submitted to Anthony Cochran with the FAA no later than August 31<sup>st</sup>. This will need to be sent overnight to the FAA once it is signed.

Please place this on the August 25<sup>th</sup> agenda to be addressed by the Airport Committee and then by full Council pending approval by the Committee.





U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

Atlanta Airports District Office  
Campus Building  
1701 Columbia Ave., Suite 2-260  
College Park, GA 30337-2747  
(404) 305-7150 FAX: (404) 305-7155

August 11, 2009

Ms. Katherine Hubbard, Administrator  
Lexington County  
212 S. Lake Drive  
Lexington, South Carolina 29072

Dear Ms. Hubbard:

Enclosed are five original grant offers issued in response to your project application dated July 28, 2009, for Airport Improvement Program Project No. 3-45-0067-11-2009 at Lexington County Airport, Pelion, South Carolina. This grant offer is in the amount of \$348,790.

If the terms of the grant offer are satisfactory, you should accept the grant offer **on or before August 31, 2009**, and have your attorney certify that the acceptance complies with local and state laws and constitutes a legal and binding obligation on the part of the airport sponsor.

"Terms and Conditions of Accepting Airport Improvement Program Grants" is enclosed. This master agreement is incorporated into the grant agreement by reference and will become binding upon your execution of the grant. Please retain the master agreement for your records.

Three original executed grant agreements should be returned to this office as soon as possible. **Also, please fax us a copy of the executed grant to ensure timely processing.** Our fax number is 404-305-7155.

Sincerely,

A handwritten signature in cursive script that reads "Scott L. Seritt".

Scott L. Seritt  
Manager

Enclosures



U. S. Department  
of Transportation  
**Federal Aviation  
Administration**

# GRANT AGREEMENT

**Date of Offer:** August 11, 2009  
**Project Number:** 3-45-0067-11-2009  
**Recipient:** Lexington County (Herein called Sponsors)  
**Airport:** Lexington County Airport

## OFFER

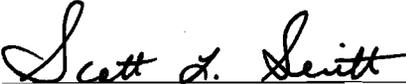
**THE FEDERAL AVIATION ADMINISTRATION, FOR AND ON BEHALF OF THE UNITED STATES, HEREBY OFFERS AND AGREES** to pay, as the United States' share of ninety-five percent of the allowable costs incurred in accomplishing the project consisting of the following:

Rehabilitate Apron (58,600 SF), Phase II- (Construction);

as more particularly described in the Project Application dated July 28, 2009.

The maximum obligation of the United States payable under this Offer shall be \$348,790 for airport development. This offer is made in accordance with and for the purpose of carrying out the provisions of Title 49, United States Code, herein called Title 49 U.S.C. Acceptance and execution of this offer shall comprise a Grant Agreement, as provided by Title 49 U.S.C., constituting the contractual obligations and rights of the United States and the Sponsor.

UNITED STATES OF AMERICA  
FEDERAL AVIATION ADMINISTRATION

  
 Manager Airports District Office

## ACCEPTANCE

The Sponsor agrees to accomplish the project in compliance with the terms and conditions contained herein and in the document "Terms and Conditions of Accepting Airport Improvement Program Grants" dated March 29, 2005.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2009.  
 (Seal)

Lexington County  
 Name of Sponsor

\_\_\_\_\_  
 Attest

\_\_\_\_\_  
 Signature of Sponsor's Designated Official Representative

\_\_\_\_\_  
 Title

\_\_\_\_\_  
 Title

## CERTIFICATE OF SPONSOR'S ATTORNEY

I, \_\_\_\_\_, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of South Carolina. Further, I have examined the foregoing Grant Agreement, and the actions taken by said Sponsor relating thereto, and find that the acceptance thereof by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State and Title 49 U.S.C. In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

\_\_\_\_\_  
 Signature of Sponsor's Attorney

\_\_\_\_\_  
 Date (Date must be on or later than execution date above)

PROJECT APPLICATION  
(For State Aid for Development of Public Airports)

COPY

SCDC No. \_\_\_\_\_

Date: July 31, 2009

**PART I - PROJECT INFORMATION**

**Lexington County, South Carolina** (herein called the "Sponsor" hereby makes application to the South Carolina Department of Commerce/Division of Aeronautics (herein designated the "Division") for a grant of State funds pursuant to applicable statutes, regulations, and policies, for the purpose of aiding in financing a project (herein called the "Project") for the development of the **Lexington County Airport at Pelion** (herein called the "Airport") located in the county of **Lexington** in the State of South Carolina.

It is proposed that the Project consist of the following described airport development: **South Apron Rehabilitation Project**; all as more particularly described in the plans and specifications separately submitted to the Division on **June 4, 2009** which are made a part hereof by reference.

**PART II - REPRESENTATIONS**

The Sponsor hereby represents and certifies as follows:

1. Legal Authority. The Sponsor has the legal power and authority:
  - (A) to do all things necessary to undertake and carry out the Project in conformity with the applicable statutes, regulations, and policies;
  - (B) to accept, receive and disburse grants of funds from the State of South Carolina in aid of the project on the terms and conditions stated in the applicable statutes, regulations, policies, and proposed grant agreement, and;
  - (C) to carry out all of the provisions of Parts III and IV of this Project Application.
2. Funds - The Sponsor now has on deposit **\$11,159** for use in defraying the costs of the Project. The present status of these funds is as follows: **These funds have been approved by Council and will be allocated through Lexington County's General Fund.**

The Sponsor hereby designates **Mrs. Katherine Hubbard, County Administrator, Lexington County** to receive payments representing the Division's share of the Project costs.

### **PART III - SPONSOR ASSURANCES**

In order to furnish the Division with the Sponsor's assurances required by the applicable statutes, regulations, policies, and proposed grant agreement, the Sponsor hereby covenants, and agrees with the Division as follows:

1. The covenants shall become effective upon acceptance by the Sponsor of State Aid for the Project or any portion thereof, through the Division, and shall constitute a part of the Grant Agreement thus formed. These covenants shall remain in full force and effect throughout the useful life of the facilities developed under the Project but in any event not to exceed twenty (20) years from the date of acceptance of State Aid for the Project.
2. In the event that the Airport and the facilities covered by the Project are not maintained for public use as outlines in this application for the full twenty (20) years, the Sponsor agrees upon demand to promptly reimburse the Division the amount of the Grant, computed on a 20 year prorated basis, plus interest at the legal rate prevailing at date of demand.
3. The Sponsor agrees that it will safely and efficiently operate the Airport for the use and benefit of the public on fair and reasonable terms without unjust discrimination.
4. The Sponsor will suitably operate and maintain the Airport and all facilities thereon or connected therewith which are necessary for airport purposes, and will not permit any activity which could interfere with its use for aeronautical purposes; provided that nothing contained herein shall be construed to require that the Airport be operated and maintained for aeronautical purposes, provided that nothing contained herein shall be construed to require that the Airport be operated during temporary periods when snow, flood, or other climatic conditions interfere detrimentally with such operation and maintenance. Essential facilities, including night lighting systems, when installed, will be operated in such manner as to assure their availability to all users of the Airport.
5. The Sponsor will not enter into any transactions which could operate to deprive it of any of the rights and powers necessary to perform any or all of the covenants made herein, unless by such transaction the obligation to perform all such covenants is assumed by another public agency eligible under the applicable statutes, ordinances, regulations and policies to assume such obligations. If an arrangement is made for management or operation of the Airport by any agency or person other than the Sponsor, the Sponsor will reserve sufficient powers and authority to insure that the Airport will be operated and maintained in accordance with the applicable statutes, ordinances, regulations, policies, and covenants of this agreement.
6. The Sponsor will maintain a current layout plan of the Airport having the current approval of the Division, showing existing landing areas, approach zones, clearance zones, building areas, and proposed future development areas. The Sponsor will conform to the current Airport layout plan then in effect in making any future improvements or changes at the Airport. The Sponsor shall furnish the Division a current Airport layout plan of the Airport and shall be responsible for furnishing to the Division such information as is necessary to keep this plan up to date, to include plans and specifications, agreements with contractors, and any other information relative to the work of or for the accomplishments of the project

or projects.

7. The Sponsor shall maintain the approaches to the airport in compliance with appropriate guidelines set forth in FAA Part 77 or other guidelines approved in writing by the Division. Submittal of this Application is evidence on the part of the Sponsor to take appropriate actions to clear and maintain the approaches to the satisfaction of the Federal Aviation Administration and the Division.
8. Affidavit of non-collusion - state and federal law (code of laws of South Carolina, section 39-3-10, et seq., 39-5-10, et seq.; 15 U. S. code, section 1) are designed to insure that any bids received by Sponsor under this grant shall be competitive and free of collusion. As a condition precedent to the award of any contract for this project there must be filed a sworn statement executed by or on behalf of any person, firm, association, or corporation submitting a bid on any such contract to be awarded; said sworn statement shall certify that such a person, firm, association, or corporation submitting a bid on any such contract to be awarded; has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with such contract. This sworn statement shall be in the form of an affidavit executed and sworn to be the bidder before a person who is authorized by the laws of his state to administer oaths. The original of such sworn statement shall also include a provision to the effect that all legal formalities required for the proper execution of affidavits, it shall not be a defense to such charge of perjury that said formalities required for the proper execution of affidavits pursuant to state law have been complied with. Thereafter, in any prosecution against any person, firm, association, or corporation for perjury committed in the submission of said affidavits, it shall not be a defense to such charge of perjury that said formalities were not in fact complied with. The Sponsor, as part of this grant, agrees to require affidavit of non-collusion of prospective bidder in the form attached thereto as Exhibit A.
9. The Sponsor will furnish a set of "Record Drawings" for the current project to the Division within ninety (90) days after completion of this project.
10. The Sponsor shall provide a qualified Resident Inspector who will be responsible for the approval of all materials and workmanship, will maintain a daily project diary, submit weekly progress reports to the Division, and maintain and provide documentation and certification to the Division that the work and materials comply with the plans and specifications. The requirement for a Resident Inspector does not apply to projects under the direct control and supervision of an independent registered professional engineer, architect, or construction manager hired by the Sponsor, in which event the Sponsor agrees to contractually obligate the independent professional engineer, architect, or construction manager to assume the within responsibilities, including, but not limited to, quality control as to materials and workmanship, and certification to Division that work and materials comply with plans and specifications.
11. The Sponsor covenants and agrees to disburse funds derived from the Division solely in aid of the Project on the terms and conditions stated in this agreement. The Sponsor will obtain an audit to comply with the Single Audit Act of 1984, Public Law 98-502 and the implementing guidelines set forth in Office of Management and Budget Circular A-128 for

any fiscal year in which any of the Project Funds are expended. The Sponsor will forward to the Division a copy of the resulting audit reports along with a plan for corrective action for any findings or questioned costs related to the Project, within thirty (30) days after the audit report is issued.

12. The Sponsor agrees that significant activities to accomplish the project shall commence within one (1) year from the date of grant shall be revoked and the funds re-allocated.
13. The Sponsor agrees that these covenants and grant applications shall be binding on itself, successors and assignees, and further covenants that it has the legal authority to enter into this agreement.

A handwritten signature in black ink, appearing to read 'Katherine Hubbard', written over a horizontal line.

Signature of Sponsoring Agency's Representative

**Katherine Hubbard, County Administrator, Lexington County**  
Representative Name and Title

## ATTACHMENT A

THE FOLLOWING IS A SUMMARY OF THE ESTIMATED COSTS OF THE PROJECT

ITEM	TOTAL ESTIMATED COST	ESTIMATED SPONSOR'S SHARE OF COST	ESTIMATED FEDERAL SHARE OF COST	ESTIMATED STATE SHARE OF COST
		AMOUNT	AMOUNT	AMOUNT
1. PLANNING COST	\$ -	\$ -	\$ -	\$ -
2. LAND COST	\$ -	\$ -	\$ -	\$ -
3. CONSTRUCTION COST *	\$ 312,822.00	\$ 7,821.00	\$ 297,181.00	\$ 7,820.00
4. ENGINEERING COST**	\$ 125,635.00	\$ 3,141.00	\$ 119,353.00	\$ 3,141.00
5. ADMINISTRATIVE COST***	\$ 2,000.00	\$ 50.00	\$ 1,900.00	\$ 50.00
6. MISCELLANEOUS ****	\$ 5,880.00	\$ 147.00	\$ 5,586.00	\$ 147.00
TOTAL ALL ESTIMATED 7. PROJECTED COST	\$ 446,337.00	\$ 11,159.00	\$ 424,020.00	\$ 11,158.00

\* Construction cost for South Apron Rehabilitation Project.

\*\* Includes Design, Bidding, Construction Administration ,Rehabilitation Alternatives Analysis & Estimates, Pre-Design Geotechnical and Pre-Design Field Survey.

\*\*\* Legal Advertisement

\*\*\*\* Includes Grant Services.

**ATTACHMENT B  
DOCUMENTATION SUPPORT**

1. Is this project a result of facility requirements determined by a Master Plan, South Carolina Airport System Plan, Airport Layout Plan and/or a Revision Airport Layout Plan? If so, indicate FAA or DOA approval date. No.
2. Does this project require an Environmental Impact Assessment Report under the National Environmental Policy Act of 1969 (NEPA)? No.
3. Status of EIAS: N/A
4. Have all previous projects that involved federal and/or state funds been completed? X Yes  
\_\_ No
5. If the state is unable to participate to its maximum extent, what is the sponsor's ability to fund a share greater than the state match? The State share could be allocated by County Council if funds are not available.
6. Name of Regional County of Governments Planning Division in which airport is located. Central Midlands Council of Government.
7. Has Federal Application Form 424 been submitted to the Inter-agency Council on Public Transportation (State Clearinghouse) in accordance with Section 57-3-1050? X Yes \_\_No (N/A)
8. The following action has been taken by the local governing body to provide steps toward protective zoning of the airspace and land surrounding the airport. Describe actions by Sponsor and governing body related to Land Use Planning and Zoning Ordinances. (Attach letter from governing body.) Lexington County have enacted zoning ordinances, to the extent possible, to protect the airspace around the Airport from non-compatible land uses.
9. Anticipated date construction or planning project is to commence:  
  
Estimated start date: Notice-To-Proceed = Approximately Mid-September  
  
Estimated ending date: Notice-To-Proceed + 60 days

**ATTACHMENTS**

(As required)

- Project Justification (424 Narrative)
- Project Sketch
- Federal Line Item Breakdown
- 424 Breakdown of Costs

**APPLICATION FOR  
FEDERAL ASSISTANCE**

<b>2. DATE SUBMITTED</b>	Applicant Identifier <b>3-45-0067-010-2008</b>
<b>3. DATE RECEIVED BY STATE</b>	State Application Identifier
<b>4. DATE RECEIVED BY FEDERAL AGENCY</b>	Federal Identifier

<b>1. TYPE OF SUBMISSION:</b>	
Application <input type="checkbox"/> Construction <input checked="" type="checkbox"/> Non-Construction	Preapplication <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction

<b>5. APPLICANT INFORMATION</b>	
Legal Name: <b>LEXINGTON COUNTY, SOUTH CAROLINA</b>	Organizational Unit: <b>LEXINGTON COUNTY, SOUTH CAROLINA</b>
Organizational DUNS: <b>030115885</b>	Department: <b>DEPARTMENT OF PUBLIC WORKS</b>
Address: Street: <b>212 SOUTH LAKE DRIVE</b>	Division: <b>LEXINGTON COUNTY AIRPORT at PELION</b>
City: <b>LEXINGTON</b>	Name and telephone number of the person to be contacted on matters involving this application (give area code) Prefix: <b>MR.</b> First Name: <b>JIM</b>
County: <b>LEXINGTON</b>	Middle Name:
State: <b>SC</b> Zip Code: <b>29072-3437</b>	Last Name: <b>STARLING</b>
Country: <b>UNITED STATES</b>	Suffix: <b>ENGINEERING ASSOCIATE, DPW</b>
	Email: <b>jstarling@lex-co.com</b>

<b>6. EMPLOYER IDENTIFICATION NUMBER (EIN):</b> <b>57 - 60000379</b>	Phone Number (give area code) <b>803-785-8201</b>	Fax Number (give area code) <b>803-785-8593</b>
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<b>8. TYPE OF APPLICATION:</b> <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision If Revision, enter appropriate letter(s) in box(es) (See back of form for description of letters.) <input type="checkbox"/> <input type="checkbox"/> Other (specify)	<b>7. TYPE OF APPLICANT:</b> (See back of form for Application Types) <b>B; COUNTY</b> Other (specify)
	<b>9. NAME OF FEDERAL AGENCY:</b> <b>FEDERAL AVIATION ADMINISTRATION</b>

<b>10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER:</b> TITLE (Name of Program): <b>20 - 106</b> <b>AIRPORT IMPROVEMENT PROGRAM</b>	<b>11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:</b> <b>SOUTH APRON REHABILITATION PROJECT - PHASE 1 (INCLUDES REHAB. ALTERNATIVES ANALYSIS, GRANT SERVICES, DESIGN, and BIDDING)</b>
<b>12. AREAS AFFECTED BY PROJECT (Cities, Counties, States, etc.):</b> <b>TOWN OF PELION, SOUTH CAROLINA COUNTY OF LEXINGTON, SOUTH CAROLINA</b>	

<b>13. PROPOSED PROJECT</b> Start Date: <b>ASAP</b> Ending Date:	<b>14. CONGRESSIONAL DISTRICTS OF:</b> a. Applicant <b>SECOND</b> b. Project <b>SECOND</b>
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<b>15. ESTIMATED FUNDING:</b>	<b>16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?</b>
a. Federal <b>\$75,230</b>	a. Yes. <input type="checkbox"/> THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON DATE: _____
b. Applicant <b>\$1,980</b>	b. No. <input checked="" type="checkbox"/> PROGRAM IS NOT COVERED BY E.O. 12372
c. State <b>\$1,980</b>	<input type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW
d. Local	
e. Other	
f. Program Income	<b>17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?</b>
g. TOTAL <b>\$79,190</b>	<input type="checkbox"/> Yes. If "Yes" attach an explanation. <input checked="" type="checkbox"/> No

**18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.**

a. Authorized Representative		
Prefix <b>MRS.</b>	First Name <b>KATHERINE</b>	Middle Name <b>L.</b>
Last Name <b>HUBBARD</b>		Suffix
b. Title: <b>COUNTY ADMINISTRATOR</b>		c. Telephone Number (give area code) <b>803-785-8100</b>
d. Signature of Authorized Representative		e. Date Signed

**PART III - BUDGET INFORMATION - CONSTRUCTION****SECTION A - GENERAL**

1. Federal Domestic Assistance Catalog No.

**20-106**

2. Functional or Other Breakout

**Airport Improvement Program****SECTION B - CALCULATION OF FEDERAL GRANT**

Cost Classification	Use only for revisions		Total Amount Required
	Latest Approved Amount	Adjustment + or (-)	
1. Administration expense			<b>\$5,880</b>
2. Preliminary expense			
3. Land, structures, right-of-way			
4. Architectural engineering basic fees			<b>\$63,642</b>
5. Other architectural engineering fees			<b>\$9,668</b>
6. Project inspection fees			
7. Land development			
8. Relocation expenses			
9. Relocation payments to Individuals and businesses			
10. Demolition and removal			
11. Construction and project improvement			<b>\$0</b>
12. Equipment			
13. Miscellaneous			
14. Total (Line 1 through 13)			<b>\$79,190</b>
15. Estimated Income (if applicable)			
16. Net Project Amount (Line 14 minus 15)			<b>\$79,190</b>
17. Less: Ineligible Exclusions			
18. Add: Contingencies			
19. Total Project Amt. (Excluding Rehabilitation Grants)			<b>\$79,190</b>
20. Federal Share requested of Line 19			<b>\$75,230</b>
21. Add Rehabilitation Grants Requested (100 Percent)			
22. Total Federal grant requested (Lines 20 & 21)			<b>\$75,230</b>
23. Grantee share			<b>\$1,980</b>
24. Other shares			<b>\$1,980</b>
25. Total project (Lines 22, 23 & 24)			<b>\$79,190</b>

**SECTION C - EXCLUSIONS**

26. Classification	Ineligible for Participation (1)	Excluded from Contingency Provision (2)
a.	\$	\$
b.		
c.		
d.		
e.		
f.		
g.	\$	\$

**SECTION D - PROPOSED METHOD OF FINANCING NON-FEDERAL SHARE**

27. Grantee Share	
a. Securities	
b. Mortgages	
c. Appropriations (By Applicant)	<b>\$1,980</b>
d. Bonds	
e. Tax Levies	
f. Non Cash	
g. Other (Explain)	
h. TOTAL -Grantee Share	<b>\$1,980</b>
28. Other Shares	
a. State	<b>\$1,980</b>
b. Other	
c. Total Other Shares	<b>\$1,980</b>
29. TOTAL	<b>\$3,960</b>

**SECTION E - REMARKS**

**PART IV PROGRAM NARRATIVE ( ATTACH - SEE INSTRUCTIONS)**

**LINE ITEM BREAKDOWN  
SECTION B - CALCULATION OF FEDERAL GRANT  
LEXINGTON COUNTY AIRPORT AT PELION  
FAA A.I.P. 3-45-0067-010-2008 PREAPPLICATION**

<b>PARTIAL APRON REHABILITATION PROJECT</b>	
<u>Line Item 1 - Administrative Expense</u>	
Legal Advertisement (Estimate)	\$2,000
DBE Plan Update (None reqd for FY 08)	-
Grant Services (Estimate)	\$3,880
	<b>\$5,880</b>
<u>Line Item 4 - A/E Basic Fees</u>	
Design	\$55,545
Bidding	\$8,097
	<b>\$63,642</b>
<u>Line Item 5 - Other A/E Fees</u>	
Rehabilitation Alternatives Analysis & Estimates	\$4,168
Pre-Design Geotechnical (Allowance)	\$3,300
Pre-Design Field Survey (Allowance)	\$2,200
	<b>\$9,668</b>
<u>Line Item 11 - Construction</u>	
None in FY 2008	-
	<b>\$0</b>
<hr/> <b>TOTAL PROJECT</b>	<b>\$79,190</b>
<b>FAA ELIGIBLE</b>	<b>\$79,190</b>
<b>FAA SHARE</b>	<b>\$75,230</b>
<b>STATE SHARE</b>	<b>\$1,980</b>
<b>LOCAL SHARE</b>	<b>\$1,980</b>

**PART IV**  
**PROGRAM NARRATIVE**

**LEXINGTON COUNTY AIRPORT AT PELION**  
**FAA A.I.P. 3-45-0067-010-2008 PREAPPLICATION**

**SOUTH APRON REHABILITATION PROJECT - PHASE 1**

This funding request is designed to improve general aviation service at the Lexington County Airport at Pelion (6J0) by rehabilitating the a portion of the existing apron pavement in the most critical condition and includes professional services costs for the following: rehabilitation alternatives analysis and cost estimating (as requested by the FAA), grant services associated with preparing and coordinating ACIP updates as well as grant applications and pre-applications, and design and bidding. No construction costs are included with this request.

Only a portion of the overall apron is currently being proposed for rehabilitation as shown on the attached sketch. The ensuing time period since the existing apron pavement was constructed serves as evidence that the pavement has reached its serviceable life and is due for rehabilitation and /or reconstruction. The pavements are exhibiting signs of deterioration including lane separation, block cracking, and loss of asphalt content between the aggregate due the age of the asphalt and the effects of oxidation from exposure to sunlight. This condition has the potential to contribute to FOD problems.

During the course of engineering the project, it will be determined the most effective method for rehabilitating the pavement.

The Pavement Condition Index (PCI) reported by the South Carolina Aeronautic Division in 2001 was between 61 and 70 for the majority of the paved surfaces. Approximately seven years have passed since this last evaluation, bringing the PCI values considerably lower. As a general rule, PCI values drop 3-5 "points" per year depending on loading and weather conditions, therefore making the PCI value between 26 and 49.



**APPLICATION FOR  
FEDERAL ASSISTANCE**

<b>1. TYPE OF SUBMISSION:</b>		<b>2. DATE SUBMITTED</b>	Applicant Identifier
Application <input checked="" type="checkbox"/> Construction <input type="checkbox"/> Non-Construction	Preapplication <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction	<b>3. DATE RECEIVED BY STATE</b>	3-45-0067-011-2009
		<b>4. DATE RECEIVED BY FEDERAL AGENCY</b>	State Application Identifier
			Federal Identifier
<b>5. APPLICANT INFORMATION</b>			
Legal Name: <b>LEXINGTON COUNTY, SOUTH CAROLINA</b>		Organizational Unit: <b>LEXINGTON COUNTY, SOUTH CAROLINA</b>	Department: <b>DEPARTMENT OF PUBLIC WORKS</b>
Organizational DUNS: <b>030115885</b>		Division: <b>LEXINGTON COUNTY AIRPORT at PELION</b>	Name and telephone number of the person to be contacted on matters involving this application (give area code)
Address: Street: <b>212 SOUTH LAKE DRIVE</b>		Prefix: <b>MR.</b>	First Name: <b>JIM</b>
City: <b>LEXINGTON</b>		Middle Name:	Last Name: <b>STARLING</b>
County: <b>LEXINGTON</b>		Suffix: <b>ENGINEERING ASSOCIATE, DPW</b>	Email: <b>jstarling@lex-co.com</b>
State: <b>SC</b>		Phone Number (give area code) <b>803-785-8201</b>	Fax Number (give area code) <b>803-785-8593</b>
Zip Code: <b>29072-3437</b>		Country: <b>UNITED STATES</b>	
<b>6. EMPLOYER IDENTIFICATION NUMBER (EIN):</b> <b>57 - 6000379</b>		<b>7. TYPE OF APPLICANT:</b> (See back of form for Application Types) <b>B; COUNTY</b>	
<b>8. TYPE OF APPLICATION:</b> <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision If Revision, enter appropriate letter(s) in box(es) (See back of form for description of letters.) Other (specify) <input type="checkbox"/> <input type="checkbox"/>		Other (specify)	
<b>10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER:</b> TITLE (Name of Program): <b>AIRPORT IMPROVEMENT PROGRAM</b>		<b>9. NAME OF FEDERAL AGENCY:</b> <b>FEDERAL AVIATION ADMINISTRATION</b>	
<b>12. AREAS AFFECTED BY PROJECT (Cities, Counties, States, etc.):</b> <b>TOWN OF PELION, SOUTH CAROLINA</b> <b>COUNTY OF LEXINGTON, SOUTH CAROLINA</b>		<b>11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:</b> <b>PARTIAL APRON REHABILITATION PROJECT</b> <b>(CONSTRUCTION)</b>	
<b>13. PROPOSED PROJECT</b> Start Date: <b>ASAP</b>		<b>14. CONGRESSIONAL DISTRICTS OF:</b> a. Applicant <b>SECOND</b>	
Ending Date:		b. Project <b>SECOND</b>	
<b>15. ESTIMATED FUNDING:</b>		<b>16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?</b>	
a. Federal	<b>\$348,790</b>	a. Yes. <input checked="" type="checkbox"/> THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON	
b. Applicant	<b>\$9,179</b>	DATE: <b>JULY 29, 2009</b>	
c. State	<b>\$9,178</b>	b. No. <input type="checkbox"/> PROGRAM IS NOT COVERED BY E.O. 12372	
d. Local		<input type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW	
e. Other		<b>17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?</b>	
f. Program Income		<input type="checkbox"/> Yes. If "Yes" attach an explanation. <input checked="" type="checkbox"/> No	
g. TOTAL	<b>\$367,147</b>		
<b>18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.</b>			
a. Authorized Representative			
Prefix <b>MRS.</b>	First Name <b>KATHERINE</b>	Middle Name <b>L.</b>	
Last Name <b>HUBBARD</b>	Suffix		
b. Title: <b>COUNTY ADMINISTRATOR</b>	c. Telephone Number (give area code) <b>803-785-8100</b>		
d. Signature of Authorized Representative	e. Date Signed		

**PART III - BUDGET INFORMATION - CONSTRUCTION****SECTION A - GENERAL**

1. Federal Domestic Assistance Catalog No. **20-106**  
 2. Functional or Other Breakout **Airport Improvement Program**

**SECTION B - CALCULATION OF FEDERAL GRANT**

Cost Classification	Use only for revisions		Total Amount Required
	Latest Approved Amount	Adjustment + or (-)	
1. Administration expense			<b>\$2,000</b>
2. Preliminary expense			
3. Land, structures, right-of-way			
4. Architectural engineering basic fees			<b>\$19,485</b>
5. Other architectural engineering fees			<b>\$4,972</b>
6. Project inspection fees			<b>\$27,868</b>
7. Land development			
8. Relocation expenses			
9. Relocation payments to Individuals and businesses			
10. Demolition and removal			
11. Construction and project improvement			<b>\$312,822</b>
12. Equipment			
13. Miscellaneous			
14. Total (Line 1 through 13)			<b>\$367,147</b>
15. Estimated Income (if applicable)			
16. Net Project Amount (Line 14 minus 15)			<b>\$367,147</b>
17. Less: Ineligible Exclusions			
18. Add: Contingencies			
19. Total Project Amt. (Excluding Rehabilitation Grants)			<b>\$367,147</b>
20. Federal Share requested of Line 19			<b>\$348,790</b>
21. Add Rehabilitation Grants Requested (100 Percent)			
22. Total Federal grant requested (Lines 20 & 21)			<b>\$348,790</b>
23. Grantee share			<b>\$9,179</b>
24. Other shares			<b>\$9,178</b>
25. Total project (Lines 22, 23 & 24)			<b>\$367,147</b>

**SECTION C - EXCLUSIONS**

26. Classification	Ineligible for Participation (1)	Excluded from Contingency Provision (2)
a.	\$	\$
b.		
c.		
d.		
e.		
f.		
g.	\$	\$

**SECTION D - PROPOSED METHOD OF FINANCING NON-FEDERAL SHARE**

<b>27. Grantee Share</b>	
a. Securities	
b. Mortgages	
c. Appropriations (By Applicant)	<b>\$9,179</b>
d. Bonds	
e. Tax Levies	
f. Non Cash	
g. Other (Explain)	
h. TOTAL -Grantee Share	<b>\$9,179</b>
<b>28. Other Shares</b>	
a. State	<b>\$9,178</b>
b. Other	
c. Total Other Shares	<b>\$9,178</b>
<b>29. TOTAL</b>	<b>\$18,357</b>

**SECTION E - REMARKS**

**PART IV PROGRAM NARRATIVE ( ATTACH - SEE INSTRUCTIONS)**

**LINE ITEM BREAKDOWN  
SECTION B - CALCULATION OF FEDERAL GRANT  
LEXINGTON COUNTY AIRPORT AT PELION  
FAA A.I.P. 3-45-0067-011-2009 APPLICATION**

	<b>PARTIAL APRON REHABILITATION PROJECT</b>
<u>Line Item 1 - Administrative Expense</u>	
Grant Services (Estimate)	\$2,000
	\$2,000
<u>Line Item 4 - A/E Basic Fees</u>	
Construction Administration	\$19,485
	\$19,485
<u>Line Item 5 - Other A/E Fees</u>	
Record Drawings	\$2,972
As-Built Survey	\$2,000
	\$4,972
<u>Line Item 6 - Project Inspection Fees</u>	
Project Inspection	\$22,500
QA Testing	\$5,368
	\$27,868
<u>Line Item 11 - Construction</u>	
Partial Apron Rehabilitation	\$312,822
	\$312,822
<b>TOTAL PROJECT</b>	<b>\$367,147</b>
<b>FAA ELIGIBLE</b>	<b>\$367,147</b>
<b>FAA SHARE</b>	<b>\$348,790</b>
<b>STATE SHARE</b>	<b>\$9,178</b>
<b>LOCAL SHARE</b>	<b>\$9,179</b>

**PART IV**  
**PROGRAM NARRATIVE**

**LEXINGTON COUNTY AIRPORT AT PELION**  
**FAA A.I.P. 3-45-0067-011-2009 APPLICATION**

**PARTIAL APRON REHABILITATION PROJECT (CONSTRUCTION)**

This request is for Federal funding to construct the project as conceptually shown on the attached sketch. Funding was awarded in FY 2008 for the design and bidding of the project.

The project is designed to improve general aviation service at the Lexington County Airport at Pelion (6J0). The ensuing time period since the existing apron pavement was constructed serves as evidence that the pavement has reached its serviceable life and is due for rehabilitation.

Prior to the work proposed by this request, the pavements have only had maintenance-type work performed. Conversely, this element of work provides for the bidding and construction of a complete rehabilitation/reconstruction of a portion of the main parking apron. During the course of engineering the project, it will be determined the most effective method for rehabilitating the pavement.

The pavements are exhibiting signs of deterioration including lane separation, block cracking, and loss of asphalt content between the aggregate due the age of the asphalt and the effects of oxidation from exposure to sunlight. This condition has the potential to contribute to FOD problems.

The Pavement Condition Index (PCI) reported by the South Carolina Aeronautic Division in 2001 was between 61 and 70 for the majority of the paved surfaces. Approximately six years have passed since this last evaluation, bringing the PCI values considerably lower. As a general rule, PCI values drop 3-5 "points" per year depending on loading and weather conditions. The Airport Reference Code is A-I and as such the pavements should accommodate loadings of 12,500 pounds for single wheel aircraft. However, maintenance vehicles should be considered in determining the design vehicle.



COUNTY OF LEXINGTON, SOUTH CAROLINA

**Community Development**

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

ZONING TEXT AMENDMENT APPLICATION # **T09-04**

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

ARTICLE 4 - AIRPORT DISTRICT, Chapter 3. Designation of Pelion Corporate Airport District

Reason for the request: An update to rename the Chapter, bring it into compliance with the latest master plan, and to address needed restrictions concerning surrounding property.

Submitted on behalf of:       County Council       Planning Commission

Printed Name: Charles M. Compton      Title: Director of Planning and GIS

Signature: Signature on file

07/16/2009	Application Received		8/06/09	Newspaper Advertisement
	Planning Commission			

Planning Commission Recommendation: \_\_\_\_\_

\_\_\_\_\_

07/28/09	First Reading	8/25/09	Public Hearing	Second Reading	Third Reading
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Results: \_\_\_\_\_

\_\_\_\_\_

## Chapter 3. Designation of ~~Pelion Corporate~~ the Lexington County Airport District

### 43.00 Introduction

The ~~Pelion Corporate~~ Lexington County Airport District is hereby established pursuant to the purposes of this Article, comprising all those lands within the overlay zones as further delineated in this Chapter.

### 43.10 Purpose

The concentration of people and sound-sensitive activities on lands adjacent to airport or heliport operations and the maximum height of buildings, other structures, and trees in such areas shall be regulated by airport district overlay zones as set forth herein. In order to protect people and property in the vicinity of airports and heliports from the danger of aircraft accidents and the impact of excessive noise levels, certain land use activities shall not be permitted in designated overlay zones surrounding such facilities. To preserve the safety and efficiency of air navigation, height control overlay zones may be designated around airfields to limit the obstruction of landing, takeoff, and maneuvering airspace by buildings, other structures, and trees. Such controls serve to protect the public investment in airports or heliports by restricting adjacent land uses incompatible with the use, growth, or expansion of these facilities.

### 43.20 Application of Airport District Overlay Zones

Overlay zones are established for the Lexington County Airport District, based on the present runway configuration described in the *Airport Layout Plan*, dated July 1987, and the *Approach and Profile Plan*, dated June 1987. Both plans were prepared by The LPA Group Incorporated. These zones are further referenced in the *Pelion Corporate Airport Master Plan Update*, dated November 2003, prepared by Wilbur Smith Associates, and approved by the Federal Aviation Administration in November 2005.

The land use and height controls associated with these airport district overlay zones shall be in addition to and shall only apply where underlying zoning districts and their controls have been established under other Articles of this Ordinance. Where the Airport District overlay zone controls conflict with the controls of underlying zoning districts, the more restrictive controls shall apply.

### 43.30 Height Control Overlay Zones

Four types of height control overlay zones as described below and in Figure 1 are established for the ~~Pelion Corporate~~ Lexington County Airport District, based on the present runway configuration described in the ~~Airport Layout Plan, dated July 1987, and the Approach and Profile Plan, dated June 1987.~~ Both plans were prepared by The LPA Group Incorporated.

#### 43.31 Approach Zones

Approach zones are delineated for each of the two runway approaches. The beginning of each approach zone is 500 feet wide and is coincident with and at the same elevation as the respective runway end. Both zones expand outward uniformly to an ultimate width of 2000 feet which is at a distance of 5000 feet measured horizontally from the end of the primary surface. The centerline of each approach zone is the horizontal continuation of the centerline of the respective runway end.

#### 43.32 Transitional Zones

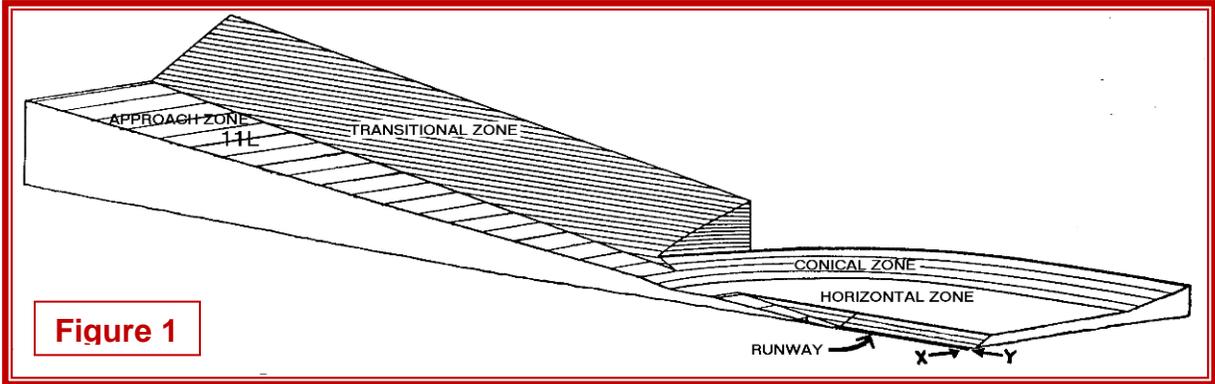
Transitional zones are established adjacent to the sides of the runway and the approach zones, but shall be exclusive of both. These zones shall be 1000 feet wide, measured horizontally and perpendicular to the sides of the runway. At the end of the runways the zone shall decrease in width until it intersects the approach zones at the point where the horizontal zone surface is at the same elevation as the approach zone.

**43.33 Horizontal Zone**

The horizontal zone is established as all the area within 5000 feet, measured horizontally, from any part of the runway surface, exclusive of the transitional and approach zones.

**43.34 Conical Zone**

The conical zone is established as all the area with 9000 feet, measured horizontally, from any part of the runway surface, exclusive of the transitional, horizontal, and approach zones.



**43.35 Height Limits**

The maximum height of buildings, other structures, and trees shall be restricted within each height control overlay zone. Where these zones overlap each other, the most restrictive height limitation shall apply. The following are the height limits for the height control overlay zones.

- a. Approach Zones: starting at the end of and at the same elevation as the respective runway ends, measure a slope one foot vertically upward for each 20 feet horizontally outward from the runway end, for the full extent of the approach zones.
- b. Transitional Zones: starting at the side of and at the same elevation as the runway surface, and also starting at any given point on the sides of the approach zones at the same elevation as the approach zone height limit for the given point, measure a slope one foot vertically upward for each seven feet horizontally outward from the runway, for the full extent of the transitional zones.
- c. Horizontal Zone: the height limit for the horizontal zone is 601 feet above mean sea level.
- d. Conical Zone: starting at any given point on the periphery of the horizontal zone and at the same elevation as the horizontal zone height limit, measure a slope one foot vertically upward for each 20 feet horizontally outward from the airport, to the full extent of the conical zone.

**43.40 Land Use Overlay Zones**

Three land use overlay zones, as depicted in Figure 2, are designated for the Lexington County Airport District. They are the Existing Runway Protection Zone (Existing RPZ), the Ultimate Runway Protection Zone (Ultimate RPZ) and the Building Restriction Line (BRL). No buildings are allowed within the Building Restriction Line and the following activities are not permitted in these designated zones:

<u>BRL</u>	<u>Existing RPZ</u>	<u>Ultimate RPZ</u>
-----	Business Services	Business Services
Churches	Churches	Churches
Community Education	Community Education	Community Education

# Group Assembly Group Housing Hospitals ----- ----- Mobile Homes Mobile Home Parks Non-Assembly Cultural Nursing Homes ----- -----	# Group Assembly Group Housing Hospitals Limited Child Care Medical Services Mobile Homes Mobile Home Parks Non-Assembly Cultural Nursing Homes Professional Services Research Services Residential Detached Residential Attached Transient Habitation	# Group Assembly Group Housing Hospitals Limited Child Care Medical Services Mobile Homes Mobile Home Parks Non-Assembly Cultural Nursing Homes Professional Services Research Services Residential Detached Residential Attached Transient Habitation
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# Outdoor sports facilities and their related accessory activities are allowed in these Overlay Zones; however, this does not include outdoor concert facilities.

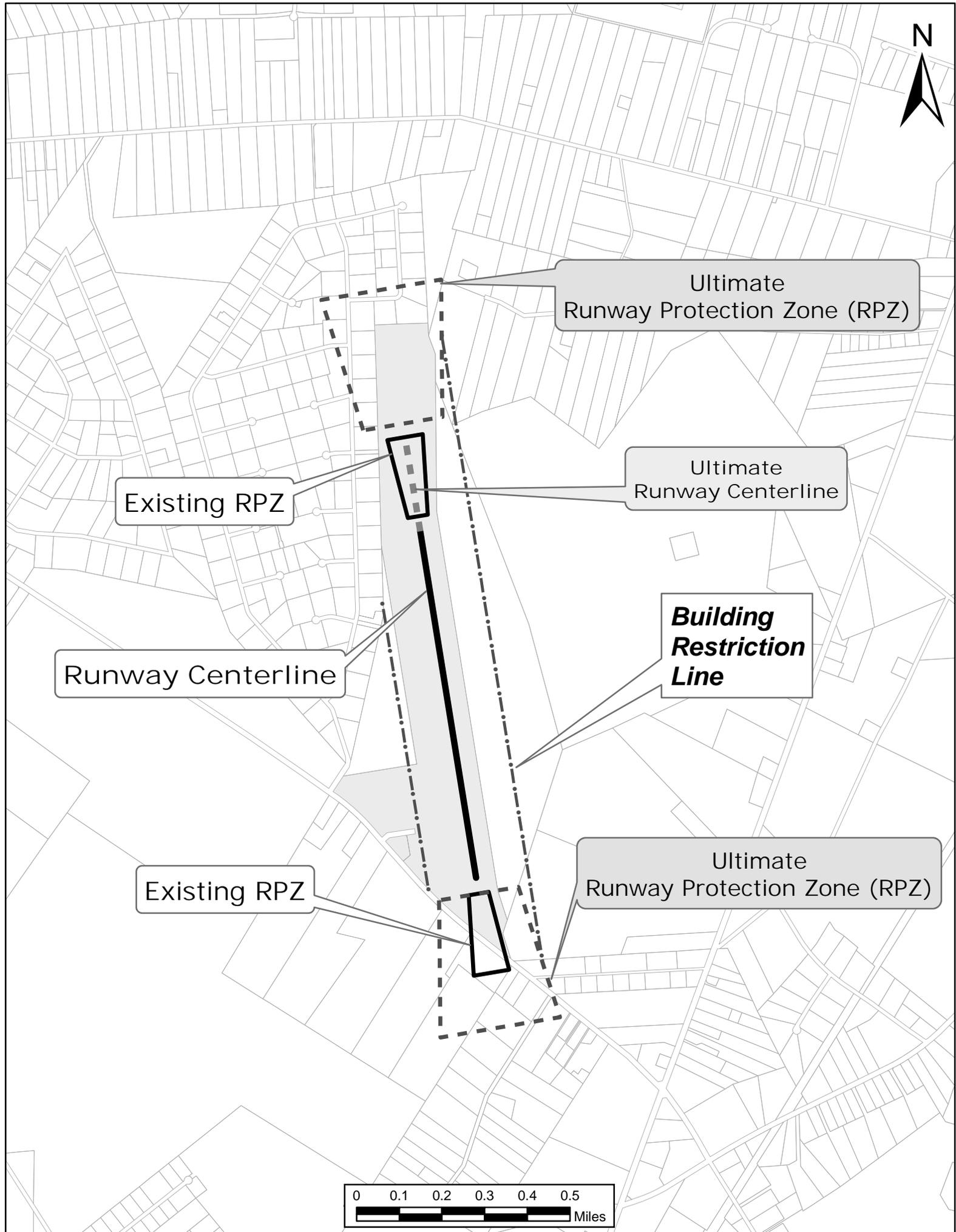
\* Allowed if the following requirements are met:

1. Residential developments must not exceed a maximum density of 10 dwelling units per acre.
2. All glass openings shall be double glazed.
3. Any large areas of glass that exceed 30% of the wall area shall be triple glazed.
4. Full year air-conditioning must be installed.
5. Exterior doors must be solid core with gaskets. If a storm door is used, then any exterior door can be used as long as door gaskets are installed.
6. At least 50% of the roof area must encompass attic space.
7. These provisions shall not apply to dwelling units that are not intended for long-term occupancy such as a laundry room, a storage closet, or a bathroom.

**43.50 Other Use Restrictions**

Notwithstanding any other provisions of this Ordinance, no use may be made of any land or water body within the ~~Pelion Corporate~~ Lexington County Airport District in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, or otherwise endanger the landing, takeoff, or maneuvering of aircraft using the airport.

The owner of any existing nonconforming structure or tree shall permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary for safety. Such markers shall be installed, operated, and maintained at the expense of the owners of the airport.



Ultimate Runway Protection Zone (RPZ)

Existing RPZ

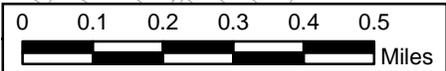
Ultimate Runway Centerline

Runway Centerline

**Building Restriction Line**

Existing RPZ

Ultimate Runway Protection Zone (RPZ)



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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June 17, 2009

Katherine Hubbard  
Lexington County Administrator  
212 South Lake Drive  
Lexington, SC 29072

RE: Local Matching Funds for the Regional Hazard Mitigation Plan Update

  
Dear Ms. Hubbard:

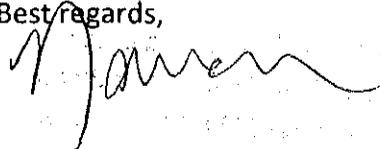
In 2005, CMCOG and your council adopted a Central Midlands Regional Natural Mitigation Plan. This plan is required for the Federal Emergency Management Agency (FEMA) and is a precondition to your jurisdiction to meet a certain type of disaster recovery assistance. FEMA requires that the plan is updated every five years. Our plan will be updated by April 1, 2010. Our staff has already been working with the appropriate parties in your jurisdiction.

We received a grant through the South Carolina Emergency Management Division for \$85,000 to cover 75% cost of the plan update. We are asking the participating four counties and the City of Columbia to provide approximately \$4,200, or 1/5 of the required matching amount.

I hope this is acceptable to you and allows you to leverage significant funding for this necessary project and leaves your county better prepared for natural disaster. We will be invoicing for this amount once we have a signed grant agreement.

Please call me if you have any questions at 376-5390, ext 310 or email me at [nwhitaker@centralmidlands.org](mailto:nwhitaker@centralmidlands.org). We look forward to working with you in this important project.

Best regards,

  
Norman Whitaker  
Executive Director

August 11, 2009

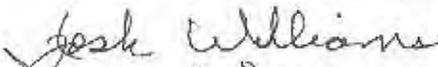
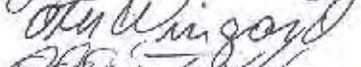
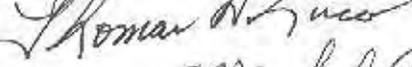
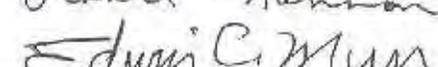
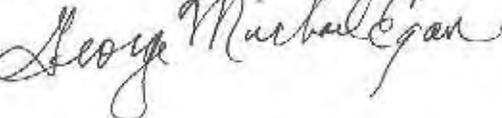
County Administrator  
Lexington County, South Carolina

To whom it may concern:

On behalf of the Lexington County Veterans Group we wish to thank you for the use of your auditorium for our weekly meeting. We look forward to the continued use of your facilities for our meetings.

We understand the rooms formally used by the magistrate's court are available. These rooms will benefit our group for several reasons. The rooms are more accessible to our disabled veteran members. Using these rooms would eliminate the constant disruptions experienced by our group in the auditorium. These disruptions include people not affiliated with our group continually attempting to open one of the three auditorium doors during our group session, and disruptions caused by people affiliated with other agencies having loud conversations outside the auditorium in the area of the vending machines and public rest rooms. Our greatest concern is the confidentiality shared within our group can be lost to those who congregate outside of the area of the auditorium. We can maintain this confidentiality within the rooms of the former magistrate's court.

Your consideration is greatly appreciated,  
The Lexington County Combat Veterans Group

# Memorandum

August 14, 2009

**To:** Katherine Hubbard  
County Administrator

**For:** Committee of the Whole  
County Council

**From:** Charlie Compton, Director  
Department of Planning and GIS

**Reference:** Demonstration of a Classroom Response System

At the Transit Summit on October 16<sup>th</sup> we are planning to use a Classroom Response System borrowed from Lexington School District #1 to gain opinions and recommendations from the attendees. The system could have many applications for us, including possibly being used as a recording system for Council votes.

I am planning a brief demonstration of this system as well as one other method for gaining public opinions.

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

## RESOLUTION

### THE COUNCIL FOR THE COUNTY OF LEXINGTON, SOUTH CAROLINA, MEETING IN GENERAL SESSION THE 25TH DAY OF AUGUST, TWO THOUSAND AND NINE, ADOPTED THE FOLLOWING:

**WHEREAS**, Mrs. Tammy Johns-Brown was crowned “2009 Mrs. United States” during the July 23, 2009 national finals in Las Vegas; and

**WHEREAS**, Mrs. Johns-Brown’s win marks the first time in the history of the 23-year old pageant that the same state had back-to-back winners, which were both from Lexington County; and

**WHEREAS**, Tammy is a graduate of the University of South Carolina with a Bachelor of Science degree in Marketing and freelances to provide marketing assistance for local and statewide companies; and

**WHEREAS**, Tammy is the owner and director of Dance Station Incorporated, based in Chapin, featuring the national award-winning dance team, Carolina FreeStyle, and is the head dance coach for Gowns and Crowns; and

**WHEREAS**, Tammy’s dance team are regular performers at the South Carolina State Fair, Newberry Opera House, Country Tonite Theater in Gatlinburg, Tennessee, Broadway at the Beach in Myrtle Beach, Walt Disney World in Florida, and have performed on the National NBC Today Show in New York; and

**WHEREAS**, Tammy chairs and works with WIS Television to produce the Carolina Carillon State Holiday Parade and volunteers and heads community service projects throughout South Carolina along with the American Heart and American Cancer associations, as well as local charities and events such as Good Works in Chapin; and

**WHEREAS**, Lexington County Council recognizes and honors our own “Mrs. 2009 United States”, Mrs. Tammy Johns-Brown, as a goodwill ambassador and role model for her community, Lexington County, and the Palmetto State.

**NOW, THEREFORE, BE IT RESOLVED** that we, Lexington County Council, congratulate **Mrs. Tammy Johns-Brown** on the special occasion of being crowned “2009 Mrs. United States.”

\_\_\_\_\_  
Debra B. “Debbie” Summers, Chairman

\_\_\_\_\_  
James E. “Jim” Kinard, Jr., Vice Chairman

\_\_\_\_\_  
William C. “Billy” Derrick

\_\_\_\_\_  
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**

**August 25, 2009**

**JIM KINARD**

**Library Board** - Joanne Clark - Term expires 09/26/09 - Eligible for reappointment - *Confirmed desire to serve another term*

**BILLY DERRICK**

**Health Services District** - Allan R. Risinger - Term expired 03/10/09 - Eligible for reappointment  
**Library Board** - Frances Susie Hendrix - Term expires 09/26/09 - Not eligible for reappointment

**SMOKEY DAVIS**

**Board of Zoning Appeals** - Vacant - Term expired 12/31/07  
**Children's Shelter** - David S. Hipp - Term expired 06/30/09 - Not eligible for reappointment - See attached nomination form for Mr. Robert Foster

**DEBBIE SUMMERS**

**Assessment Appeals Board** - Linda Ham - Term expires 09/21/09 - Eligible for reappointment

**JOHNNY JEFFCOAT**

**Library Board** - Sara Caldwell - Term expires 09/26/09 - Eligible for reappointment

**JOHN CARRIGG**

**Accommodations Tax Board** - William Ryan Dukes (Hospitality) - Term expires 12/31/09 - Not eligible for reappointment  
**Assessment Appeals Board** - Vacant - Term expired 09/21/06  
**Museum Commission** - Vacant - Term expired 11/01/06  
**Planning Commission** - William B. Weathersbee - Term expires 8/26/11 - Resigned effective 05/19/09

**BILL BANNING**

**Accommodations Tax Board** - Karen Holderfield (Lodging) - Term expires 12/31/09 - Eligible for reappointment - *Moved to Charlotte, NC*  
**Library Board** - Sandra Harley - Term expires 09/26/09 - Eligible for reappointment - *Confirmed desire to serve another term*

**TODD CULLUM**

**Accommodations Tax Board** - David Murray (Hospitality) - Term expires 12/31/09 - Eligible for reappointment - *Confirmed desire not to be reappointed*  
**Children's Shelter** - Jerald E. Sanders - Term expired 06/30/09 - Eligible for reappointment  
**Health Services District** - Vacant - Term expired 03/10/09

**AT-LARGE:**

**Building Codes Board of Appeals:**

**Engineering - Todd Swygert** - Term expired 08/13/09 - Not eligible for reappointment

**Contractor - Robert Murphy** - Term expired 08/13/09 - Eligible for reappointment - *Confirmed desire **not** to serve another term*

**Central Midlands Transit Authority:**

Mike Flack - Term expired 11/13/08 - Eligible for reappointment - *Confirmed desire **not** to be reappointed*

**Health Services District:**

James D. Whitehead, Jr., MD - Term expired 03/10/09 - Eligible for reappointment



# County of Lexington

County Council  
212 South Lake Drive, Suite 601  
Lexington, South Carolina 29072  
TELEPHONE: (803) 785-8103 FAX: (803) 785-8101



July 30, 2009

James E. Kinard, Jr.  
District 1  
Vice Chairman

William C. Derrick  
District 2

George H. Davis  
District 3  
Parliamentarian

Debra B. Summers  
District 4  
Chairman

Bobby C. Keisler  
District 5

Johnny W. Jeffcoat  
District 6

John W. Carrigg, Jr.  
District 7

William B. Banning, Sr.  
District 8

M. Todd Cullum  
District 9

Ms. Joanne Clark  
424 Cedar Creek Road  
Swansea, SC 29160

Dear Ms. Clark:

Your appointment to the Lexington County Library Board will expire on September 26, 2009. If you are willing to continue to serve on this Board please let us know in order that you can be considered for reappointment by Council.

Please check the appropriate box below, sign and return to our office.

County Council greatly appreciates the citizens who volunteer to serve on the various Boards and Commissions. If you have any questions or concerns, please do not hesitate to contact our office or your Councilman.

Sincerely,  
  
Judy R. Busbee  
Assistant to the Clerk to Council

- Yes, I will like to serve another term.
- No, I regret that I cannot serve another term.

Joanne Clark

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# County of Lexington

County Council  
212 South Lake Drive, Suite 601  
Lexington, South Carolina 29072  
TELEPHONE: (803) 785-8103 FAX: (803) 785-8101

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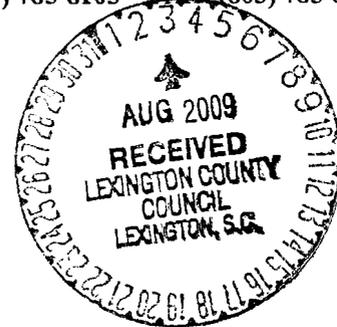
Johnny W. Jeffcoat  
District 6

John W. Carrigg, Jr.  
District 7

William B. Banning, Sr.  
District 8

M. Todd Cullum  
District 9

July 30, 2009



Ms. Sandra Harley  
2213 Carroll Drive  
West Columbia, SC 29169

Dear Ms. Harley:

Your appointment to the Lexington County Library Board will expire on September 26, 2009. If you are willing to continue to serve on this Board please let us know in order that you can be considered for reappointment by Council.

Please check the appropriate box below, sign and return to our office.

County Council greatly appreciates the citizens who volunteer to serve on the various Boards and Commissions. If you have any questions or concerns, please do not hesitate to contact our office or your Councilman.

Sincerely,

*Judy R. Busbee*  
Judy R. Busbee  
Assistant to the Clerk to Council

Yes, I will like to serve another term.

No, I regret that I cannot serve another term.

*Sandra J. Harley*  
Sandra Harley



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



Name of Board/Commission: Nancy K. Perry Children's Shelter

Nominee: Robert H. Foster

Address: 202 Barnacle Circle, Lexington, SC 29072

Employed by: Mays, Foster, Gunter & Murphy, LLP (Partner)

Address: 2512 Devine Street, Columbia, SC 29205

Home Telephone: 808-9747 Business Telephone: 254-7091

Mobile Phone: 917-1640 Fax Number: 254-7094

Email Address: RFoster@mfglaw.net

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):

(1) USC B.S. in 1966; USC Law School, J.D. - 1969; Georgetown Law Center, Master of Law (taxation)

(2) Trust Officer C&S National Bank 1970-1975; private law practice since 1975

(3) Served on several Home Owners Boards Bylaws Chairman

(4) Advisor to number of both private entities and non-profit organizations

(5) Member Forest Lake Presbyterian Church

(6) Two children, Six grandchildren

<b>Office use only</b>
Submitted by: <u>Smoke Davis</u>
Council District Number: <u>3</u>
Date: <u>Aug 19, 2009</u>

<p>Please return completed form to: Lexington County Council 212 South Lake Drive, Suite 601 Lexington, SC 29072 Or Fax to 803-785-8101 For questions call 803-785-8103</p>
---

**ROBERT H. FOSTER**

ATTORNEY AT LAW  
CERTIFIED SPECIALIST IN TAXATION LAW

Mays, Foster & Gunter, LLP  
2512 Devine Street  
Columbia, South Carolina 29205

(803) 254-7091 Phone  
(803) 254-7094 Fax  
RFoster@mfgLAW.net

# COUNTY OF LEXINGTON

## HOMELESS PREVENTION AND RAPID RE-HOUSING PROGRAM

### *Evaluation Committee Report and Recommendation Request for Qualifications No. PQ09018-06/26/09H.*

August 14, 2009

#### **PURPOSE**

The County of Lexington issued a Request for Qualifications to establish a contract with an agency qualified to provide the necessary services. The agency must be experienced in providing services to the target population and capable of quickly implementing various eligible activities and tasks under the Homelessness Prevention and Rapid Re-Housing Program (HPRP). The HPRP funds shall only be used for the activities defined in the March 19, 2009 HUD Notice.

#### **EVALUATION COMMITTEE**

An evaluation committee was appointed by Katherine Hubbard, County Administrator, to evaluate and review the proposals and ultimately report its recommendation to County Council for their consideration. Committee members were Ron Scott, Director of Community Development; Rhonda Dean, CDBG Administrator; Jason Boozer, Community Development Technician; Mike Shealy, Department of Social Services - Economic Services Program Coordinator; Michelle Murf, SC Department of Mental Health - Housing and Homeless Program Director; Margaret Gibson, Office of Economic Opportunity - Emergency Shelter Grant Senior Manager; and Jeffrey A. Hyde, Procurement Officer (non-voting).

#### **SOLICITATION REQUIREMENTS**

The required legal advertisements, soliciting sealed competitive proposals for professional services, were placed and appeared on the County's website. Notification was also mailed to eight (8) firms on a potential offeror list. The proposals were due at 2:00 p.m. on June 26, 2009. At that time, the County had received proposals from four (4) responsive firms.

#### **EVALUATION PROCESS**

On July 07, 2009 the Evaluation Committee began its evaluation process. Copies of the submittals were distributed to each committee member for their individual evaluation. The committee met again on August 08, 2009 for detailed discussions of their individual evaluation of the proposals and respective scoring of each criteria factor. Each proposal under consideration was evaluated and scored on eight (8) specific criteria areas as indicated in the RFP. The factors listed in the order of their relative importance were as follows: (1) Knowledge and Experience, (2) Capacity to Perform, (3) Need (Scope of Services), (4) Geographical Service Area, (5) Collaboration Efforts, (6) Priorities, (7) HMIS Experience, and (8) Discharge Planning and Procedures.

Each committee member was given the opportunity to discuss their ratings and allowed to re-evaluate and adjust their scoring of each firm. After the evaluation committee was in agreement that it had obtained, reviewed, and analyzed all the information and documentation presented and collected in the evaluation process, the final scoring was completed. The evaluation committee's review, based upon the quality of the responses to the request for qualifications, resulted in Lexington Interfaith Community Services, receiving the highest number of total points, followed by SC Appleseed Legal Justice Center.

**CONTRACT PERFORMANCE**

The term of this contract shall be in accordance with the proposal and shall have 60% of the funds expended by June 2011 and shall have 100% of the funds expended no later than June 2012 – HUD Requirement.

**PROPOSED FUNDING**

The total HPRP grant funds to be expended are \$545,000.00. Lexington Interfaith Community Services shall receive \$525,000.00 for their services and SC Appleseed Legal Justice Center will receive \$20,000.00 for their services.

**RECOMMENDATION**

The committee hereby submits and recommends for Council consideration and approval to award a contract with Lexington Interfaith Community Services and SC Appleseed Legal Justice Center. We further recommend that this proposal be placed on the County Council agenda for their next scheduled meeting on August 25, 2009.

Jeffrey A. Hyde, CPPB  
Procurement Officer

**COUNTY OF LEXINGTON  
ADMINISTRATION OF  
IRS SECTION 125 INSURANCE PLAN**

*Evaluation Committee Report and Recommendation  
Request for Proposal No. P09015-07/15/09S*

August 5, 2009

**PURPOSE**

The County of Lexington solicited competitive sealed proposals from qualified companies to provide the administration of an IRS Section 125 Insurance Plan for county employees. The plan will offer long term care, term life insurance, vision care, accident insurance, cancer policy with specified disease rider, hospital intensive care protection, voluntary indemnity plan, and flexible spending accounts for medical expenses and dependent care. Other available post-tax policies include personal short term disability, long term disability, guaranteed issue/guaranteed rate portable universal life insurance, as well as a term life alternative insurance plan.

**TERM OF CONTRACT**

The term of this contract will be for a period of five years. Plan year will begin on January 01, 2010. The contract may be renewed at the expiration of its term by agreement of both parties. Such renewal may be for two additional one year periods.

**EVALUATION COMMITTEE**

On April 28, 2009, County Council approved the use of the Request for Proposal process to select a firm to administer the IRS Section 125 Insurance Program. As required by the County's Purchasing Ordinance and RFP Criteria, an evaluation committee was appointed by Katherine Hubbard, County Administrator, to evaluate and review the proposals and ultimately report its recommendation to County Council for their consideration. Committee members were Johnny Jeffcoat, County Council Member; Larry Porth, Director of Finance/Assistant County Administrator; Lori Adler, Director of Human Resources; Ed Salyer, Risk Manager; and Angela Seymour, Procurement Officer.

**SOLICITATION REQUIREMENTS**

The required legal advertisements soliciting sealed, competitive proposals from qualified firms were placed and appeared in the South Carolina Business Opportunities Publication on June 22, 2009. This proposal was posted in Demandstar; a third party solicitation/notification firm and the Procurement website. Notification was also mailed to firms on our bidders list.

Proposals were due and received by 4:00 p.m. on July 15, 2009. We received proposals from Colonial Life and Accident and Wells Fargo. Proposals were also received from Liberty Mutual and Stanley, Hunt, Dupree, & Rhine, Inc., however, both proposals were rejected as not meeting the minimum specifications as required by the solicitation.

**EVALUATION PROCESS**

On July 16, 2009, the Evaluation Committee began its evaluation process. Copies of the proposals received were distributed to each committee member for his/her individual evaluation. The committee met again on July 23, 2009, for a detailed discussion of the individual evaluations of the proposal and respective scoring of each criteria factor.

In addition to cost, the proposal under consideration was evaluated and scored on the six (6) specific criteria

areas as indicated in the RFP. The factors were listed in the order of their relative importance as follows: (1) Range of benefits to be provided; (2) Approach the firm will use to implement the plan; (3) Cost of the benefits to be provided; (4) Record of references of the firm; (5) Continuity of Firm; and (6) AM Best Company Rating (Financial Standing of Firm)

After the evaluation committee was in agreement that it had obtained, reviewed, and analyzed all information and documentation presented and collected in the evaluation process, the committee scheduled an in-depth interview held on August 3, 2009 with Colonial Life and Accident.

**RECOMMENDATION**

It is the recommendation of the committee to award this contract to Colonial Life and Accident as being the most responsive offerer and meeting all the essential requirements as set forth in the Request for Proposal. Colonial Life and Accident will implement and administer the premium conversion portion of the IRS Cafeteria Tax Program to allow employees to realize tax savings by pre-taxing health premiums. The administration of this plan is offered at no cost to the County or to the employees.

The committee hereby submits this recommendation for Council's consideration and approval on August 25, 2009 to ensure that open enrollment can begin on October 1, 2009 for plan year beginning January 1, 2010.

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Angela M. Seymour  
Procurement Officer

# COUNTY OF LEXINGTON

## Procurement Services

---

### MEMORANDUM

(O) 785-8166

(F) 785-2240

**DATE:** August 12, 2009

**TO:** Katherine L. Hubbard  
County Administrator

**THROUGH:** Reggie Murphy  
Procurement Manager

**FROM:** Jeffrey A. Hyde  
Procurement Officer

**SUBJECT: Architectural and Engineering Services for a new Lake Murray Fire Station  
PS/Fire Service**

---

We have received a purchase request for the Architectural and Engineering Services for a new Lake Murray Fire Station. MBAJ Architecture has provided the following fee for Site Adaptation, Construction Documents, and Construction Administration. The estimated cost is based on the previous project (Corley Mills Fire Station) of \$731,680.00, which includes site development and building construction cost.

Funds are appropriated in the following accounts:

4504-131500-5A5682	Lake Murray – Architect and Engineer	\$40,250.00
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I concur with the above recommendation and further recommend that this purchase be placed on County Council's agenda for their next scheduled meeting on August 25, 2009.

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

# COUNTY OF LEXINGTON

## Procurement Services

---

MEMORANDUM

(O) 785-8166

(F) 785-2240

**DATE:** August 17, 2009

**TO:** Katherine L. Hubbard  
County Administrator

**THROUGH:** Reggie Murphy  
Procurement Manager

**FROM:** Jeffrey A. Hyde  
Procurement Officer

**SUBJECT: South Apron Rehabilitation Project – Lexington County Airport at Pelion  
B09050-06/30/09H  
Public Works**

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Competitive bids were solicited and advertised for the South Apron Rehabilitation Project – Lexington County Airport at Pelion. This project consists of the removal of the existing bituminous pavement and the installation of new bituminous pavement, earthwork manipulation, concrete pavement and pavement markings. A pre-bid meeting was held at the Pelion Airport site on June 16, 2009, in which fourteen (14) contractors attended.

We received seven (7) responsive bids on June 30, 2009 (see attached Bid Tabulation).

The bids were evaluated by Mr. Andy D. Busbee, P.E. with The LPA Group, Inc.; James Starling, Engineer Associate III; and Jeffrey A. Hyde, Procurement Officer. It is our recommendation to award the project to the lowest responsive, responsible bidder – R.K. General Contracting, in the amount of \$261,445.22. The grant funds from Federal Aviation Administration (FAA) are in the amount of \$248,372.96.

County funds are appropriated in the following account:

5801-580020-5A7338	Apron & Taxiway Recoupment	\$13,072.26
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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 August 25, 2009.

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

**LEXINGTON COUNTY AIRPORT AT PELION**  
**SOUTH APRON REHABILITATION**  
**Bid No. B09050-06/30/09H**  
**BID TABULATION**

BID OPENING: Tuesday, June 30, 2009 at 2:00 PM

Item No.	Spec. No.	Item Description	Quantity	Unit	FINAL ENGINEER'S ESTIMATE		RK General Contractors		L - J Inc.		RAE Contracting		Plowden Construction		Sloan Construction Company, Inc.		J. C. Wilkie Construction, LLC		C. Ray Miles Construction Company		
					Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price
<b>BASE BID</b>																					
1	08000	Supplementary Insurance Provisions	1	L.S.	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 450.00	\$ 450.00	\$ 3,000.00	\$ 3,000.00	\$ 20,000.00	\$ 20,000.00	\$ 452.00	\$ 452.00	\$ 2,500.00	\$ 2,500.00	\$ 22,000.00	\$ 22,000.00	
2	01000	Mobilization	1	L.S.	\$ 40,000.00	\$ 40,000.00	\$ 53,145.00	\$ 53,145.00	\$ 17,720.00	\$ 17,720.00	\$ 12,500.00	\$ 12,500.00	\$ 55,000.00	\$ 55,000.00	\$ 40,435.00	\$ 40,435.00	\$ 60,000.00	\$ 60,000.00	\$ 15,638.34	\$ 15,638.34	
3	S-140A	Remove Existing Asphalt Pavement	7,620	S.Y.	\$ 5.00	\$ 38,100.00	\$ 2.95	\$ 22,479.00	\$ 2.80	\$ 21,336.00	\$ 3.00	\$ 22,860.00	\$ 4.50	\$ 34,290.00	\$ 5.65	\$ 43,053.00	\$ 7.10	\$ 54,102.00	\$ 4.92	\$ 37,490.40	
4	S-140B	Remove Concrete Sidewalk	12	S.Y.	\$ 10.00	\$ 120.00	\$ 25.00	\$ 300.00	\$ 20.00	\$ 240.00	\$ 50.00	\$ 600.00	\$ 5.00	\$ 60.00	\$ 28.25	\$ 339.00	\$ 15.00	\$ 180.00	\$ 49.64	\$ 595.68	
5	S-140C	Relocate Existing Stake Mounted Taxiway Edge Light	1	Each	\$ 500.00	\$ 500.00	\$ 45.00	\$ 45.00	\$ 3,825.00	\$ 3,825.00	\$ 3,520.00	\$ 3,520.00	\$ 300.00	\$ 300.00	\$ 1,130.00	\$ 1,130.00	\$ 3,850.00	\$ 3,850.00	\$ 2,500.00	\$ 2,500.00	
6	S-140D	Relocate Existing Stake Mounted Taxiway Edge Light	1	Each	\$ 150.00	\$ 150.00	\$ 25.00	\$ 25.00	\$ 563.00	\$ 563.00	\$ 1,500.00	\$ 1,500.00	\$ 200.00	\$ 200.00	\$ 625.00	\$ 625.00	\$ 2,000.00	\$ 2,000.00	\$ 9,000.00	\$ 9,000.00	
7	S-190	Exsisting Pavement Marking Removal by Grinding	130	S.F.	\$ 15.00	\$ 1,950.00	\$ 18.00	\$ 2,340.00	\$ 4.50	\$ 585.00	\$ 15.00	\$ 1,950.00	\$ 5.00	\$ 650.00	\$ 2.83	\$ 367.90	\$ 4.40	\$ 572.00	\$ 10.00	\$ 1,300.00	
8	P-152A	Unclassified Excavation Waste	1,700	C.Y.	\$ 15.00	\$ 25,500.00	\$ 0.42	\$ 714.00	\$ 4.50	\$ 7,650.00	\$ 13.50	\$ 22,950.00	\$ 10.00	\$ 17,000.00	\$ 13.60	\$ 23,120.00	\$ 25.00	\$ 42,500.00	\$ 5.97	\$ 10,149.00	
9	P-152B	Subgrade Preparation	6,910	S.Y.	\$ 10.00	\$ 69,100.00	\$ 2.35	\$ 16,238.50	\$ 1.35	\$ 9,328.50	\$ 4.00	\$ 27,640.00	\$ 4.00	\$ 27,640.00	\$ 2.30	\$ 15,893.00	\$ 2.50	\$ 17,275.00	\$ 6.61	\$ 45,675.10	
10	P-209	Crushed Aggregate Base Course	1,250	C.Y.	\$ 50.00	\$ 62,500.00	\$ 9.00	\$ 11,250.00	\$ 44.83	\$ 56,037.50	\$ 47.00	\$ 58,750.00	\$ 50.00	\$ 62,500.00	\$ 46.40	\$ 58,000.00	\$ 47.50	\$ 59,375.00	\$ 64.04	\$ 80,050.00	
11	SC-403	Bituminous Surface Course	1,310	Ton	\$ 90.00	\$ 117,900.00	\$ 89.22	\$ 116,878.20	\$ 107.00	\$ 140,170.00	\$ 90.00	\$ 117,900.00	\$ 98.00	\$ 128,380.00	\$ 130.00	\$ 170,300.00	\$ 105.00	\$ 137,550.00	\$ 104.00	\$ 136,240.00	
12	SC-501	6" PCC Pavement	180	S.Y.	\$ 80.00	\$ 14,400.00	\$ 22.00	\$ 3,960.00	\$ 85.00	\$ 15,300.00	\$ 275.00	\$ 49,500.00	\$ 60.00	\$ 10,800.00	\$ 102.00	\$ 18,360.00	\$ 50.00	\$ 9,000.00	\$ 60.50	\$ 10,890.00	
13	P-602	Bituminous Prime Coat	1,800	Gal.	\$ 4.00	\$ 7,200.00	\$ 2.30	\$ 4,140.00	\$ 4.11	\$ 7,398.00	\$ 3.65	\$ 6,570.00	\$ 2.00	\$ 3,600.00	\$ 5.50	\$ 9,900.00	\$ 4.00	\$ 7,200.00	\$ 4.75	\$ 8,550.00	
14	P-603	Bituminous Tack Coat	1,100	Gal.	\$ 3.00	\$ 3,300.00	\$ 2.40	\$ 2,640.00	\$ 3.38	\$ 3,718.00	\$ 3.00	\$ 3,300.00	\$ 3.00	\$ 3,300.00	\$ 6.15	\$ 6,765.00	\$ 3.30	\$ 3,630.00	\$ 3.50	\$ 3,850.00	
15	P-610	PCC Sidewalk	20	S.Y.	\$ 45.00	\$ 900.00	\$ 99.00	\$ 1,980.00	\$ 67.50	\$ 1,350.00	\$ 100.00	\$ 2,000.00	\$ 40.00	\$ 800.00	\$ 79.10	\$ 1,582.00	\$ 38.50	\$ 770.00	\$ 33.00	\$ 660.00	
16	P-620A	Initial Pavement Markings	700	S.F.	\$ 1.00	\$ 700.00	\$ 0.50	\$ 350.00	\$ 1.13	\$ 791.00	\$ 0.75	\$ 525.00	\$ 2.00	\$ 1,400.00	\$ 3.95	\$ 2,765.00	\$ 1.25	\$ 875.00	\$ 6.60	\$ 4,620.00	
17	P-620B	Permanent Reflective Pavement Markings	700	S.F.	\$ 2.00	\$ 1,400.00	\$ 0.65	\$ 455.00	\$ 1.13	\$ 791.00	\$ 0.80	\$ 560.00	\$ 2.00	\$ 1,400.00	\$ 3.95	\$ 2,765.00	\$ 1.25	\$ 875.00	\$ 6.60	\$ 4,620.00	
18	P-621	Tie Down Anchor	30	Each	\$ 300.00	\$ 9,000.00	\$ 205.00	\$ 6,150.00	\$ 112.50	\$ 3,375.00	\$ 190.00	\$ 5,700.00	\$ 275.00	\$ 8,250.00	\$ 285.00	\$ 8,550.00	\$ 515.00	\$ 15,450.00	\$ 880.00	\$ 26,400.00	
19	P-630	Refined Coal Tar Emulsion Slurry Seal Coat	1,470	S.Y.	\$ 3.00	\$ 4,410.00	\$ 4.00	\$ 5,880.00	\$ 1.60	\$ 2,352.00	\$ 2.00	\$ 2,940.00	\$ 3.00	\$ 4,410.00	\$ 1.75	\$ 2,572.50	\$ 1.76	\$ 2,587.20	\$ 2.75	\$ 4,042.50	
20	E-891	Inlet Protection	1	Each	\$ 400.00	\$ 400.00	\$ 400.00	\$ 400.00	\$ 282.00	\$ 282.00	\$ 500.00	\$ 500.00	\$ 300.00	\$ 300.00	\$ 565.00	\$ 565.00	\$ 165.00	\$ 165.00	\$ 550.00	\$ 550.00	
21	E-893	Temporary Silt Fence	550	L.F.	\$ 5.00	\$ 2,750.00	\$ 1.25	\$ 687.50	\$ 2.81	\$ 1,545.50	\$ 6.50	\$ 3,575.00	\$ 5.00	\$ 2,750.00	\$ 2.30	\$ 1,265.00	\$ 3.50	\$ 1,925.00	\$ 4.95	\$ 2,722.50	
22	T-901	Grassing and Mulching	0.5	Acre	\$ 3,000.00	\$ 1,500.00	\$ 300.00	\$ 150.00	\$ 2,250.00	\$ 1,125.00	\$ 2,000.00	\$ 1,000.00	\$ 3,000.00	\$ 1,500.00	\$ 2,825.00	\$ 1,412.50	\$ 2,000.00	\$ 1,000.00	\$ 3,300.00	\$ 1,650.00	
23	T-905	Offsite Topsoil	200	C.Y.	\$ 15.00	\$ 3,000.00	\$ 18.00	\$ 3,600.00	\$ 16.88	\$ 3,376.00	\$ 38.50	\$ 7,700.00	\$ 15.00	\$ 3,000.00	\$ 28.25	\$ 5,650.00	\$ 25.50	\$ 5,100.00	\$ 49.50	\$ 9,900.00	
24	See Plans	Counterpoise Trench in Earth, Earth Backfill	154	L.F.	\$ 3.00	\$ 462.00	\$ 4.88	\$ 751.52	\$ 9.00	\$ 1,386.00	\$ 12.50	\$ 1,925.00	\$ 5.00	\$ 770.00	\$ 19.25	\$ 2,964.50	\$ 11.00	\$ 1,694.00	\$ 57.20	\$ 8,808.80	
25	See Plans	Expose and Concrete Encase Exsisting 2-Way 4' Duct	154	L.F.	\$ 50.00	\$ 7,700.00	\$ 12.25	\$ 1,886.50	\$ 78.75	\$ 12,127.50	\$ 75.00	\$ 11,550.00	\$ 40.00	\$ 6,160.00	\$ 67.80	\$ 10,441.20	\$ 55.00	\$ 8,470.00	\$ 110.00	\$ 16,940.00	
<b>Total Base Bid Amount</b>						<b>\$ 417,942.00</b>		<b>\$ 261,445.22</b>		<b>\$ 312,822.00</b>		<b>\$ 370,515.00</b>		<b>\$ 394,460.00</b>		<b>\$ 429,272.60</b>		<b>\$ 438,645.20</b>		<b>\$ 464,842.32</b>	

\* Multiplication error has been corrected.

The attached bid tabulation is an accurate summary of the bids received on the subject project. Any discrepancy in unit prices or extended totals have been identified.



Certified by Andy Busbee, P.E.  
S.C. PE Reg. No. 21252

Minutes are left out intentionally until approved by Lexington County Council. Upon Council's approval, the minutes will be available on the Internet.



STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR LEXINGTON COUNTY  
ORDINANCE 09-06

AN ORDINANCE TO AMEND THE LEXINGTON COUNTY CODE OF ORDINANCES, CHAPTER 14, BUILDING AND BUILDING REGULATIONS; BY ADDING A NEW ARTICLE THEREIN FOR THE PURPOSE OF ESTABLISHING REGULATIONS AND REQUIREMENTS RELATED TO SMOKING IN THE UNINCORPORATED AREAS OF LEXINGTON COUNTY.

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

**SECTION I.** County Council has determined that additional regulation of smoking in areas beyond those addressed in the Clean Indoor Air Act of 1990 is appropriate in the furtherance of its duty to protect the health of its citizens and employees in the workplace and therefore enacts this Article. The Lexington County Code of Ordinances; Chapter 14, Buildings and Building Regulations; is hereby amended to add a new article, which shall read as follows:

**Article V. Smoking in Public Places and Places of Employment**

**Section 14-\_\_\_. Smoking of tobacco products.**

(a) **Findings.** As an incident of the adoption of this Article, the County Council ("County Council") of the County of Lexington, 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 On 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 Lexington 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.
- (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 (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) "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, 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 definition. A private club will not be considered a private club for the purposes of this definition when being used for a function to which the general public is allowed to enter.
- (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) "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".
- (7) "Smoking" means the inhaling, exhaling, burning, lighting or carrying of a lighted cigarette, cigar, pipe, or similar device or any other lighted tobacco product.
- (8) "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.
- (9) "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.
- (10) "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. The following apply to all unincorporated areas of the County:

- (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.
- (3) Notwithstanding any other provision in this article, an owner, operator, manager, or other person in control of an establishment, facility or outdoor area may declare the entire establishment, facility or outdoor area as a nonsmoking location. Smoking shall then be prohibited in any place in which a sign conforming to the requirements of section 14-\_\_ (f) is posted.

(e) Exceptions. Notwithstanding the provisions of subsection (d) herein, smoking may be permitted in the following places in the unincorporated areas of the County 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 percent (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 areas where smoking is prohibited under 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) Private clubs that have no employees, except when being used for a function to which the general public is admitted; and
- (5) 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. In the unincorporated area of the County, smoking is prohibited within a distance of ten (10) feet from any door which is used as an entrance to or exit from an enclosed area where smoking is prohibited so as to insure that tobacco smoke does not enter the area through the entry. This distance shall be measured from the center of the door in question.

(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 twenty five dollars (\$25). 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 request other governmental and educational agencies having facilities within 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.

SECTIONS IV. Effective Date. This Ordinance shall be enforced from and after **January 1, 2010.**

LEXINGTON COUNTY COUNCIL

BY: \_\_\_\_\_  
Debra B. Summers  
Chairman, Lexington County Council

ATTEST THIS THE \_\_\_\_ DAY  
OF \_\_\_\_\_, 2009

\_\_\_\_\_  
Diana W. Burnett, Clerk  
First Reading: May 12, 2009  
Second Reading: July 28, 2009  
Public Hearing: June 9, 2009  
Third Reading:

COUNTY OF LEXINGTON, SOUTH CAROLINA

ORDINANCE NO. 09-11

AN ORDINANCE TO ESTABLISH THE PROCEDURE FOR VOTING FOR ALL COUNTY ESTABLISHED AND APPOINTED BOARDS AND COMMISSIONS

WHEREAS, the County Council has been made aware that some Boards and Commissions established and appointed by the County do not require individual voting by members of the Board and Commission; and

WHEREAS, it is the desire of County Council to have all County established and appointed Boards and Commissions to be consistent in their voting procedures,

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

Section 1. VOTING PROCEDURE. All Boards and Commissions established and appointed by County Council shall vote on any matter before them for consideration by a show of hands or by a roll call vote and the vote of each Board and Commission member shall be officially recorded in the minutes that are submitted by the Boards and Commissions to County Council.

Section 2. EFFECTIVE DATE. This Ordinance shall become effective upon its enactment.

Enacted this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

Debra B. Summers
Chairman, Lexington County Council

ATTEST:

Diana Burnett, Clerk

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Third & Final Reading: \_\_\_\_\_

Filed W/Clerk of Court: \_\_\_\_\_

Public Hearing: \_\_\_\_\_



COUNTY OF LEXINGTON, SOUTH CAROLINA

**Community Development**

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

ZONING MAP AMENDMENT APPLICATION # **M09-02**

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

Irmo Drive (next to 8024 Irmo Drive)

Zoning Classifications: (Current) Development (D) (Proposed) General Commercial (C2)

TMS#: 001800-01-005 P/O Property Owner: Paul Trussell

Reason for the request: Applicant is requesting a change in the zoning classification for a portion of the property to allow for a construction services activity.

**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: 5/15/2009 Applicant: Property Owner  Authorized Agent

Phone #(s): cell (803) 513-8291 \_\_\_\_\_

Signature: \_\_\_\_\_ *Signature on file* Printed Name: Paul Trussell

Street/Mailing Address: 8024 Irmo Dr., Columbia 29212

5/15/09	Application Received
8/06/09	Newspaper Advertisement
7/29/09	Notices Mailed

5/15/09	Fee Received
8/10/09	Property Posted
	Planning Commission

Planning Commission Recommendation: \_\_\_\_\_

7/28/09	First Reading	8/25/09	Public Hearing		Second Reading		Third Reading
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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 #M09-02**

**Description of the amendment:** This Map Amendment request is for a change in zoning classification from D (Development) to C2 (General Commercial) for a portion of TMS# 001800-01-005.

**Character of the Area:** The immediate area consists of residential and commercial use with Murray Landing Shopping Center close by.

**Zoning History:** This Map Amendment is in the Seven Oaks/Dutch Fork planning area zoned in 1971/1974. There have been approximately seven map amendments in the immediate area since zoning was adopted. More specifically, two previous Map Amendments #M93-6 and M95-17 were either applied for on behalf of Mr. Trussell or by Mr. Trussell directly. Map Amendment #M93-6, no action was taken by County Council thus Mr. Trussell applied for Map amendment #M95-17 which was denied by County Council at 2<sup>nd</sup> reading on February 12, 1996.

**Council District:** Six-Council Member Johnny Jeffcoat

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

# EXCERPTS TAKEN FROM:

# LEXINGTON COUNTY



# ZONING ORDINANCE

March 11, 2009

## 21.30 Permitted Uses by District

The columnar chart which follows describes the activities permitted within each district. This chart is based upon the list of principal activities defined in Section 21.10 of this Ordinance and the districts established in Section 11.40, and is subject to the following:

- a. The listing of a permitted activity within a district may be voided upon the application of the special overlay district regulations pertaining to flooding, drainage, or airports found in Articles 4 and 5 of this Ordinance.
- b. The provisions of Chapters 2, 3, and 4 of this Article shall apply in all districts to all listed activities as applicable. The application of these provisions may prohibit an activity from locating in a particular district.
- c. Within the Limited Restriction (LR) district, all activities except the following are permitted without review for compliance with the specific provisions of this Ordinance:

Extremely Hazardous Materials as regulated by Article 3  
Mining Operations as regulated by Article 8  
Mobile Home Parks as regulated by Article 7  
Sexually Oriented Businesses as regulated by Article 10

## 21.31 Chart of Permitted Activities by District

Those activities that are marked by an asterisk (\*) are allowed only when granted a special exception by the Board of Zoning Appeals as outlined in Article 12 of this Ordinance.

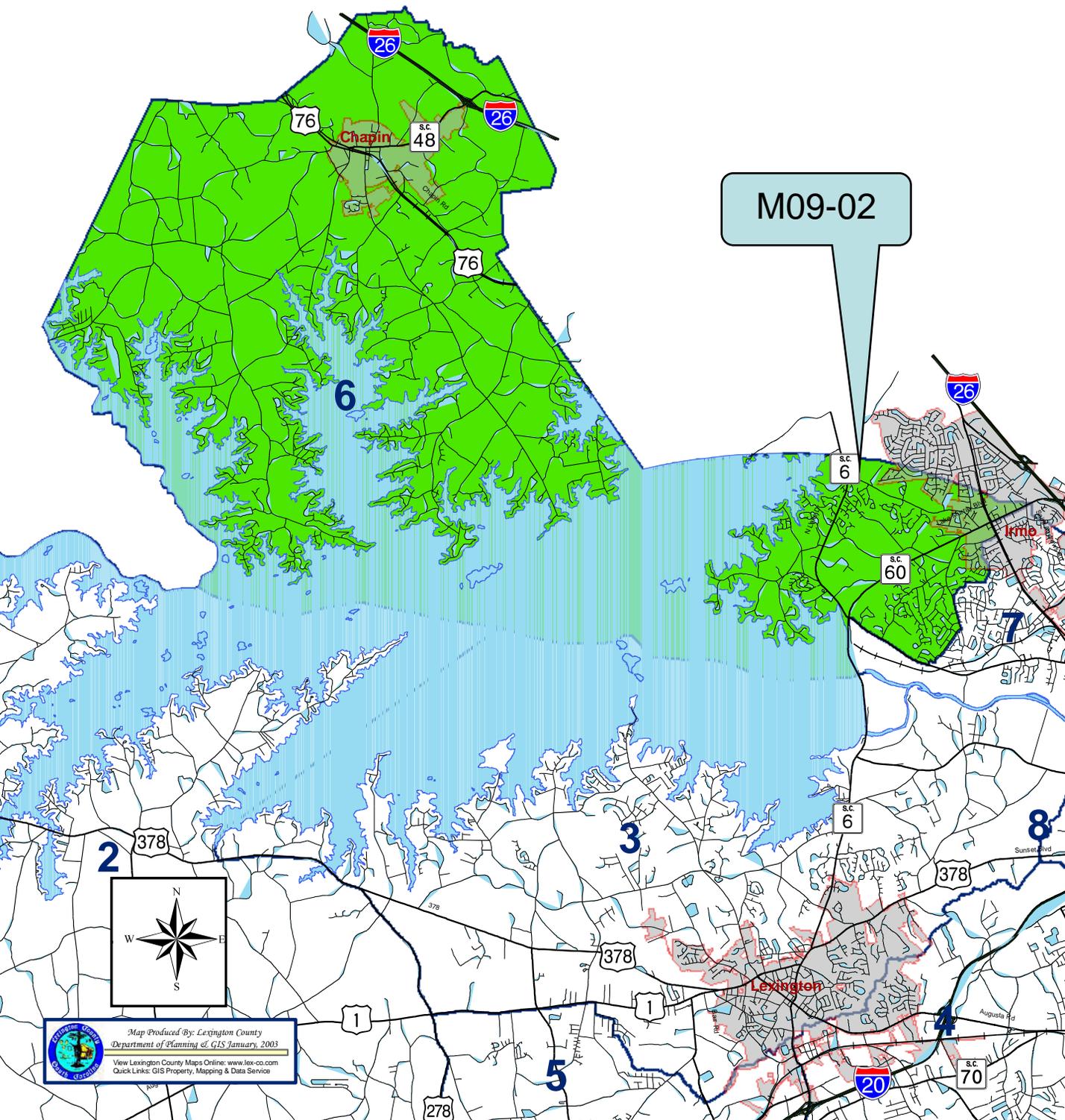
R1	R2	R3	D	RA	RD	LC	C1	C2	ID	LR	ACTIVITIES
					✓	✓	✓	✓	✓	✓	Administrative Offices
					✓		✓	✓	✓	✓	Advertising Signs
				✓	✓	✓	✓	✓	✓	✓	Airports
			✓	✓	✓			✓	✓	✓	Animal Operations
		✓		✓	✓		✓	✓	✓	✓	Boat Docks
					✓			✓	✓	✓	Bus and Transit Terminals
					✓			✓	✓	✓	Business Services
	✓	✓	✓	✓	✓			✓	✓	✓	Cemeteries
	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Child or Adult Day Care
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Churches
					✓				✓	✓	Communication Towers
✓	✓	✓	✓	✓	✓			✓	✓	✓	Community Education
					✓			✓	✓	✓	Construction Services
			✓	✓	✓				✓	✓	Crops
					✓				✓	✓	Detention Centers
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Essential Services (Limited)
	✓	✓	✓	✓	✓			✓	✓	✓	Essential Services (Extensive)
✓			✓	✓	✓			✓	✓	✓	Fancier's Kennel/Cattery
				✓	✓			✓	✓	✓	Food Services
					✓			✓	✓	✓	General Repair and Maintenance Services
					✓		✓	✓	✓	✓	General Retail (Limited)
					✓			✓	✓	✓	General Retail (Extensive)
✓###	✓###	✓###	✓###	✓	✓	✓	✓	✓	✓	✓	Golf Courses
✓#	✓#	✓#	✓#	✓	✓		✓	✓	✓	✓	Group Assembly (Limited)
				✓	✓			✓	✓	✓	Group Assembly (Intermediate)
					✓			✓	✓	✓	Group Assembly (Extensive)
		✓	✓	✓	✓	✓	✓	✓	✓	✓	Group Housing
					✓		✓	✓	✓	✓	Hospitals
			✓	✓	✓			✓	✓	✓	Kennels, Catteries, and Stables
					✓				✓	✓	Landfills (Limited)
					✓				✓	✓	Landfills (Intermediate)
					✓				✓	✓	Landfills (Extensive)
					✓			✓	✓	✓	Manufacturing (Light Assembly)
					✓				✓	✓	Manufacturing (Limited)
					✓				✓	✓	Manufacturing (Intermediate)
					✓				✓	✓	Manufacturing (Extensive)
					✓			✓	✓	✓	Marinas
					✓	✓	✓	✓	✓	✓	Medical Services
					✓				✓	✓	Military Installations
			✓		✓			✓	✓	✓	Mining (Limited)
					✓				✓	✓	Mining (Intermediate)
					✓				✓	✓	Mining (Extensive)
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Mini-Parks
					✓			✓	✓	✓	Mini-Warehouses
	✓	✓	✓	✓	✓		✓	✓	✓	✓	Mobile Homes
		✓			✓			✓	✓	✓	Mobile Home Parks (Limited) *
		✓			✓			✓	✓	✓	Mobile Home Parks (Extensive) *
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Natural Reserves
				✓	✓	✓	✓	✓	✓	✓	Non-Assembly Cultural
	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Nursing Homes
					✓		✓	✓	✓	✓	Personal Convenience Services
			✓	✓	✓	✓	✓	✓	✓	✓	Plant Nurseries

R1	R2	R3	D	RA	RD	LC	C1	C2	ID	LR	ACTIVITIES	
					✓				✓	✓		Power Plants
					✓	✓	✓	✓	✓	✓		Professional Services
					✓				✓	✓		Radioactive Materials Handling
					✓				✓	✓		Railroad
					✓				✓	✓		Recycling Centers
					✓			✓	✓	✓		Research Services
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		Residential Detached
	✓	✓			✓	✓	✓	✓	✓	✓		Residential Attached (2 dwelling units)
		✓			✓			✓	✓	✓		Residential Attached (3 or more dwelling units)
		✓			✓			✓	✓	✓		Retirement Centers/Assisted Living
					✓				✓	✓		Salvage/Wrecking Yard
					✓				✓	✓		Scrap Operations
					✓		✓	✓	✓	✓		Business Parks
					✓			✓	✓	✓		Shopping Centers
					✓				✓	✓		Industrial Parks
					✓			✓	✓	✓		Towing and Impoundment Lot
					✓			✓	✓	✓		Trade Enterprises
					✓			✓	✓	✓		Transient Habitation
					✓			✓	✓	✓		Transport and Warehousing (Limited)
					✓			✓	✓	✓		Transport and Warehousing (Extensive)
					✓		✓	✓	✓	✓		Transport Services
					✓			✓	✓	✓		Undertaking
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		Utilities
					✓			✓	✓	✓		Vehicle Parking
					✓			✓	✓	✓		Vehicle Repair
					✓			✓	✓	✓		Vehicle Sales
					✓		✓	✓	✓	✓		Vehicle Servicing (Limited)
					✓			✓	✓	✓		Vehicle Servicing (Extensive)
				✓	✓			✓	✓	✓		Veterinarian
				✓	✓			✓	✓	✓		Zoos

# The permitting of this activity in these districts is allowed only if the Group Assembly (Limited) activity is a membership facility owned, operated, and used by the property owners in the surrounding residential area for which the facility is being established.

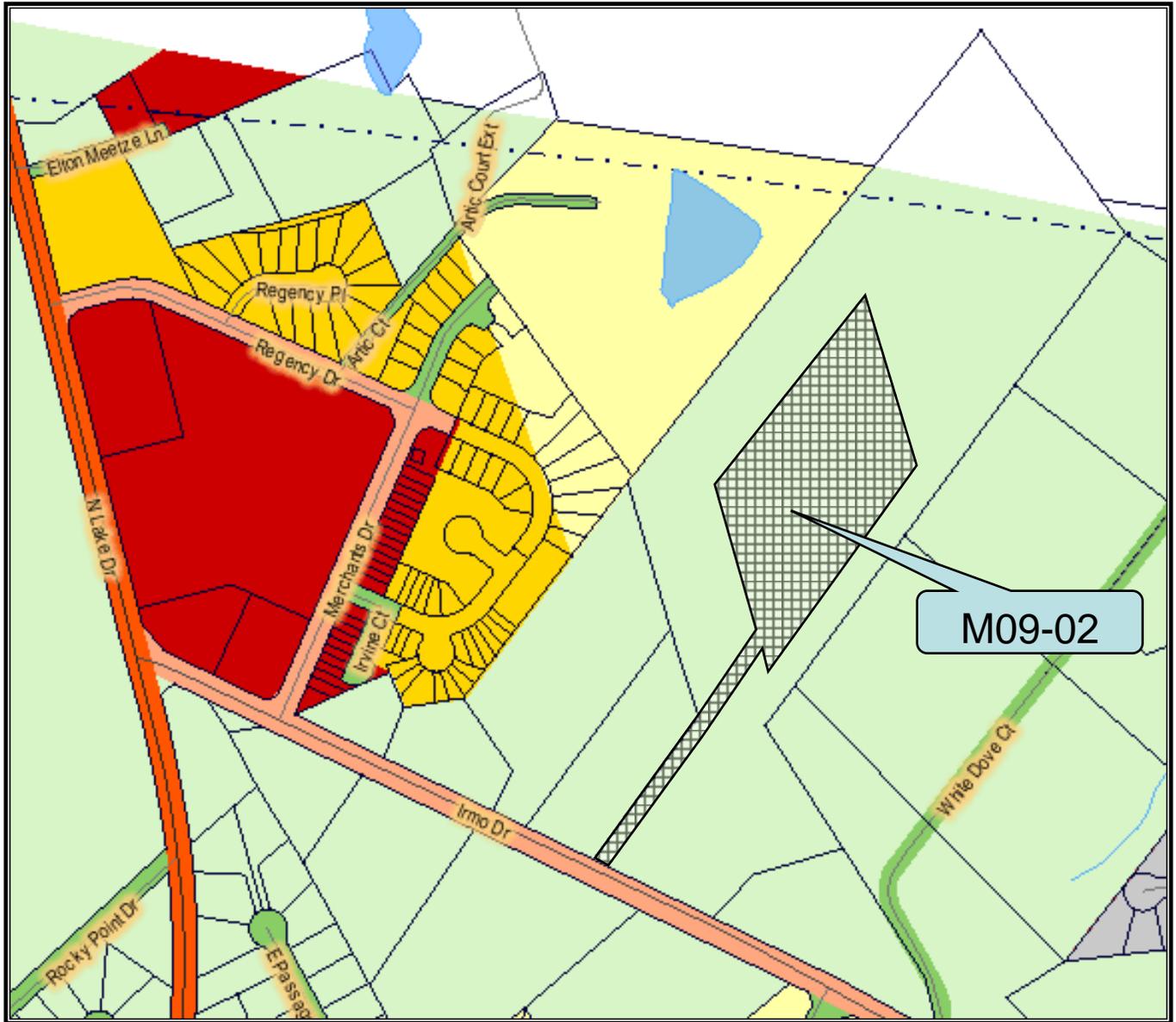
## The permitting of this activity in these districts is allowed only if the Golf Course activity is a part of a planned development that includes residential development as a part of its design.

# Lexington County Council District 6



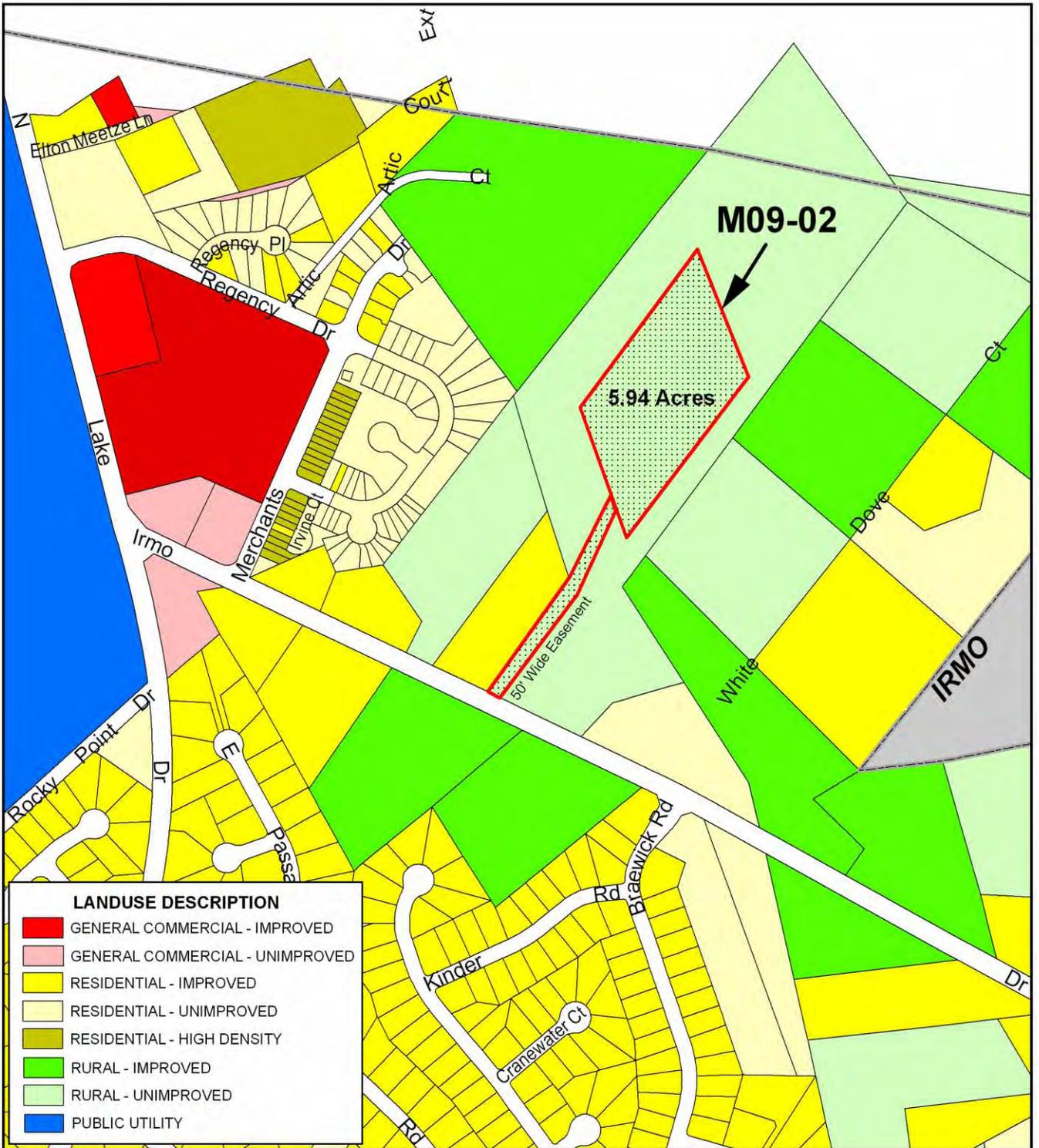
M09-02

# Zoning Map Amendment Application M09-02

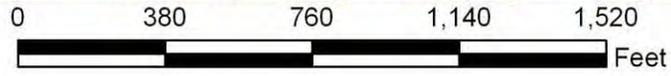


## ZONING LEGEND

	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



LANDUSE DESCRIPTION	
<span style="color: red;">■</span>	GENERAL COMMERCIAL - IMPROVED
<span style="color: pink;">■</span>	GENERAL COMMERCIAL - UNIMPROVED
<span style="color: yellow;">■</span>	RESIDENTIAL - IMPROVED
<span style="color: lightyellow;">■</span>	RESIDENTIAL - UNIMPROVED
<span style="color: olive;">■</span>	RESIDENTIAL - HIGH DENSITY
<span style="color: green;">■</span>	RURAL - IMPROVED
<span style="color: lightgreen;">■</span>	RURAL - UNIMPROVED
<span style="color: blue;">■</span>	PUBLIC UTILITY



# Existing Landuse Map Amendment # M09-02

# Zoning Map Amendment Application M09-02



NOTE: Map Amendment area boundary lines are approximate and may appear distorted in an oblique view.



COUNTY OF LEXINGTON, SOUTH CAROLINA

**Community Development**

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

ZONING MAP AMENDMENT APPLICATION # **M09-03**

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

Applicant requests a street classification change for the western portion of Fox Trot Trail from RL4 (Residential Local Four) to L (Local). This portion being more specifically described as beginning at the intersection of Windy Wood Road, extending in a northwesterly direction for approximately 1085', and terminating at the western property line of TMS# 009700-02-049.

Zoning Classifications: (Current) RL4 (Proposed) Local

TMS#: 009700-02-049 Property Owner: Laurin A. & Sandra A. Mitchell

Reason for the request: I am making this request so that I will be able to continue to operate my business legally.

**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: 6/25/09 Applicant: Property Owner  Authorized Agent

Phone #(s): home 803-894-3570 \_\_\_\_\_

Signature: \_\_\_\_\_ *Signature on file* Printed Name: Laurin A. Mitchell

Street/Mailing Address: 241 Fox Trot Trail, Pelion, SC 29123

6/25/09	Application Received
8/06/09	Newspaper Advertisement
7/29/09	Notices Mailed

6/25/09	Fee Receipted
8/10/09	Property Posted
	Planning Commission

Planning Commission Recommendation: \_\_\_\_\_

7/28/09	First Reading	8/25/09	Public Hearing		Second Reading		Third Reading
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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 #M09-03**

**Description of the amendment:** This Map Amendment request is for a street classification change for the western portion of Fox Trot Trail from RL4 (Residential Local Four) to L (Local). This portion being more specifically described as beginning at the intersection of Windy Wood Road, extending in a northwesterly direction for approximately 1085' and terminating at the western property line of TMS# 009700-02-049.

**Character of the Area:** The immediate area consists of residential use with some vacant land.

**Zoning History:** This Map Amendment is in the Southern Lexington County Planning area zoned in 1998. There are no map amendment applications on file for this area since zoning was adopted. A Home Occupation Zoning Permit was issued to the applicant's wife, Sandra Mitchell, on July 9, 2004 for upholstery repair.

**Council District:** One-Council Member James E. "Jim" Kinard, Jr.

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

# EXCERPTS TAKEN FROM:

# LEXINGTON COUNTY



# ZONING ORDINANCE

March 11, 2009

## 21.30 Permitted Uses by District

The columnar chart which follows describes the activities permitted within each district. This chart is based upon the list of principal activities defined in Section 21.10 of this Ordinance and the districts established in Section 11.40, and is subject to the following:

- a. The listing of a permitted activity within a district may be voided upon the application of the special overlay district regulations pertaining to flooding, drainage, or airports found in Articles 4 and 5 of this Ordinance.
- b. The provisions of Chapters 2, 3, and 4 of this Article shall apply in all districts to all listed activities as applicable. The application of these provisions may prohibit an activity from locating in a particular district.
- c. Within the Limited Restriction (LR) district, all activities except the following are permitted without review for compliance with the specific provisions of this Ordinance:

Extremely Hazardous Materials as regulated by Article 3  
Mining Operations as regulated by Article 8  
Mobile Home Parks as regulated by Article 7  
Sexually Oriented Businesses as regulated by Article 10

## 21.31 Chart of Permitted Activities by District

Those activities that are marked by an asterisk (\*) are allowed only when granted a special exception by the Board of Zoning Appeals as outlined in Article 12 of this Ordinance.

Proposed Zoning

Current 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/Cattery
✓	✓	✓					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

Proposed Zoning

Current Zoning

A	C	L	RL6	RL5	RL4	LL & Max. Limits	ACTIVITIES
✓	✓	✓				✓ 12 Beds/acre	Nursing Homes
✓	✓	✓				✓ .03 FAR	Personal Convenience Services
✓	✓	✓				✓	Plant Nurseries
✓	✓	✓					Power Plants
✓	✓	✓				✓ .09 FAR	Professional Services
✓	✓	✓					Radioactive Materials Handling
✓	✓	✓					Railroad
✓	✓	✓					Recycling Centers
✓	✓	✓				✓ .09 FAR	Research Services
✓	✓	✓	✓	✓	✓	✓ 4 DU/acre	Residential Detached
✓	✓	✓	✓	✓		✓ 4 DU/acre	Residential Attached(2 Dwelling Units)
✓	✓	✓	✓			✓ 6 DU/acre	Residential Attached(3 or more Dwelling Units)
✓	✓	✓	✓			✓ 6 DU/acre	Retirement Centers/Assisted Living
✓	✓	✓					Salvage/Wrecking Yard
✓	✓	✓					Scrap Operations
✓	✓	✓					Business Parks
✓	✓	✓					Shopping Centers
✓	✓	✓					Industrial Parks
✓	✓	✓					Towing and Impoundment Lot
✓	✓	✓					Trade Enterprises
✓	✓	✓					Transient Habitation
✓	✓	✓					Transport & Warehousing (Limited)
✓	✓	✓					Transport & Warehousing (Extensive)
✓	✓	✓					Transport Services
✓	✓	✓					Undertaking
✓	✓	✓	✓	✓	✓	✓	Utilities
✓	✓	✓					Vehicle Parking
✓	✓	✓				✓	Vehicle Repair
✓	✓	✓				✓ .03 FAR	Vehicle Sales
✓	✓	✓					Vehicle Servicing (Limited)
✓	✓	✓					Vehicle Servicing (Extensive)
✓	✓	✓					Veterinarian
✓	✓	✓					Zoos

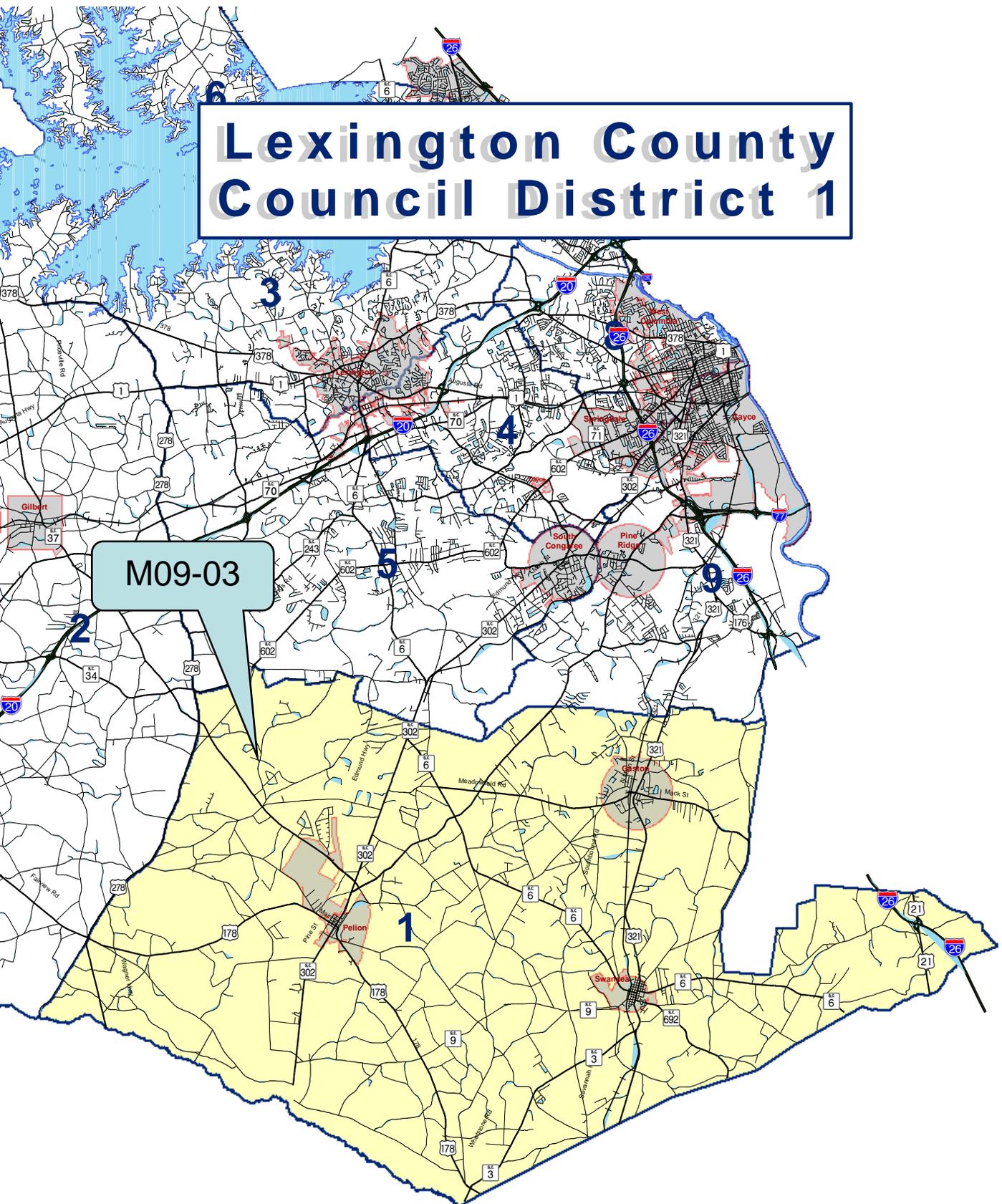
\* Access by these classifications is allowed only if the Group Assembly (Limited) activity is a membership facility owned, operated, and used by the property owners in the surrounding residential area for which the facility is being established.

\*\* Access by these classifications is allowed only if the street is paved.

# Access by this classification is allowed only if the activity also has access to an Arterial or Collector Street.

## Access by this classification is allowed only if the Golf Course activity is a part of a planned development that includes residential development as a part of its design.

# Lexington County Council District 1



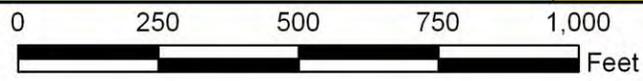
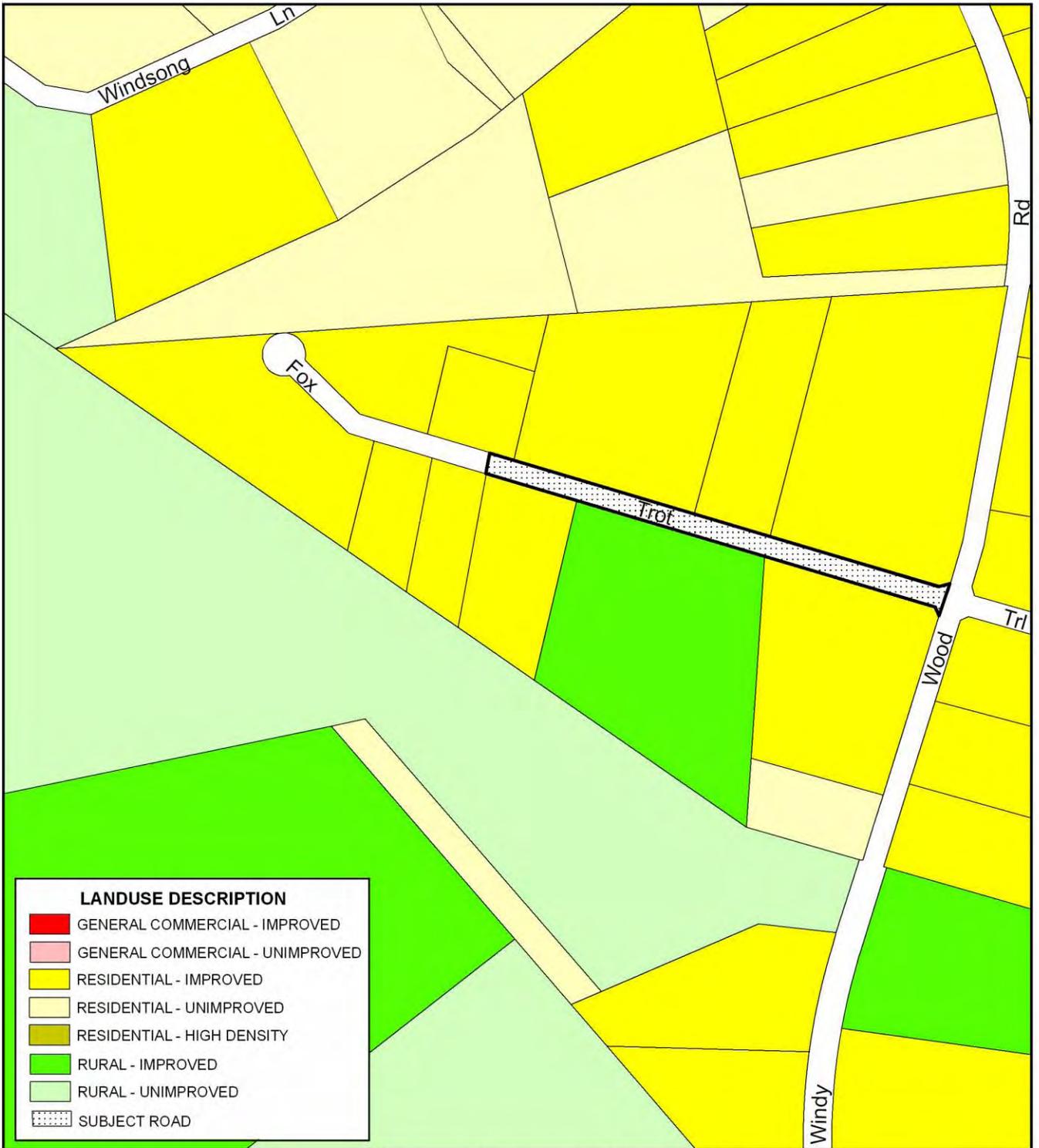
M09-03

# Zoning Map Amendment Application M09-03



## 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 # M09-03

# Zoning Map Amendment Application M09-03



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