

AGENDA
LEXINGTON COUNTY COUNCIL
Committee Meetings
Tuesday, March 10, 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.**

2:45 p.m. - 3:15 p.m. - Planning & Administration

- (1) Ordinance 09-01 - Landscape Ordinance Amendments - Planning and GIS - Charlie Compton, Director **A**
- (2) Contract of Sale by and Between James M. Mayers and County of Lexington (Ordinance 09-02)..... **B**
- (3) Old Business/New Business - Land Use Growth, Private Roads/Commercial Usage
- (4) Adjournment

3:15 p.m. - 3:55 p.m. - Health & Human Services

- (1) Ordinance 08-16 - 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 Retail Food Establishments in the Unincorporated Areas of Lexington County..... **C**
- (2) 2009 Local Emergency Management Performance Grant (LEMPG) Application (Goal 3) - Public Safety/Emergency Preparedness – Butch White, Communications System Status Controller **D**
- (3) Approval of Minutes - Meeting for January 27, 2009 **E**
- (4) Old Business/New Business
- (5) Adjournment

3:55 p.m. - 4:00 p.m. - Public Works

- (1) Approval of Minutes - Meeting for January 27, 2009 **F**
- (2) Old Business/New Business - Traffic Congestion, Alternate Paving, SCDOT Snow & Ice Removal Contract
- (3) Adjournment

4:00 p.m. - 4:05 p.m. - Airport

- (1) Approval of Minutes - Meeting for January 27, 2009 **G**
- (2) Old Business/New Business
- (3) Adjournment

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

- (1) Approval of Minutes - Meeting for January 27, 2009 **H**
- (2) Old Business/New Business
- (3) Adjournment

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

- (1) Approval of Minutes - Meeting for January 27, 2009 **I**
- (2) Old Business/New Business - Dress Code, Tax Installment Payments
- (3) Adjournment

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

Public Works

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

Airport

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

Solid Waste

J. Jeffcoat, Chairman
B. Keisler, V Chairman
S. Davis
J. Carrigg, Jr.
T. Cullum
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, March 10, 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

Resolutions.....J

- (1) Fair Housing Month
- (2) Community Development Block Grant Week

Presentation of Certificate

- (1) Todd Sease Presented by Councilman Debra B. Summers

Appointments K

Bids/Purchases/RFPs

- (1) ADA Compliance Project (Ramp) and Handrails - Building Services **L**
- (2) Bulk Deliveries of Unleaded Gasoline and Diesel Fuel - Term Contract - Fleet Services **M**
- (3) One (1) Citizen's Response System with License and Webtrax Software Upgrade -
Information Services **N**
- (4) One (1) Answering Point and Recording Device (Grant Funds) - Sheriff's Department **O**
- (5) Landscape Supplies - Term Contract - Solid Waste Management..... **P**

Zoning Amendment

- (1) Zoning Text Amendment T08-12 - (ARTICLE 12 - ADMINISTRATION, Chapter 3 - Amendments, Section 123.13 - Public Hearing) - 3rd and Final Reading **Q**

Ordinances

- (1) Ordinance 08-19 - An Ordinance to Amend No. 95-12, as Amended by Subsequent Ordinances Relating to the Joint County Industrial Park of Lexington and Calhoun Counties so as to Enlarge the Park to Add Certain Property Owned by or Leased to Owen Electric Steel Company of South Carolina (DBA CMC Steel South Carolina) or Affiliates - 3rd and Final Reading **R**
- (2) Ordinance 09-02 - An Ordinance Approving the Conveyance of Real Estate From the County of Lexington to James E. Mayers - 3rd and Final Reading **S**

Committee Reports

Health & Human Services, J. Jeffcoat, Chairman

- (1) 2009 Local Emergency Management Performance Grant (LEMPG) Application - **Tab D**

Public Works, T. Cullum, Chairman

- (1) Traffic Signal Light - Lexington County School District 3 **T**

Budget Amendment Resolutions

OLD BUSINESS/NEW BUSINESS

EXECUTIVE SESSION/LEGAL BRIEFING

MATTERS REQUIRING A VOTE AS A RESULT OF EXECUTIVE SESSION

ADJOURNMENT

<p>GOALS</p> <ol style="list-style-type: none"> 1. Provide for public services to citizens of Lexington County. 2. Manage growth to meet needs of Lexington County. 3. Provide innovative Financial Management.
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- 1. Provide for public services to citizens of Lexington County.**
- 2. Manage growth to meet needs of Lexington County.**
- 3. Provide innovative Financial Management.**

Memorandum

February 27, 2009

To: Katherine Hubbard
County Administrator

For: Planning and Administration Committee
County Council

From: Charlie Compton, Director
Department of Planning and GIS

Reference: Ordinance #09-01: Landscape Ordinance Amendments

Enclosed is the draft containing the amendments proposed for the Landscape Ordinance. At their meeting on February 19th the Planning Commission officially recommended adoption of these amendments with a few important changes. Those additional changes show up as “strike-outs” and additions highlighted in “green.”

At the meeting on March 10th I will review these changes with the Planning and Administration Committee. We will also need to spend time reviewing the proposed Scenic Corridors in a manner that will help each Council member feel comfortable with what is being proposed within their District.

As a part of the review process, the Planning and Administration Committee will be recommending a map that will show the boundaries of the area to be covered by this Ordinance, with an implementation date. The Planning Commission has recommended that it cover the entire unincorporated area of the County.

Enclosure: Ordinance #09-01, proposed Landscape Ordinance amendments as of February 19th

ORDINANCE #09-01

AN ORDINANCE AMENDING THE LEXINGTON COUNTY LANDSCAPE ORDINANCE

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

Amendments to the Landscape Ordinance are to be considered that would update the restrictions contained therein and as a minimum address the following issues:

1. Renaming of the Ordinance to the Landscape and Open Space Ordinance.
2. Increasing the scope of the Ordinance to apply to all residential and non-residential subdivisions.
3. Addressing clearcutting as an activity.
4. Adding a new Article which would address Open Space Requirements.
5. Creating an Open Space District to be added to the list of Road and District Classifications.
6. Considering the expansion of the Landscape Ordinance boundaries.

Make the following changes and additions to:

Article 1 – Authority

1.1 Authority and Jurisdiction

In accordance with the authority conferred by the 1994 “South Carolina Local Government Comprehensive Planning Enabling Act,” S.C. Code Sections 6-29-310 through 6-29-1200, the County of Lexington does hereby establish and enact the following Landscape **and Open Space** Ordinance for the unincorporated area of Lexington County, South Carolina.

1.2 Intent

The purpose of this Ordinance is to protect and enhance the character, appearance, and image of Lexington County through attractive and creative landscape design **and open space**; to ensure land-use compatibility through proper use of vegetation **and open space** as a transition areas and screening; and to preserve scenic, canopied tree corridors.

1.3 Scope of Regulations

Except as otherwise stated, the regulations set forth herein shall apply to all Residential Attached (3 or more) dwelling units, as defined within the Lexington County Zoning Ordinance; **all residential and non-residential subdivisions, as defined and regulated within Article 4**; and all non-residential development within the unincorporated area of Lexington County, with the exception of the following development conditions/activities:

- a. Any public road construction or utility construction project, except as described in Article 3, Section 4, “Service Areas and Utilities.”
- b. Any land used for Crops and Animal **Raising Operations**, as defined in the Lexington County Zoning Ordinance. **These** definitions includes the raising of trees, vines, field, forage or other plant crops intended to provide food or fiber. However, processing areas/buildings, **transport and warehousing**, and retail or wholesale activities related to crops and animal **raising operations** are not exempt from the terms of this Ordinance. **Section 3.1.7, Clearcutting, further defines the exemptions allowed for timber harvesting.**

- c. Non-residential development containing a parking lot that is used as a display/storage area greater than ten thousand (10,000) square feet shall be exempt from the provisions of Article 3, Section 3, "Parking Lots", within the display area only. (i.e., Automobile, Boat and Craft dealerships; truck terminals; etcetera).

Some of the residential activities, exempted above from the scope of these regulations, must follow the requirements of Section 7, Scenic Corridor Protection.

1.3.1 New Activities

Upon the effective date of this Ordinance any building, structure, or tract of land shall be used, constructed, or developed only in accordance with the applicable regulations contained herein.

1.3.2 Existing Activities

Any activity legally established prior to the effective date of this Ordinance which does not comply with its regulations shall be subject to the Nonconforming Use provisions of Article 4-5.

1.3.3 Existing Permits

Building permits or zoning permits lawfully issued before the effective date of this Ordinance or subsequent amendment shall remain in effect provided that such building, structure, or activity is substantially underway and being diligently pursued within six months of the issuance of the permit. If such does not occur, then the permit shall automatically lapse and the provisions of this Ordinance shall apply.

1.4 Establishment of Districts

1.4.1 Road and District Classifications

In order to implement the provisions of this Ordinance, the following road classification and districts are hereby established:

- LU - Land Use District (See Article 3, Section 2)
- PL - Parking Lot District (See Article 3, Section 3)
- SA - Service Areas/Utilities District (See Article 3, Section 4)
- BD - Building Design District (See Article 3, Section 5)
- RC - Road Corridor District (See Article 3, Section 6)
- OS - Open Space District (See Article 4)**

Scenic Corridor - Those roads designated as Scenic Corridors will carry the extension "/S1, /S2, or /S3" after their road classification as created by the Zoning Ordinance. (e.g. "A/S1", "C/S1", or "L/S1".

1.4.2 Landscape and Open Space Maps

The Landscape and Open Space Maps will show the portions of the County within which each of the provisions applies.

1.5 Incorporation of Maps

The location and boundaries of Scenic Corridors and of Landscape and Open Space Districts established to implement the provisions of this Ordinance are shown on the Landscape and Open Space Maps, which are hereby incorporated into the provisions of this Ordinance. These maps in their entirety, including all map amendments, shall be as much a part of this Ordinance as if fully set forth and described herein.

1.6 Exclusions

Because such activities are developed with benefit of public hearings and other input, any facility or activity established or expanded by Lexington County is exempt from the provisions and administrative procedures of this Ordinance. However, the development plan for all such exempt activities shall be devised with a diligent effort to meet the requirements of this Ordinance.

Add the following definition to:

Article 2 – Definitions

Right-of-Way Plan – the plan adopted by the Lexington County Planning Commission which defines and designates the various categories of roads within Lexington County according to potential right-of-way needs.

Add the following section to:

Article 3 – Landscaping Requirements

3.1.7 Clearcutting

Silviculture is the science of managing the establishment, growth, composition, and quality of forest vegetation for the full range of forest resource objectives, which often include wildlife, water, recreation, aesthetics, etc. Stands of trees and forests are sometimes managed purely for timber where clearcutting is often practiced to regenerate certain species that require sunlit conditions. Even in a silvicultural planned clearcut, virtually all trees may be removed to achieve the environment desired, including certain light and soil conditions.

Timber harvesting is recognized as a practice beneficial to individual property owners, but also to the local economy. However, trees are also recognized as playing a key role in the quality of the economic and environmental future of the County. It is the intent of this section of this ordinance to have a reasonable review of clearcutting, in conjunction with timber harvesting activities, which allows for equitable financial gain to property owners while preserving that part of the vegetative environment that is essential to the quality of life of the general population.

- a. Clearcutting associated with development may occur only after the provisions of this ordinance have been met for the proposed development. This would typically involve a developer submitting a plan to the Landscape Administrator for review and approval, either for himself or on behalf of the property owner. In forest management terms this will include a development cut because it is considered the final harvest without plans for regeneration of trees.
- b. Clearcutting that occurs with no immediate intention of development will be reviewed by the Landscape Administrator to insure that there is no loss of essential short-term water quality protection or beneficial long-term trophy tree preservation. This review will be done very quickly if there is an unexpected need by the property owner for prompt assistance. This assessment is not intended to prevent equitable financial gain to the property owner, but to insure that the activity does not cause irreplaceable damage to the long-term benefits to the County or the property owner in the following two areas of concern:

Water quality protection: The stormwater runoff after timber harvesting must meet the water quality requirements of Lexington County. Since the water quality protection for the stormwater runoff from an undeveloped tract of land is generally not as rigid as the protection needed for developed property, preserving larger riparian buffers may not be required as a part of the *Best Management Practices for Forestry (BMP's)*; but should be considered as a way to enhance the value of the property for future development. This would especially be true if the lack of adequate riparian buffers causes future development to construct more expensive alternate methods to achieve required water quality protection. Therefore, following BMP's as established and amended by the South Carolina Forestry Commission will be

considered sufficient for timber harvesting, but may not be sufficient for the future development of the property.

Trophy tree preservation: This requirement involves identifying irreplaceable groupings of trophy trees that can easily be included in future development plans as value-added amenities. It is not the intent of this ordinance to require the preservation of every trophy tree on a piece of property or to imprudently leave isolated trophy trees that are not good candidates for long-term survival. The Appendix of this Ordinance contains the criteria for trophy trees, including a list of those trees that are not considered worthy of protection regardless of size.

Exemptions: Any forestry activity, including tree harvesting, which is being conducted in accordance with the *Best Management Practices for Forestry* as established and amended by the South Carolina Forestry Commission and as part of an ongoing forest management program does not require a review by the Landscape Administrator. A simple notification by telephone, FAX, or e-mail of the proposed activity will be made to the Landscape Administrator. Lexington County may deny any permits for development of a site for a period of three years after the completion of a tree harvest if there was a willful intent by the applicant to exercise this forestry exemption to circumvent any provisions of this Ordinance.

Sediment and Erosion Protection: At all times timber harvesting activities must provide sediment and erosion protection for adjoining properties and public roadways in accordance with BMP's. Even though those practices do not include a visual buffer, Lexington County will require a minimum visual buffer as follows:

- Scenic Corridor 1: 50 25 feet
- Scenic Corridor 2 and 3: 25 20 feet (where the road right-of-way is 50 feet wide)
15 feet (where the road right-of-way is 66 feet wide)
- Scenic Corridor 3: ~~15 feet~~
- All other roads: 45 10 feet
- Adjoining property: 10 feet

Within all visual buffers, except those along Scenic Corridors, the careful harvesting of single trees is permitted as long as the basic integrity of the buffer is maintained. The visual buffers along roads will be measured from the platted rights-of-way where they exist. On roads without platted rights-of-way they will be measured from the prescriptive easement. That easement is interpreted to include the actual roadway as well as any adjacent drainage ditch systems that are a part of the roadway.

Make the following changes and additions to:

Article 3 – Landscaping Requirements, Section 7. Scenic Corridor Protection

Certain roads in the County, or portions thereof, shall be established for preservation because of their unique character, to include the existence of long-standing natural tree canopies. These scenic roads have an important role in environmental quality, sense of community and history, and economic development. The following provisions are established in order to preserve and protect the natural vistas of certain thoroughfares and byways within the County. Development along these corridors shall be designed with the principal purpose of accommodating and preserving existing tree canopies, to the greatest extent possible. The intent of this Ordinance is not to prohibit extensive development along these corridors, but to retain the unique character in the process of development.

3.7.1 Identification of Scenic Corridors

Criteria for identifying scenic road corridors under this section shall be established by the Lexington County Planning Commission and approved by Lexington County Council. Criteria may include, but not be limited to, the presence of extremely significant tree canopy or cover. **It will be permissible to establish more than one category of scenic corridor designations.**

The Landscape **and Open Space** Maps identifying roads or sections of roads in the unincorporated area of Lexington County that meet the established criteria will be recommended by the Planning Commission and approved by County Council.

Scenic corridors may be removed from or added to the map upon a recommendation of the Planning Commission and approval of County Council. **A list of these corridors will be maintained in the Appendix of this Ordinance.**

3.7.2 Scope of Regulations

This section shall apply to activities as outlined in Section 1.3. Additionally, the following residential activities shall also be required to follow the restrictions in this section on Scenic Corridor Protection:

- a. Residential subdivisions that have lots developed with frontage on a Scenic Corridor. The requirements of this section shall not apply if the portion of the lot that fronts the road is the front yard of the residence.
- b. Developments that contain Residential Attached (two dwelling units) activities.
- c. Mobile Home Parks.

3.7.3 Pre-Development Activity

There shall be no clear-cutting, timbering, or other removal of canopy trees, understory trees, or underbrush within 50 feet of any existing right-of-way along a scenic corridor without the submission of a clearing plan for approval by the Landscape Administrator.

3.7.4 Clearing Plan

Clearing plans submitted for activities along scenic corridors shall include the following, in addition to the general plan requirements:

- a. Location and identification of all canopy trees with a D.B.H. of eight inches or greater, and all understory trees with a D.B.H. of four inches or greater.
- b. Location and identification of all trophy trees.

3.7.5 Preservation Requirements

Scenic Corridor 1

- a. Except as otherwise provided for in this Ordinance, there shall be no removal of canopy **and trees**, understory trees, ~~or underbrush~~ within the first 25 feet along a Scenic Corridor **1**. The only development allowed within the first 25 feet behind the road right-of-way shall be a sign and an entrance driveway regardless of any buffering requirements of the Lexington County Zoning Ordinance.
- b. Except as otherwise provided for in this Ordinance, all canopy trees with a D.B.H. of eight inches or greater, and all understory trees with a D.B.H. of four inches or greater, shall be preserved within the area 26 - 50 feet deep along a scenic corridor.
- c. Parking, groomed conditions, and natural conditions may be utilized within the area 26 - 50 feet deep along a Scenic Corridor **1** to augment the preserved trees.
- d. Where the imposition of a 50-foot zone represents greater than 20% of the area of a parcel, as platted prior to the enactment date of this ordinance, the combined natural and landscaped zone may be reduced from 50 feet to 20% of the parcel area. This

reduced area shall be proportionately shared between the natural conditions and other uses as described above.

- e. Where there is a significant break or gap in an existing tree canopy along an identified Scenic Corridor 1, the Landscape Administrator shall require that the first twenty-five feet be preserved in as natural a condition as possible with an opportunity for the area to re-vegetate naturally in a manner similar to other portions of the corridor. Where there are no substantial trees in this area, the Landscape Administrator may require street frontage trees (as required in *Article 3, Section 6, Major Road Corridors*) to average at least one tree per twenty (20) feet of frontage, or portion thereof.
- f. In all cases, preservation of ~~underbrush, understory trees,~~ and canopy trees that are appropriate for the setting ~~is encouraged~~ shall be required. The preservation or planting of undesirable ~~underbrush, understory trees,~~ and canopy trees is discouraged.

Scenic Corridor 2

- a. Except as otherwise provided for in this Ordinance, there shall be no removal of canopy and understory trees within the first ~~25~~ 20 feet along a Scenic Corridor 2: The only development allowed within the first ~~25~~ 20 feet behind the road right-of-way shall be a sign and an entrance driveway regardless of any buffering requirements of the Lexington County Zoning Ordinance.
- b. Where the imposition of a ~~25~~ 20-foot zone represents greater than 20% of the area of a parcel, as platted prior to the enactment date of this ordinance, the scenic zone may be reduced from ~~25~~ 20 feet to 20% of the parcel area.
- c. Where there is a significant break or gap in an existing tree canopy along an identified Scenic Corridor 2, the Landscape Administrator shall require that the first twenty-five feet be preserved in as natural a condition as possible with an opportunity for the area to re-vegetate naturally in a manner similar to other portions of the corridor. Where there are no substantial trees in this area, the Landscape Administrator may require street frontage trees (as required in *Article 3, Section 6, Road Corridors*) to average at least one tree per twenty (20) feet of frontage, or portion thereof.
- d. In all cases, the preservation and planting of understory and canopy trees that are appropriate for the setting shall be required. The preservation or planting of undesirable ~~underbrush, understory trees,~~ and canopy trees is discouraged.

Scenic Corridor 3

- a. Except as otherwise provided for in this Ordinance, there shall be no removal of canopy and understory trees along a Scenic Corridor 3 that may serve as street frontage trees in accordance with *Article 3, Section 6, Road Corridors*. The only development allowed within the first ten feet behind the road right-of-way shall be a sign and an entrance driveway regardless of any buffering requirements of the Lexington County Zoning Ordinance.
- b. Where there is a significant break or gap in an existing tree canopy along an identified Scenic Corridor 3, the Landscape Administrator shall require the street frontage trees (as required in *Article 3, Section 6, Road Corridors*) to average at least one tree per twenty (20) feet of frontage, or portion thereof.
- c. In all cases, the preservation and planting of understory and canopy trees that are appropriate for the setting shall be required. The preservation or planting of undesirable understory and canopy trees is discouraged.

3.7.6 Signs and Entranceways

Proper preservation of scenic corridors is compatible with the economic feasibility and visibility of development. The placement of signs and entranceways along a scenic corridor shall be designed in such a manner as to minimize the impact on preserved trees, but shall comply with all placement requirements of the Lexington County Zoning Ordinance.

3.7.7 Additional Zoning Requirements

Where there is a scenic corridor designation, additional restrictions are contained in the Lexington County Zoning Ordinance.

Add the following article to the Landscape Ordinance:

Article 4 – Open Space Requirements

Improving the quality of all development activities, whether residential or non-residential, contributes to the general welfare, prosperity, and pride of the County; and if the preservation of open space is involved there is the opportunity to mitigate potential environmental damage and promote a healthier and more livable community.

The following open space requirements are established in order to preserve and enhance existing vistas; improve appearance; offset the environmental impact of large expanses of impervious surfaces; improve ground water recharge; and promote adequate light, air, and open space for the residents of and visitors to Lexington County.

It is the intent of this article to encourage creativity in layout design by being as flexible as possible in the application of open space standards.

4.1 Residential Subdivisions

The purpose of this section is to provide guidelines for the establishment of suitable and usable open space within all proposed residential subdivisions with lot sizes less than two acres or which have at least ten lots.

4.1.1 Quantity of Open Space

At least ten (10) percent of the total gross land area of the subdivision shall be designated as open space. The following shall be counted toward this minimum open space requirement provided they are actually set aside on property separate from the subdivision parcels:

- a. Natural features (riparian areas, wetlands, natural ponds, streams, wildlife corridors, steep slopes, etc.), natural hazard areas (floodplains, floodways, etc.), stormwater features (drainage channels, ditches, ponds, etc.), and land area occupied by Low Impact Development (LID) stormwater management devices;
- b. Land designated as open space as a result of the Scenic Corridor Section of this ordinance; and
- c. Land occupied by active and passive recreational uses such as pools, playgrounds, tennis courts, jogging trails, ball fields, and clubhouses used primarily for recreation purposes. However, this category of open space can only encompass up to fifty (50) percent of the required open space.

4.1.2 Location

Where relevant and appropriate, open space shall be located so as to be readily accessible and useable by the residents. If possible, a portion of the open space should provide a focal point(s) for the subdivision, preferably at the entrance.

On Scenic Corridor 1's, at least the first 25 feet from the road right-of-way shall be designated as open space. On Scenic Corridor 2's and 3's with at least 66 feet of right-of-way, at least the first 15 feet from that right-of-way shall be designated as open space. On Scenic Corridor 2's and 3's with only 50 feet of right-of-way, at least the first 20 feet from that right-of-way shall be designated as open space. **These distances shall be measured from the proposed right-of-way as shown in the Right-of-Way Plan if that width is greater than the existing right-of-way.**

4.1.3 Configuration

The open space shall use contiguous and compact design elements where possible. These spaces, where applicable, should be interconnected with trail systems, buffer areas, scenic corridors, natural features, or as a portion of the stormwater management system.

Where open areas, trails, parks, or other public spaces are planned or exist adjacent to or within the subdivision, the open space shall, to the maximum extent practicable, be located to adjoin, extend, and enlarge the existing area.

To the maximum extent practicable, the open space should be located and organized to include, protect, and/or enhance as many of the following open areas and features as possible:

1. Natural features (riparian areas, wetlands, natural ponds, streams, wildlife corridors, steep slopes, etc.), natural hazard areas (floodplains, floodways, etc.), stormwater features (drainage channels, ditches, ponds, etc.), and land area occupied by Low Impact Development (LID) stormwater management devices;
2. Areas containing groupings of mature trees, groupings of younger trees with the potential to develop into a forest ecosystem, and trophy trees as defined within this Ordinance;
3. Landscaped buffers or visual transitions between different types or intensities of uses; and
4. Habitat and corridors for wildlife species.

Where the open space is adjacent to a scenic corridor it may be cleared of existing understory and canopy trees only if there is an extensive landscaping and/or berming plan for that area.

4.1.4 Access

Open space shall either front on the road right-of-way within the subdivision or shall have a minimum 20-foot dedicated right-of-way between lots or along property lines to the open space. This access area shall be counted toward this minimum open space requirement.

Motorized vehicles such as motorcycles or all-terrain vehicles shall not be allowed access to the designated open space.

4.2 Golf Courses

The purpose of this section is to provide guidelines for the establishment of suitable and usable open space within the layout of golf courses, to be utilized only in the event the golf course is abandoned as an activity at some point in time.

4.2.1 Quantity of Open Space

A buffer strip of open space at least 100 feet wide shall be established in each of the required locations.

4.2.2 Location

The open space shall be required to be established where residential uses are a part of the development that contains the golf course and where those uses adjoin the fairways that are part of the golf course portion of the development. The designated buffer strip shall extend along the entire length of the residential property line that adjoins the fairways. This shall include all residential lots regardless of whether the lot contains a house.

Where there is a larger tract of land containing a house adjoining the fairways of the golf course the following shall apply. The residential activity [generally the building footprint]

that is more than 300 feet from this property line does not qualify for this open space amenity, and a residential activity that is within 300 feet of, but more than 150 feet from, the golf course qualifies for an open space buffer of 50 feet.

4.2.3 Access

This open space shall either front on a road right-of-way or shall have a minimum 20-foot dedicated right-of-way which extends to a road.

Motorized vehicles other than golf carts, such as motorcycles or all-terrain vehicles, shall not be allowed access to this designated open space.

4.2.4 Use of the open space

This open space is being required as a buffer area and shall be used for no activities more intense than passive recreation. If there is golf course property not included in this open space requirement which is accessible only through the buffer area, then a single access point will be allowed as long as that access follows the shortest route possible and comes no closer than 50 feet to any existing residential property lines.

4.3 Ownership of Open Space

Ownership of required open space may be handled in many ways. It may be allowed to be dedicated to Lexington County if it is an integral part of the storm drainage and water quality protection system. It may also be made part of lands owned and managed by a property owners association or dedicated to some other public agency such as a County recreation commission. The use of conservation easements is encouraged and may also allow for additional ownership options.

Renumber Articles 4 and 5 as needed.

Make the following changes and additions to the . . .

Appendix

This Landscape Ordinance was created by Lexington County with a focus on the preservation or planting of trees for shade, erosion control, and transition between land uses, while balancing the needs and demands of a quickly developing community.

The selection of trees to be planted to meet the specific requirements of this ordinance should be limited to native species, in order to help assure hardy and mature growth. In order to limit the potential for maintenance problems and poor growth, hybrids, non-native species, and aggressive or invasive species should be avoided, as well as species outside their normal range.

Trophy Trees

The Ordinance describes the category of trophy trees as those trees that are significant by their size and type and as such should be preserved wherever possible. Guidelines detailed within the Ordinance address the circumstances in which preservation of trophy trees is not feasible. The specifications for determining trophy trees are as follows:

Hardwoods Canopy Trees, except: sweet-gum yellow poplar	>24"D.B.H.
Pines	>30"D.B.H.
Understory Trees	>12"D.B.H.

The specifications for trophy trees may be revised by staff upon direction by Lexington County Council as part of a regularly scheduled meeting.

Additional Resources

The following is a list of resources for information on proper planting and maintenance:

SC Forestry Commission
P.O. Box 21707
Columbia, SC 29221-1707

SC Forestry Association
P.O. Box 21303
Columbia, SC 29221

Clemson Extension Service
Lexington County Office
605 West Main Street, Suite 109
Lexington, SC 29072

Scenic Corridors

The Scenic Corridor designation can only apply to roads that are located in the portions of Lexington County where the provisions of Article 3, Section 7, of the Landscape and Open Space Ordinance apply. The following are the roadways which are designated as Scenic Corridors in accordance with Article 3, Section 7:

Scenic Corridor 1's

Arterials: Corley Mill Road
Bush River Road (from Lake Murray Boulevard to the CSX Railroad spur)
Cromer Road (from Sunset Boulevard to Oak Drive)
Mineral Springs Road
Bradley Drive

Collectors: Saint Davids Church Road (from Brandley Drive to Kitti Wake Drive)
Barr Road (from Wildlife Road to Pisgah Church Road)
Cedar Road
Cromer Road (from Oak Drive to Mineral Springs Road)
Wildlife Road
~~Branham Branch Road~~
Hydrick Road
~~Poole's Mill Road (south of Johnson King Road)~~
~~Samaria Highway (south of Interstate 20)~~
Swamp Rabbit Road

Locals: ~~Bayonet Road~~
~~Beaver Creek Road~~
~~Cane Break Road~~
~~Creek Ranch Road~~
~~Farm Road~~
~~Justice Road~~
~~Kudzu Road~~
~~Palomino Road~~
~~Sardis Church Road~~
~~Strickland Road~~
~~T-A Fore Road~~
~~Union Church Road~~

~~Utopia School Road~~
~~Wildwood Circle~~
~~Wildwood Road~~
~~Wildwood Road Extension~~

Scenic Corridor 2's

Arterials: Bush River Road (from the CSX Railroad spur to St. Andrews Road)
Columbia Avenue (Chapin area)
Chapin Road
North Lake Drive (from Lake Murray Boulevard to the County Line)
Oak Drive
Emanuel Church Road (from Two Notch Road to Kitti Wake Drive)
Old Barnwell Road (from South Lake Drive to Old Orangeburg Road)
Platt Springs Road (from South Lake Drive to Boiling Springs Road)
Calks Ferry Road
Barr Road (West Main Street to Wildlife Road)
Pisgah Church Road
Longs Pond Road (from Southbrook Way to Nazareth Road)
Nazareth Road
Charleston Highway (from Cayce to County line)
Edmund Highway (from South Congaree to Council District line)
Fish Hatchery Road (from Pine Ridge to Council District line)
Glenn Road (from Fish Hatchery Road to Highway 321)
Highway 321 (from Charleston Highway to Council District line)
Pine Ridge Drive (from Pine Ridge to Charleston Highway)

Collectors: Amicks Ferry Road
Saint Peters Church Road (Chapin area)
Dreher Island Road
Long Pine Road
Peak Street
Old Lexington Highway
Sid Bickley Road
Wessinger Road
Kitti Wake Drive
Sausage Lane
Laurel Road
Maple Road
Jessamine Road
Woodberry Road
Shirway Road
Steele Road
Shelton Road
Mac Circle (Collector portion)
Happy Ridge Drive
Sherwood Drive
Kyzer Road
McCartha Road
Rawl Road
Fox Branch Road
Smith Pond Road
Pilgrim Church Road
Old Cherokee Road (from South Lake Drive to Beechwoods Drive)
Wise Ferry Road
Beech Creek Road
Hope Ferry Road

Mill Stream Road
Midway Road
Andrew Corley Road
Old Chapin Road
Beechcreek Road
St. Peters Road
Beechwoods Drive
Charter Oak Road

Scenic Corridor 3's

Arterials: North Lake Drive (from Lake Murray to US Highway #378)
Lake Murray Boulevard
Piney Grove Road
Saint Andrews Road
Bush River Road (from Saint Andrews Road to the County line)
Sunset Boulevard
Leaphart Road
Old Barnwell Road
Platt Springs Road
Emanuel Church Road (from Kitti Wake Drive to South Congaree)
Two Notch Road
South Lake Drive
West Main Street (Lexington area)
Augusta Highway (from West Main Street to Calks Ferry Road)
Highway #378 (from West Main Street to first Lake Murray Bridge)
Augusta Highway (from Calks Ferry Road to Priceville Road)
Edmund Highway (from Council District line to southern 6/302 split)
Fish Hatchery Road (from Council District line to Meadowfield Road)
Highway 321 (from Council District line to Gaston)
Highway 378 (from first Lake Murray Bridge to Second Lake Murray Bridge)
Pond Branch Road (from Boiling Springs Road to Calks Ferry Road)

Collectors: All Collector Streets that have at least 50% of the roadway located in Restrictive Development Districts as designated by the Lexington County Zoning Ordinance. A Collector Street that is totally contained within an Intensive Development District is not included in this designation.

Locals: All Local Streets located in Restrictive Development Districts as designated by the Lexington County Zoning Ordinance.

This Ordinance shall be effective from the date that it is approved.

Enacted this ____ day of _____, 2009.

Debra B. Summers
Chairman, Lexington County Council

ATTEST:

Diana W. Burnett, Clerk

First Reading: January 27, 2009
Second Reading: _____
Public Hearing: January 27, 2009
Third & Final Reading: _____
Filed w/Clerk of Court: _____

4. OFFER TO PURCHASE TO REMAIN OPEN. The parties hereto agree that the offer to purchase the subject property shall remain open for a period of ninety (90) days following the execution of this Contract of Sale by the Purchaser in order to allow the Seller sufficient time to proceed with its legally required process of selling property. The Purchaser understands that the Seller must follow statutory procedures to approve and execute this Contract. Therefore, Purchaser shall not revoke this offer to purchase until Seller has had opportunity and time to follow this procedure, which shall be no later than sixty (60) days after execution by Purchaser.

5. CLOSING COSTS. It is understood and agreed that the Purchaser will pay for deed stamps and any and all other closing costs connected with the closing of this transaction.

6. CONDITION OF PROPERTY. Seller represents that it is not aware of and has not caused to be put any hazardous substances on or in the groundwater of the subject property. "Hazardous substances" is defined as any substances on the list of hazardous substances by DHEC. The property is sold in "as is" condition.

7. CONVEYANCE. The Seller agrees to convey by marketable title and deliver a proper limited warranty deed, free of encumbrances, except as stated herein, upon completion of this Contract. In the event marketable title cannot be given, Seller shall have no obligation to cure such defect, the Contract shall be voided, and Purchaser shall be refunded any earnest money paid. Purchaser shall be responsible for any costs that Purchaser may have incurred.

8. DEFAULT. In the event the Purchaser fails or defaults, then any sums paid by it under this Contract shall remain the property of the Seller, and Seller may pursue any

available legal remedies. In the event of default by Seller, Purchaser may pursue any remedy available at law or in equity except as otherwise provided herein in the event of a title defect.

In the event litigation is commenced to enforce any rights under this agreement or to pursue any other remedy available to either party, all reasonable legal expenses and other direct costs of litigation of the prevailing party shall be paid by the other party.

9. BROKERAGE COMMISSION. There are no brokers involved in this transaction.

10. SURVIVAL. The terms of this Contract shall survive the closing.

11. ENTIRE AGREEMENT. This agreement supersedes any and all understandings and agreements between the parties and constitutes the sole and entire agreement between the parties. No oral agreement or representations prior hereto shall be included herein unless set forth in writing. Any change to this Contract shall be in writing.

WITNESS the hands and seals of the Seller and Purchaser this _____ day of _____, 2009.

WITNESSES:



As to Purchaser

As to Seller

PURCHASER:


James M. Meyers

SELLER:

County of Lexington, South Carolina

By: _____
Name: _____
Title: _____

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR LEXINGTON COUNTY
ORDINANCE 08-16

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 RETAIL FOOD ESTABLISHMENTS 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 in retail food establishments 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 Retail Food Establishments

Section 14-___. Secondhand smoke in retail food establishments

- (a) Intent. County Council has reviewed the findings of the U.S. Surgeon General that concludes that a simple separation of smokers and non-smokers within the same airspace does not eliminate the exposure of non-smokers to secondhand smoke. Furthermore, County Council recognizes that the preparation and consumption of food in a retail food establishment should be done in a safe and sanitary environment, without exposure to the toxins contained in secondhand smoke. Therefore, 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 retail food establishments. As a result, County Council declares that the purpose of this act is: 1) to preserve and improve the health, comfort, safety, and environment of the people of the unincorporated areas of the County by limiting exposure to secondhand smoke in retail food establishments; and 2) to guarantee the right of nonsmokers to breathe smoke-free air in retail food establishments, and to recognize that the need to breathe smoke-free air shall have priority over the desire to smoke.
- (b) Definitions.
- (1) "Attached bar" means a bar area of a ~~restaurant~~ **retail food establishment**.
 - (2) "Bar" means an establishment that **limits access to the premises to individuals who are 21 years of age or older**, is devoted to the serving of alcoholic beverages for consumption by guests on the premises, and which the serving of food is only incidental to the consumption of those beverages, including, but not limited to,

taverns, nightclubs, cocktail lounges, and cabarets. ~~Fifty percent or less of the revenue of the bar must come from the sale of food; if the percentage of revenue from food is greater than fifty (50) percent, the business is classified as a retail food establishment.~~

- (3) “Enclosed area” means a space bounded by walls (with or without windows), a ceiling or roof, and enclosed by doors, including but not limited to, dining areas, attached bars, restrooms, offices, private dining rooms, foyers, waiting areas and halls.
 - (4) “Private Club or Lodge” means a bona fide organization, whether incorporated or not, which is the occupant of a building, or a portion of a building that has a different address, a separate entrance and not connected by common doors or passageways with any other business within the building, and which is ~~either: 1) used solely and exclusively for social, benevolent, patriotic, recreational or fraternal purposes, and not for pecuniary gain or profit, and which only sells alcoholic beverages incidental to its operation; or 2) an establishment engaged in the sale of beer, wine, porter, ale or alcoholic beverages, not for pecuniary gain or profit, and which maintains on the premises a complete membership list showing the date of application of the proposed member, the date of admission after election, the date initiation fees and dues are paid, the amount paid by each member and each member’s correct mailing address. No organization shall qualify as a private club or lodge under this section if it admits members on demand by payment of a nominal fee.~~
 - (5) “Retail Food Establishment” is any operation that prepares, packages, serves, processes, or otherwise provides food for human consumption on the premises, regardless of whether there is a charge for the food to include but not limited to restaurants, coffee shops, delicatessens, snack bars, ice cream parlors, cafeterias, mobile food units including bases of operations, and temporary food service establishments.
 - (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.
- (c) Prohibition of Smoking in a Retail Food Establishment.
- (1) All retail food establishments to include a retail food establishment with an attached bar shall provide a smoke-free environment in all enclosed areas. A “bar”, or

“private club or lodge”, as defined by this ordinance is not considered a retail food establishment.

- (2) No person shall smoke or possess a lighted tobacco product in any enclosed area of a retail food establishment.
- (3) Notwithstanding any other provision in this article, an owner, operator, manager, or other person in control of a retail food 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-__ (d) is posted.
- (d) Posting of Signs. The owner, manager or person in control of a retail food establishment shall post a conspicuous sign at the main entrance to the retail food establishment, which shall contain the words “No Smoking” and the universal symbol for no smoking.
- (e) Reasonable Distance. 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.
- (f) Jurisdiction, Enforcement and Penalties.
 - (1) A person who owns, manages, operates, or otherwise controls a retail food establishment 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 retail food establishment 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. Further, Lexington County may pursue any other equitable remedy to insure that the retail food establishment complies with the requirements set forth herein.

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 _____.

LEXINGTON COUNTY COUNCIL

BY: _____
Debra B. Summers
Chairman, Lexington County Council

ATTEST THIS THE ____ DAY
OF _____, 2009

Diana W. Burnett, Clerk
First Reading: October 14, 2008
Second Reading:
Public Hearing: January 13, 2009
Third Reading:



Department of Public Safety
212 South Lake Drive, Suite B03, Lexington, SC 29072
Phone: 803-785-8343 * Fax: 803-785-8628

TO: DIANA BURNETT
CLERK TO COUNTY COUNCIL

FROM: CHIEF BRUCE E. RUCKER
DIRECTOR OF PUBLIC SAFETY/EMERGENCY MANAGEMENT

REF: LOCAL EMERGENCY MANAGEMENT PERFORMANCE GRANT
(LEMPG) - 2009

DATE: FEBRUARY 27, 2009

We respectfully request to put to County Council the 2009 Local Emergency Management Performance Grant (LEMPG). Our deadline to submit the approved grant to the South Carolina Emergency Management Division is March 13, 2009. Due to the fast approaching deadline we respectfully request to have the LEMPG Grant brought out at the March 10, 2009 meeting. There is a 50% match for this grant. Matching funds must be non-federal in origin and can be in-kind.

Thank you for your attention to this matter.

COUNTY OF LEXINGTON Grant Request Summary Form

Title of Grant: 2009 Local Emergency Management Performance Grant (LEMPG)

Fund: 1000 General Fund **Department:** 131101 PS / Emergency Preparedness
No. Title No. Title

Type of Summary: **Grant Application** X **Grant Award** _____

Grant Overview: The 2009 Local Emergency Management Performance Grant application is made up of three different parts. The first part of this application will be used to offset a portion of the salaries for Emergency Preparedness personnel, funding for two people to attend the Annual Hurricane/Emergency Management Workshop, and the support cost for the WebEOC. The second part of this application is a special project to develop procedures and protocols for information sharing during incidents in Lexington County, which will provide a long-term solution to bridge or eliminate communication failures. There is no cost for this part, but the County will be reimbursed for this project once it is complete. The final part of this application will cover the cost of the WebEOC and the Emergency Communications Network. Again there will be no cost to the County for this part, the SC Emergency Management Division will directly pay for this, but we just have to apply for them to cover the cost.

Grant Period: April 1, 2009 to March 31, 2010

Responsible Departmental Grant Personnel: Bruce E. Rucker, Director of Public Safety / Homeland Security

Date Grant Information Released: February 9, 2009 **Date Grant Application Due:** March 13, 2009

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

Personnel	\$	119,303.00
Operating	\$	32,208.00
Capital	\$	-
Total	\$	<u>151,511.00</u>

Local Match Required: Yes No

If Yes, What is the Percentage / Amount:

<u>50</u>	<u>\$69,275.00</u>	* This is not a cash, but an in-kind match.
<u>50</u>	<u>\$82,236.00</u>	
<i>%</i>	<i>\$ Amount</i>	

Requirements at the End of this Grant (please explain in detail): None

Due to the Local Emergency Management Performance Grant overlapping two fiscal years, only a portion of the in-kind match is budgeted. Once the fiscal year 2009-2010 budget, the remaining in-kind match will be budgeted in the general fund.

Dept. Preparer:	<u>NM</u>	<u>2/24/2009</u>
Dept. Approval:	<u>BER</u>	<u>2/24/2009</u>
Finance Approval:	<u>AD</u>	<u>3/2/2009</u>
	<i>Initials</i>	<i>Date</i>

**COUNTY OF LEXINGTON
LOCAL EMERGENCY MANAGEMENT PLANNING GRANT
Annual Budget
Fiscal Year - 2009-10**

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	Recommend 2009-10	Approved 2009-10
*Local Emergency Management Planning Grant								
Revenues:								
451200	FEMA EPD Operating Reimbursement		8,019	49,462	49,462	69,275	69,275	
	In-kind Match		36,671	89,434	89,434	82,236	82,236	
** Total Revenue			44,690	138,896	138,896	151,511	151,511	
***Total Appropriation					138,896	151,511	151,511	
FUND BALANCE								
Beginning of Year								
					0	0	0	
FUND BALANCE - Projected								
End of Year								
					0	0	0	
*50/50 In-kind Match								

Fund: 1000
Division: Public Safety
Organization: 131101 - PS / Emergency Management

Object Code	Expenditure Classification	<i>BUDGET</i>						
		2007-08 Expend	2008-09 Expend (Dec)	2008-09 Amended (Dec)	2009-10 Requested	2009-10 Recommend	2009-10 Approved	
Personnel								
510100	Salaries & Wages	0	39,424	87,085	87,870	87,870		
511112	FICA Cost	0	2,918	6,662	6,722	6,722		
511113	State Retirement	0	3,702	8,177	8,251	8,251		
511120	Insurance Fund Contribution	0	6,000	12,000	15,000	15,000		
511130	Workers' Compensation	0	665	1,409	1,460	1,460		
* Total Personnel		0	52,709	115,333	119,303	119,303		
Operating Expenses								
520200	Contracted Services	0	0	6,177				
520702	Technical Currency & Support	0	0	0	4,819	4,819		
525210	Conference & Meeting Expenses	0	0	700	900	900		
* Total Operating		0	0	6,877	5,719	5,719		
** Total Personnel & Operating		0	52,709	122,210	125,022	125,022		
Capital								
** Total Capital		0	0	0	0	0		
*** Total Budget Appropriation		0	52,709	122,210	125,022	125,022		
***** No Cost Projects, but will be reimbursed for completing					16,686	26,489	26,489	
Application Total					138,896	151,511	151,511	

SECTION III – PROGRAM OVERVIEW

EXPLANATION OF GRANT

This grant is awarded annually to support Emergency Management operations in Lexington County. This is a 50/50 match with the County portion coming from salaries for the Emergency Manager and Administrative Assistant.

SECTION V. - LINE ITEM NARRATIVES

SECTION V.B. – OPERATING LINE ITEM NARRATIVES

525210 – CONFERENCES AND MEETING EXPENSES **\$900**

PROGRAM 1 – EMERGENCY MANAGEMENT \$900

This account will cover the cost of two personnel to attend the Annual Emergency Management Conference.

520702 – TECHNICAL CURRENCY & SUPPORT **\$4,819**

PROGRAM 1 – EMERGENCY MANAGEMENT \$4,819

This account will be used to provide support for WebEOC.

EMERGENCY MANAGEMENT

ECN PROJECT **\$9,216**

This amount is awarded to support the Emergency Management Emergency Communications Network (ECN) in Lexington County. This project provides Lexington County Emergency Management a secure T-1 internet line. It allows the County to access WebEOC and provides Voice Over Internet Protocol (VOIP) phone capability for use during emergencies in the County. The South Carolina Emergency Management Division is funding this project for all 46 counties.

SPECIAL PROJECT **\$17,273**

Reliable communications are critical to successful response operations. The County will develop a communication plan that identifies what systems will be used in specific situations. Plans should identify modes of communication and frequency to be used by responders. Plans should indicate responders, county agencies, municipal agencies and the state. It should include what primary, secondary, and conventional 800 MHz talk groups, in both the trunked and site modes will be used and by what agency. The completed plan should indicate what the backup modes of communication for each primary mode that may be non-operational.

The State of South Carolina
Military Department



OFFICE OF THE ADJUTANT GENERAL

February 9, 2009

STANHOPE S. SPEARS
MAJOR GENERAL
THE ADJUTANT GENERAL

Interim Director
Lexington County Emergency Preparedness Division
212 South Lake Drive
Lexington, SC 29072

REF: 2009 LEMPG Allocations

Dear Attention: Interim Coordinator:

The 2009 Local Emergency Management Performance Grant (LEMPG) package is enclosed and copies have been provided to your County Administrators/Managers. Each county will be funded at a higher base level than last year due to an increase in grant funding. Your county's base award is \$37,967.00. This amount includes \$900.00 for two participants to attend the 2010 Hurricane/Emergency Management Workshop. In addition, the Division will pay on your county's behalf, \$4,819 for the annual renewal of WebEOC and \$9,216 for the annual cost of the Emergency Communication Network (ECN). The county will be responsible for providing the match for these funded projects in the amount of \$14,035. Please include in the application how your county will meet the match requirement.

Again this year, each county may select a Special Project but may not repeat projects that were funded with prior year LEMPG funds. Each county will receive a minimum of \$17,273 for the completion of a special project. The county will be reimbursed upon completion of the Special Project, receipt of the Final Progress Report and a request for reimbursement with supporting documentation of allowable expenditures. Each county will be responsible for providing the match for the Special Project funding. Special Projects must be completed by the end of the third quarter (December 31, 2009). Applications are due by March 13, 2009, and shall be mailed to the attention of Ron Osborne.

SCEMD will provide an overview of the work elements and the reporting process on February 20, 2009, at 10:00 a.m. County personnel are encouraged to call (803) 760-1544 on your Emergency Communications Network (ECN) VOIP phone and enter the following PIN number: 0162251. To facilitate the teleconference, a Power Point presentation will be provided to those who RSVP. The conference call is limited to 50 lines. An alternate training day has been scheduled at SCEMD on February 27, 2009, at 10:00 a.m. Should you have any questions or need assistance, please contact Kelley Anderson at (803) 737-8559, Darlene Gathers at (803) 737-8598 or your Regional Emergency Manager.

Sincerely,

A handwritten signature in blue ink that reads "R. Osborne".

Ronald C. Osborne
Director

RCO: kja
cc: County Administrators

Emergency Management Division
2779 Fish Hatchery Road
West Columbia, South Carolina 29172
(803) 737-8500 • Fax: (803) 737-8570

2009 LOCAL EMERGENCY MANAGEMENT PERFORMANCE GRANT WORK ITEMS AND EXPLANATORY PARAGRAPHS

adding a 'Priority' column to a local copy of the county's critical infrastructure spreadsheet and provided to SCEMD. Counties can have multiples of any of the priority codes, i.e. more than one "1".

Explanatory Paragraph: Development of Operational Areas is a key, foundational component of catastrophic planning. All future response to catastrophic events will be operational area-based. Operational Areas can be likened to the County Emergency Management version of subdivisions used by Fire, EMS, Schools and Political organizations to better plan, respond, and manage resources, including critical infrastructure. Operational Areas are geographic subdivisions within counties that facilitate efficient pre-impact planning for types and numbers of resources and logistics. Through effective planning, Operational Areas allow counties, response agencies and SCEMD to provide faster, more focused response to disasters. Operational Areas allow planning for all types of disasters, including those of a catastrophic nature and facilitate improved county coordination/management of information and resources. Operational Areas are a fixed geographical planning version of the Area Command concept that also support span of control efficiencies and facilitate loss-estimation, logistics and resource planning.

POC is Jim Trone, Natural Hazards Plans Manager, 803-737-8858.

P-8

Communications Plan: *Develop procedures and protocols for communications (to include voice, data, access to geospatial information, Internet/Web use, and data encryption), where applicable, to utilize or share information during an incident/planned event IAW NIMS. Submit to SCEMD, through appropriate Regional Emergency Manager, a county communications plan that describes how the county will communicate between entities (LGR, 800 MHZ, Satellite Phone, UHF, VHF, amateur radio, etc) at county level, county to municipality level, and county to state. Plans will include back-up systems to be used and frequency or talk group assignments if primary systems are not functional. Include:*

- 1. Communications Spreadsheet (Use ICS Form 205 as a template).*

**2009 LOCAL EMERGENCY MANAGEMENT PERFORMANCE GRANT WORK
ITEMS AND EXPLANATORY PARAGRAPHS**

*2. Long-term solutions to bridge or eliminate
communications shortcomings.*

*IAW Objectives 2.1.2, 2.1.4 and 2.1.7, State Homeland
Security Assessment and Strategy, September 30, 2005*

Explanatory Paragraph: Reliable communications are critical to successful response operations. Each county will develop or update a communications plan that identifies what systems will be used in specific situations. Plans should identify modes of communication and frequency to be used by responders. Plans should indicate responders, county agencies, municipal agencies and the state. It should include what primary, secondary, and conventional 800 MHZ talk groups, in both the trunked and site modes will be used and by what agency. The completed/updated plan should indicate what the backup modes of communication for each primary mode that may be non-operational. Counties should have a spreadsheet, based on the SCEMD model developed from county input.

POC is Alex Smith, Mgr. Facilities, 803-737-8654 or the appropriate Regional Emergency Manager

P-9

Debris Management Plan: *County will create a FEMA-Approved Debris Management Plan using the FEMA Debris Management Plan Outline provided at Appendix A of FEMA document 325 – Debris Management Guide (July 2007) page A-1.*

Explanatory Paragraph: FEMA has provided guidance on developing a plan as well as a checklist for plans submitted for approval. The finished product must, at a minimum, include all the items in the Checklist provided by the Public Assistance Officer.

For further information regarding items to include in the plan, see Appendix D to the SC Recovery Plan, dated December 2008 (Annex D-4-1 through D-4-4). Plans shall be submitted to the PA Officer, through the appropriate Regional Emergency Manager. Counties will have 60 days to correct deficiencies and resubmit their plans.

POC is Jan Thomas, Mgr., Recovery, 803-737-8774

**STATE OF SOUTH CAROLINA
EMERGENCY MANAGEMENT DIVISION
OFFICE OF THE ADJUTANT GENERAL**

**FY-2009 LOCAL EMERGENCY MANAGEMENT PERFORMANCE GRANT APPLICATION
FOR SOUTH CAROLINA EMERGENCY MANAGEMENT DIVISION (SCEMD) USE ONLY**

Grant

#: _____ Award Date: _____

Prior Grant #1: **N/A** #2: _____ #3: _____

App#: _____ Federal ID No.: _____

Federal Fiscal Year: **2009** Fund Year: **2009** Program Area: _____

TO BE COMPLETED BY PROJECT DIRECTOR—SEE INSTRUCTIONS

1. County #: 32County Name: Lexington County

2. Project Period:

Begin: April 1, 2009 End: March 31, 20103. Project Title 97.042 Emergency Management Performance Grant

4. Project Summary:

5. Type of Application (Check Applicable Line)

- a. Initial Continuation Revision Reverted
- b. Year of Funds 1st 2nd 3rd Other:
- c. Advance Reimbursable

6. a. Organization Type: (Check Applicable Line)

- State City County
 Private, Non-Profit Organization

Other (Specify): _____

b. U.S. Congressional District: _____

7. Name and Address of **Implementing Agency**

Lexington County Emergency Management
212 S Lake Drive, Suite B03
Lexington SC 29072

10 Digit Zip: 803-785-8343

(Area) Phone #: _____

803-785-8328

(Area) Fax #: _____

COMPLETE PAGES 2&3 BEFORE COMPLETING THIS SECTION

8. BUDGET: USE WHOLE DOLLARS ONLY! (For Example: \$1,500 NOT \$1,500.00)

a. BUDGET CATEGORIES	FEDERAL	AGENCY MATCH	TOTAL
Personnel	37,067	82,236	119,303
Contractual Services			
Travel	900		900
Equipment			
Supplies			
Other			
WebEOC & ECN	14,035		14,035
Special Project	17,273		17,273
TOTAL:	69,275	82,236	151,511
b. PERCENTAGE:	50%	50%	100%

9. APPROPRIATION OF NON-GRANTOR

MATCHING FUNDS:

- State County City

Other (Explain): **Matching funds from Non-Federal Origin**

ELIGIBLE COSTS (See Page 4) CATEGORIES		FEDERAL	MATCHING FUNDS		TOTAL
			CASH	IN-KIND	
I. PERSONNEL					
A. SALARIES:	<u># of Hours</u>				
B. SPECIAL PROJECT:					
<u>Position Title</u>	<u>On Project</u> <u>Hourly Salary</u>				
Salaries:					
Emergency Manager	100%	\$37,067	\$13,436		\$50,503
Administrative Assistant	100%	0	\$37,367		\$37,367
Special Project Salaries:					
TOTAL SALARIES:		\$37,067	\$50,803		\$87,870
B. EMPLOYER CONTRIBUTIONS (Fringe Benefits):					
Social Security & Medicare (FICA)		0	\$6,722		\$6,722
Retirement		0	\$8,251		\$8,251
Workers' Compensation Insurance		0	\$1,460		\$1,460
Unemployment Insurance		0	0		0
Health Insurance		0	\$15,000		\$15,000
Dental Insurance					
Pre-Retirement Death Benefit		0			
Other Employer Contributions (Itemize):					
B. Special Project Employer Contributions:					
TOTAL EMPLOYER CONTRIBUTIONS:		0	\$31,433		\$31,433
TOTAL PERSONNEL:		\$37,067	\$82,236		\$119,303
II (a) CONTRACTUAL SERVICES: (Itemize)					
TOTAL CONTRACTUAL SERVICES:		0	0	0	0
III. TRAVEL:					
Itemize—cost					
2 personnel for the Hurricane/Emergency Management Workshop		\$900			\$900
Special Project Travel (Itemize):					
TOTAL TRAVEL:		\$900			\$900

USE WHOLE DOLLARS ONLY		MATCHING FUNDS			
CATEGORIES		FEDERAL	CASH	IN-KIND	TOTAL
IV. EQUIPMENT (\$1,000 or more per Unit): (Itemize - DO NOT USE BRAND NAME. Also, DO NOT include leased or rented items)					
<u>ITEM</u>	<u>QUANTITY</u>				
Special Project (Itemize):					
TOTAL EQUIPMENT:					
V (a) SUPPLIES: (Describe)					
V (b) SPECIAL PROJECT SUPPLIES (Describe):					
TOTAL SUPPLIES					
VI (a) OTHER: (Itemize)					
Paid by EMD: WEBEOC Software Renewal		\$4,819			\$4,819
Paid by EMD: ECN		\$9,216			\$9,216
VI (b) SPECIAL PROJECT OTHER: (Itemize)		\$17,273			\$17,273
P-8: Communications Plan					
TOTAL OTHER:		\$31,308			\$31,308

BUDGET NARRATIVE

List items under each Budget Category heading. Explain exactly how each item in your budget will be utilized. It is important that the necessity of these items, as they relate to the operation of the project, be established. Dollar amounts DO NOT have to be provided. Please identify detailed items that will be supported with Special Project funds.

PERSONNEL:

Budget will be used to cover the salaries of the Lexington County Emergency Manager and the Administrative Assistant.

CONTRACTUAL SERVICES:**TRAVEL:**

2 personnel to attend the 2010 Hurricane/Emergency Management Workshop.

EQUIPMENT:**SUPPLIES:****OTHER:**

Technical support for Lexington County's WebEOC.

Emergency Communications Network – VOIP for Lexington County.

Special Project P-8: Communications Plan – Develop procedures/protocols for communications for information sharing during an incident/planned event.

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

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RESOLUTION

THE COUNCIL FOR THE COUNTY OF LEXINGTON, SOUTH CAROLINA, MEETING IN GENERAL SESSION THE 10TH DAY OF MARCH, TWO THOUSAND AND NINE ADOPTED THE FOLLOWING:

WHEREAS, Lexington County, South Carolina has been and is a recipient of Community Development Block Grant (CDBG) Program and HOME Investment Partnerships Program funds from the United States Department of Housing and Urban Development (HUD); and

WHEREAS, as part of its grant agreement for these funds, Lexington County certifies and agrees to comply with Title VIII of the Civil Rights Act of 1968, as amended, and to administer its activities relating to housing and community development in a manner which affirmatively furthers fair housing; and

WHEREAS, it is a requirement of the CDBG and HOME programs that the County undertake actions to further fair housing during each grant period; and

WHEREAS, the County desires that all of its citizens be afforded the opportunity to attain a decent, safe, and affordable housing regardless of race, religion, color, sex, national origin, disability, or familial status; and

WHEREAS, each year HUD designates the month of April as Fair Housing Month.

NOW, THEREFORE, BE IT RESOLVED that we, Lexington County Council, does hereby proclaim April as **FAIR HOUSING MONTH** in Lexington County.

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

RESOLUTION

THE COUNCIL FOR THE COUNTY OF LEXINGTON, SOUTH CAROLINA, MEETING IN GENERAL SESSION THE 10TH DAY OF MARCH, TWO THOUSAND AND NINE, ADOPTED THE FOLLOWING:

WHEREAS, the week of April 12-18, 2009 has been designated as National Community Development Week by the National Community Development Association to promote the Community Development Block Grant Program; and

WHEREAS, the Community Development Block Grant Program has as its primary objective the development of viable urban communities by providing decent housing, a suitable living environment and expanding economic opportunities, principally for persons of low- and moderate-income; and

WHEREAS, Lexington County receives a direct allocation from the Community Development Block Grant Program annually to provide resources for a wide variety of community development activities that principally benefit low- and moderate-income persons, including the elderly and children; and

WHEREAS, in Lexington County and communities throughout the nation, 35 years of Community Development Block Grant Program funding has developed a strong network of relationships among local governments, residents, businesses, and non-profit organizations.

NOW, THEREFORE, BE IT RESOLVED that we, Lexington County Council, designates the week of April 12-18, 2009 as “**COMMUNITY DEVELOPMENT BLOCK GRANT WEEK**” in support of this valued program that has made a tremendous contribution to the viability of the housing stock, infrastructure, public services, and economic vitality of our community; and

BE IT FURTHER RESOLVED, that the Clerk to Council be directed to send certified copies of this Resolution to all members of Lexington County’s Congressional Delegation.

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

March 10, 2009

BILLY DERRICK

Health Services District - Allan R. Risinger - Term expires 3/10/09 - Eligible for reappointment

SMOKEY DAVIS

Board of Zoning Appeals - Bryan Clemenz - Term expired 12/31/07 - Resigned 03/20/07

Health Services District - Wade P. Keisler - Term expires 3/10/09 - Eligible for reappointment

DEBBIE SUMMERS

Museum - Miley Hall Rhodes - Term expired 11/01/08 - Eligible for reappointment

Planning Commission - Todd Sease - Term expires 8/26/09 - Resigned effective 1/21/09

JOHN CARRIGG

Assessment Appeals Board - Vacant - Term expired 09/21/06

Museum Commission - Vacant - Term expired 11/01/06

Health Services District - William A. Kennedy - Term expires 3/10/09 - Eligible for reappointment

TODD CULLUM

Health Services District - Vacant - Term expires 3/10/09

AT-LARGE

Health Services District - James D. Whitehead - Term expires 3/10/09 - Eligible for reappointment

CENTRAL MIDLANDS TRANSIT AUTHORITY

Mike Flack - Term expired 11/13/08 - Eligible for reappointment

Tommy H. Windsor, Jr. - Resigned effective 12/3/08 - Term expires 11/13/09

COUNTY OF LEXINGTON

Procurement Services

MEMORANDUM

(O) 785-8319

(F) 785-2240

DATE: February 27, 2009

TO: Katherine L. Hubbard
County Administrator

THROUGH: Reggie Murphy
Procurement Manager

FROM: Angela M. Seymour
Procurement Officer

**SUBJECT: ADA Compliance Project (Ramp) and Handrails
B09021-01/05/09S
Other Judicial Services**

Competitive bids were solicited and advertised for the ADA Compliance Project (Ramp) and Handrails. A mandatory pre-bid was held on December 18, 2008, in which five (5) vendors attended. We received three (3) bids.

The bids were evaluated by Randy Quattlebaum, Building Services Manager; and Angela M. Seymour, Procurement Officer. It is our recommendation to award this project to Palmetto Scale, Inc. as the lowest bidder. The total cost, including applicable sales tax, is \$ 33,382.46.

Funds are appropriated in the following accounts:

1000-149900-5A9410	ADA Compliance Project (Ramp)	\$ 13,179.78
1000-149900-5A9415	Handrails	\$ 20,202.68

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 March 10, 2009.

copy: Larry Porth, Director of Finance/Assistant County Administrator
Randy Quattlebaum, Building Services Manager

County of Lexington

B09021
AMS
01/09/09

Bid Tabulation

BID # : B09021-01/05/09S

ADA Compliance Project (Ramp) and Handrails

Item	U/M	Description	Palmetto Scale, Inc.		Lindler Const. Co., Inc.		L-J, Inc.	
			Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
1	Lot	Construction of Ramp and Handrails	\$33,382.46	\$33,382.46	\$45,400.00	\$45,400.00	\$56,500.00	\$56,500.00

Bids Opened: January 9, 2009

Angela M. Seymour
Procurement Officer

COUNTY OF LEXINGTON

Procurement Services

MEMORANDUM

(O) 785-8319

(F) 785-2240

DATE: February 17, 2009

TO: Katherine L. Hubbard
County Administrator

THROUGH: Reggie Murphy
Procurement Manager

FROM: Angela M. Seymour
Procurement Officer

**SUBJECT: Bulk Deliveries of Unleaded Gasoline and Diesel Fuel – Term Contract
C09029-02/12/09S
Fleet Services**

Competitive bids were solicited and advertised for a term contract for Bulk Deliveries of Unleaded Gasoline and Diesel Fuel for Fleet Services. The County currently pays a combined base bulk and premium rate through a South Carolina State Contract.

The bids were evaluated by Ellis Gammons, Fleet Manager; and Angela M. Seymour, Procurement Officer. It is our recommendation to make multiple awards to the lowest bidders meeting specifications for an estimated premium yearly cost, including applicable sales tax, of \$ 32,099.12 as follows:

<u>Item</u>	<u>Company</u>	<u>Premium Rates</u>
Item #1	Mansfield Oil Company	\$ 14,141.09
Item #2	Petroleum Traders Corporation	\$ 6,025.83
Item #3-4	James River Solutions	\$ 11,932.20

In addition to the premium rate, the County will also pay the current base bulk rate. It is our recommendation to award this term contract for the initial period of one (1) year with the option to extend the contract for two (2) additional one (1) year periods, if deemed to be in the best interest of the County.

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 March 10, 2009.

copy: Larry Porth, Director of Finance/Assistant County Administrator
Ellis Gammons, Fleet Manager

County of Lexington

C09029
AMS
02/12/09

Bid Tabulation

BID # : C09029-02/12/09S

Bulk Deliveries of Unleaded Gasoline and Diesel Fuel

				Petroleum Traders Corporation	Mansfield Oil Company	James River Solutions
Item	Qty	U/M	Description	Base Rate Plus	Base Rate Plus	Base Rate Plus
1	1	Bulk	Unleaded Regular 87 Octane	\$.0464 per gallon	\$.0282 per gallon	\$.0342 per gallon
2	1	Bulk	Ultra Low Road Diesel	\$.0161 per gallon	\$.0269 per gallon	\$.0359 per gallon
3	1	Bulk	Under 7500 Tankwagon 87 Octane	No Bid	\$.1200 per gallon	\$.07 per gallon
4	1	Bulk	Under 7500 Tankwagon Diesel	No Bid	\$.1200 per gallon	\$.07 per gallon

				Great Lakes Peteroleum
Item	Qty	U/M	Description	Base Rate Plus
1	1	Bulk	Unleaded Regular 87 Octane	\$.105 per gallon
2	1	Bulk	Ultra Low Road Diesel	\$.105 per gallon
3	1	Bulk	Under 7500 Tankwagon 87 Octane	\$.22 per gallon
4	1	Bulk	Under 7500 Tankwagon Diesel	\$.22 per gallon

Cost Comparison								
Mansfield Oil Company								
Item	2008 Usage	U/M	Description	State Contract Cost	Yearly State Contract Cost	County Contract Cost	Yearly County Contract Cost	Yearly Cost Savings
1	501457	Gallon	Unleaded Regular 87 Octane	.107	\$53,655.90	.0282	\$14,141.09	\$39,514.81
Petroleum Traders Corporation								
2	374275	Gallon	Ultra Low Road Diesel	.0178	\$6,662.10	.0161	\$6,025.83	\$636.27
James River Solutions								
3	42748	Gallon	Under 7500 Tankwagon 87 Octane	.107	\$4,574.04	.07	\$2,992.36	\$1,581.68
4	127712	Gallon	Under 7500 Tankwagon Diesel	.107	\$13,665.18	.07	\$8,939.84	\$4,725.34
Yearly Total					\$78,557.21		\$32,099.11	\$46,458.10

****Above listed is the estimated premium rate savings the County will be enduring. ****

Bids Opened: February 12, 2009 @ 3:00 PM

Angela M. Seymour
Procurement Officer

COUNTY OF LEXINGTON

Procurement Services

MEMORANDUM

(O) 785-8319

(F) 785-2240

DATE: February 20, 2009

TO: Katherine L. Hubbard
County Administrator

THROUGH: Reggie Murphy
Procurement Manager

FROM: Angela M. Seymour
Procurement Officer

SUBJECT: (1) Citizen's Response System with License and Webtrax Software Upgrade
Information Services

We received a purchase request for (1) Citizen's Response System with License and Webtrax Software Upgrade for Information Services.

This has been deemed a Sole Source through US Computing, Inc. as they are the developers of the existing Web Trax application. Mike Ujcich, Chief Information Officer; and Jim Schafer, Information Technology Manager have reviewed and recommended this purchase. The total cost, including applicable sales tax, is \$ 31,000.00.

Funds are appropriated in the following accounts:

1000-102100-5A9043	(1) Citizen's Response System with License	\$ 24,800.00
1000-121400-5A9087	Webtrax Software Upgrade	\$ 6,200.00

I concur with the above recommendation and further recommend that this acquisition be placed on County Council's agenda for their next scheduled meeting on March 10, 2009.

copy: Larry Porth, Director of Finance/Assistant County Administrator
Mike Ujcich, Chief Information Officer
Jim Schafer, Information Technology Manager

MEMORANDUM

TO: REGGIE MURPHY, PROCUREMENT MANAGER
FROM: JIM SCHAFFER, IS MANAGER
SUBJECT: CITIZEN RESPONSE PROJECT, PHASE I—CRM IMPLEMENTATION OF CALL TRACKING IN WEB TRAX
DATE: 2/13/2009
CC: MIKE UJCICH, CIO

Attached please find a requisition for the development of a CRM Implementation of Call Tracking in Web Trax. Web Trax is an existing application that tracks permit processing for a variety of development permits administered by Community Development and Public Works and code enforcement by the same departments and the Sheriff's Office. Web Trax is a county-owned custom application developed under contract by US Computing of Columbia, SC.

The CRM Implementation of Call Tracking in Web Trax is Phase I of a project to provide an enterprise system for tracking responses to various types of requests for service, complaints and other citizen inquiries that the various departments receive. Departments that will be integrated into the project for tracking business processes will be Community Development, Public Works (inspections, permits), and the Sheriff's Office (Code Enforcement). In addition, the County Administrator and County Council departments will have access to citizen response data for monitoring and reporting purposes.

The proposed contractor for the project is US Computing of Columbia SC. This firm is recommended for the work for the reason that they developed Web Trax and are intimately familiar with the existing software system and business processes of the departments involved with Web Trax. The proposed contract is for a fixed fee of \$31,000 to be paid for with \$6,200 from the Public Works—Stormwater Management budget, WebTrax Software Upgrade line item, and \$24,800 from the IS budget, Citizen Response System, line item.

This requisition is for the first phase of a very significant technology initiative that supports the strategic goal of improving services to citizens. Phase I will provide a standard format for staff to enter citizen requests for service and produce standard reports that track the responses to the requests. Phase II will extend this capability to the county web site, enabling citizens to electronically submit their own requests, check the status of their requests, and receive information on completion of their requests as well as extending the standard citizen response reporting capabilities to additional departments.

COUNTY OF LEXINGTON

Procurement Services

MEMORANDUM

(O) 785-8319

(F) 785-2240

DATE: March 2, 2009

TO: Katherine L. Hubbard
County Administrator

THROUGH: Reggie Murphy
Procurement Manager

FROM: Angela M. Seymour
Procurement Officer

SUBJECT: (1) Answering Point and Recording Device (Grant Funds)
B09032-02/17/09S
Sheriff's Department

Competitive bids were solicited and advertised for the (1) Answering Point and Recording Device for the Sheriff's Department. A mandatory pre-bid was held on February 4, 2009, in which three (3) vendors attended. We received three (3) bids (see attached bid tabulation).

The bids were evaluated by Mike Ujcich, Chief Information Officer; Jim Schafer, Information Technology Manager; Nikki Rodgers, Communications Coordinator; and Angela M. Seymour, Procurement Officer. It is our recommendation to award this project to Replay Systems, Inc. as the lowest bidder meeting specifications. The total cost, including applicable sales tax, is \$ 68,875.00. This item will be purchased using grant funds.

Funds are appropriated in the following account:

2456-151200-5A9382	LE/Violence Against Women Act
(1) Answering Point and Recording Device	\$ 68,875.00

I concur with the above recommendation and further recommend that this bid be placed on County Council's agenda for their next scheduled meeting on March 10, 2009.

copy: Larry Porth, Director of Finance/Assistant County Administrator
Sheriff James Metts
Chief Bruce Rucker, Director of Public Safety & Homeland Security
Chief Keith Kirchner, Assistant Sheriff
Colonel Allan Paavel, Sheriff's Department
Sylvia Dillon, Sheriff's Department
Nikki Rodgers, Communications Coordinator
Mike Ujcich, Chief Information Officer
Jim Schafer, Information Technology Manager

County of Lexington

B09032
AMS
February 17, 2009

Bid Tabulation

BID # : B09032-02/17/09S
(1) ANSWERING POINT AND RECORDING DEVICE

Item	Qty	U/M	Description	Dynamic Instruments		Audio Data Systems		Replay Systems, Inc.	
				Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
1	1	EA	(1) Answering Point and Recording Device	Does Not Meet Specifications		Does Not Meet Specifications		\$62,500.00	\$62,500.00
			Tax	Does Not Meet Specifications		Does Not Meet Specifications			\$4,375.00
			Performance Bond	Does Not Meet Specifications		Does Not Meet Specifications			\$2,000.00
			Total	Does Not Meet Specifications		Does Not Meet Specifications			\$68,875.00

Bids Opened: February 17, 2009 @ 3:00 PM

Angela Seymour
Procurement Officer

COUNTY OF LEXINGTON

Procurement Services

MEMORANDUM

(O) 785-8166

(F) 785-2240

DATE: February 27, 2009

TO: Katherine L. Hubbard
County Administrator

THROUGH: Reggie Murphy
Procurement Manager

FROM: Jeffrey A. Hyde
Procurement Officer

**SUBJECT: Landscape Supplies – Term Contract
C09031-02/20/09H
Solid Waste Management**

Competitive bids were solicited and advertised for a term contract for Landscape Supplies for Solid Waste Management. The County received three (3) bids of which two (2) of the bids were responsive.

The bids were evaluated by Dave Eger, Solid Waste Management Director; and Jeffrey A. Hyde, Procurement Officer. It is our recommendation to make multiple awards to the lowest bidders meeting specifications for an estimated yearly cost, including applicable sales tax, of \$ 58,212.82, as follows:

<u>Item</u>	<u>Company</u>	<u>Estimated Amount</u>
Items #1 - # 8 & # 12	Delta Landscape Supply	\$ 28,980.42
Item # 11	Lesco, Inc.	\$ 29,232.40
Items # 9 & # 10	No Award – No Responsive Bids	

It is our recommendation to award this term contract for the initial period of one (1) year with the option to extend the contract for two (2) additional one (1) year periods, if deemed to be in the best interest of the County.

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 March 10, 2009.

copy: Larry Porth, Director of Finance/Assistant County Administrator
Dave Eger, Solid Waste Management Director

County of Lexington

C09031
JAH
02/20/09

Bid Tabulation

Bid # C09031-02/20/09H

Landscape Supplies - Term Contract

Item	Qty	UOM	Description	LESCO, INC.		DELTA LANDSCAPE SUPPLY		PENNINGTON SEED	
				Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
1	6000	lbs	19-19-19 Fertilizer	\$0.4598	\$2,758.80	\$0.350	\$2,100.00		N/R
2	1500	lbs	Rye Grass Seed	\$0.500	\$750.00	\$0.44	\$652.50		N/R
3	500	lbs	Bermuda, Hulled	\$3.500	\$1,750.00	\$3.22	\$1,610.00		N/R
4	700	lbs	Bermuda, Unhulled	\$2.500	\$1,750.00	\$2.05	\$1,435.00		N/R
5	1500	lbs	Brown-Top Millet	\$0.630	\$945.00	\$0.45	\$675.00		N/R
6	200	bale	Mulch, Hydro Green, Std	\$12.600	\$2,520.00	\$11.90	\$2,380.00		N/R
7	200	bale	Mulch, Hydro Red	No Bid	No Bid	\$14.64	\$2,928.00		N/R
8	20	gallon	Lime, Liquid	\$12.000	\$240.00	\$7.20	\$144.00		N/R
9	1500	lbs	Slope Master Winter Mix	No Bid	No Bid	No Bid	No Bid		N/R
10	3500	lbs	Slope Master Summer Mix	No Bid	No Bid	No Bid	No Bid		N/R
11	500	rolls	Curlex III Revegetation Matting	\$54.640	\$27,320.00	\$69.00	\$34,500.00		N/R
12	800	each	Sediment Logs - 12" x 10'	\$20.100	\$16,080.00	\$18.95	\$15,160.00		N/R
			Subtotal		\$54,113.80		\$61,584.50		N/R
			Tax		\$3,787.97		\$4,310.92		N/R
			Total Bid		\$57,901.77		\$65,895.42		N/R

** Pennigton Seed is deemed Non-Responsive - Failed to submit a bid bond with their bid.

Bids Opened: February 20, 2009 @ 3:00 pm

Jeffrey A. Hyde
Procurement Officer



COUNTY OF LEXINGTON, SOUTH CAROLINA

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

ZONING TEXT AMENDMENT APPLICATION # **T08-12**

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

ARTICLE 12 - ADMINISTRATION, Chapter 3 - Amendments, Section 123.13 - Public Hearing

Reason for the request: To replicate the authority granted by the South Carolina Code of Laws, Section 6-29-760.

Submitted on behalf of: County Council Planning Commission

Printed Name: Charles M. Compton Title: Planning & GIS Director

Signature: Signature on File

11/24/2008	Application Received	1/08/2009	Newspaper Advertisement
02/19/2009	Planning Commission		

Planning Commission Recommendation: Recommend approval by a 8-0 vote.

12/09/08	First Reading	1/27/09	Public Hearing	2/24/09	Second Reading	Third Reading
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Results: _____

Chapter 3. Amendments

123.00 Purpose

The Lexington County Council may, from time to time, amend the text of this Ordinance or the Zoning Maps which are a part of this Ordinance in the manner set forth below, where it is alleged that there was an error in the original Zoning Ordinance, where conditions have changed so as to warrant a change in zoning, or where in the opinion of the Lexington County Council such change shall serve to promote the public health, safety, morals, convenience, order, prosperity, and general welfare of the present and future inhabitants of Lexington County.

123.10 Procedures

Map or text amendments may be proposed by the Lexington County Council or the Lexington County Planning Commission. Property owners may request map amendments, but only for a change in the district classification of their property or for a change in the classification of the street that directly accesses their property. If another person or entity is representing the property owner(s) in the amendment request, a letter of agency must be submitted with the application.

123.11 Application for Amendment

An application for amendment shall be filed with the Zoning Administrator, who shall transmit copies thereof to the Planning Commission and to County Council. A fee established by County Council shall accompany every application for an amendment.

123.12 Review by the Planning Commission

The Lexington County Planning Commission shall review and make recommendations to the County Council on proposed amendments to this Ordinance. The Commission shall make such recommendation within 30 days of the receipt of the application. Upon the expiration of the 30-day time limit, if the Planning Commission has not made a recommendation, the County Council may proceed to act as it deems proper.

123.13 Public Hearing

A public hearing shall be held by the County Council ~~on all proposed amendments to this Ordinance.~~ **before enacting or amending any zoning regulations or maps.** Notices of such shall be handled as follows:

- a. The Zoning Administrator shall give notice in a newspaper of general circulation in Lexington County at least 15 days prior to the public hearing. If the proposed amendment is to the Zoning Maps, the notice shall specify the location, current zoning, and proposed zoning of the property involved.
- b. At least 15 days prior to the public hearing, the Zoning Administrator shall cause at least one sign, not less than four square feet, to be posted on the property in question (if the application is a proposed map amendment). This sign shall contain the nature of the requested change and the time, date, and place of the public hearing, and shall be located so that it is visible from each public thoroughfare that abuts the property.
- c. Prior to the public hearing before County Council, the adjacent property owners (if the application is a proposed map amendment) shall be notified by the Zoning Administrator of the proposed amendment and the time, date, and place of the public hearing.

123.20 Extent of Amendment Granted

The County Council may grant a more restrictive zoning amendment, but not a less restrictive zoning amendment, than formally requested by the applicant.

123.30 Enactment

Upon enactment of an amendment by County Council, the Zoning Administrator shall immediately cause said amendment to be placed upon the Zoning Maps or inserted into the text of the Ordinance.

123.40 Resubmittal of Amendments

A map amendment request, which has been denied for the same property or substantially the same property, shall not be resubmitted within 12 months in the same form as previously submitted. The twelve months shall be measured from the date of the application. This shall not prohibit resubmittal if new facts are uncovered.

ORDINANCE NO. 08-19
LEXINGTON COUNTY

AN ORDINANCE TO AMEND ORDINANCE NO. 95-12, AS AMENDED BY SUBSEQUENT ORDINANCES RELATING TO THE JOINT COUNTY INDUSTRIAL PARK OF LEXINGTON AND CALHOUN COUNTIES SO AS TO ENLARGE THE PARK TO ADD CERTAIN PROPERTY OWNED BY OR LEASED TO OWEN ELECTRIC STEEL COMPANY OF SOUTH CAROLINA (D/B/A CMC STEEL SOUTH CAROLINA) OR AFFILIATES

WHEREAS, pursuant to Ordinance No. 95-12 enacted September 11, 1995 by Lexington County Council, Lexington County entered into an Agreement for Development of a Joint County Industrial and Business Park dated as of December 11, 1995, with Calhoun County (the "Original Agreement"), which Original Agreement was amended, pursuant to the authority contained in subsequent ordinances enacted by Lexington County Council for amendments to the Original Agreement (collectively referred to as the "Park Agreement"); and

WHEREAS, pursuant to Section 3 of the Park Agreement, the boundaries of the park created therein (the "Park") may be enlarged pursuant to ordinances of the County Councils of Calhoun County and Lexington County; and

WHEREAS, it is now desired that the boundaries of the Park be enlarged; and

WHEREAS, the expansion of the Park shall include certain tracts of real estate and the property thereon which is located in Lexington County and described in Exhibit A attached to this ordinance and which shall hereafter be owned by or leased to Owen Electric Steel Company of South Carolina (d/b/a CMC Steel South Carolina) (the "Company") or one of its affiliates (the "Property").

NOW THEREFORE, be it ordained by Lexington County Council that:

(1) The Park Agreement shall be amended to include the Property, and the Chair of Lexington County Council is hereby authorized to execute and deliver on behalf of Lexington County an amendment to the Park Agreement as necessary to accomplish such enlargement (the "Amendment"). The form, terms and conditions of the Amendment, which shall be substantially in the form presented to this meeting, together with such changes therein as shall not materially adversely affect Lexington County and as the Chairman shall approve based upon the advice of counsel to the County, are hereby ratified and approved.

(2) Lexington County hereby confirms that other property owned by or leased to the Company as specified in Exhibit A-1 hereto (the "Original Project") was added to the Park pursuant to Ordinance No. 99-13 previously enacted by Lexington County Council and ratifies the continued inclusion of the Original Project in the Park.

(3) Any ordinance, resolution, order or any part of the same in conflict with this Ordinance or the Amendment is, to the extent of that conflict, repealed.

DONE in meeting duly assembled this 10th day of March, 2009.

LEXINGTON COUNTY, SOUTH CAROLINA

By: _____

Name: Debra B. Summers

Title: Chair, Lexington County Council

(SEAL)

ATTEST:

By: _____

Name: Diana W. Burnett

Title: Clerk to Lexington County Council

First Reading: December 9, 2008

Second Reading: January 13, 2008

Public Hearing: February 24, 2009

Third Reading: March 10, 2009

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

I, the undersigned Clerk to County Council of Lexington County, South Carolina, do hereby certify that attached hereto is a true, accurate and complete copy of an ordinance which was given reading and a public hearing, and received majority approval, by the County Council at meetings of December 9, 2008, January 13, 2009, February 24, 2009 and March 10, 2009, at which meetings a quorum of members of County Council were present and voted, and an original of which ordinance is filed in the permanent records of the County Council.

By: _____

Name: Diana W. Burnett

Title: Clerk to Lexington County Council

Dated: _____, 2009

EXHIBIT "A"

<u>TMS NOS:</u>	05800-02-001	603 GODLEY ST
	005797-04-002	S SIDE OF GODLEY ST
	006400-02-002	2308 TWO NOTCH RD
	007300-04-022	SE OF HWY 774
	007300-04-011	SE SIDE I-20
	007400-05-033	CYNTHIAN TERRACE LOT 6 BLK A
	007400-05-015	CYNTHIAN TERRACE LOT 6 BLK B
	007400-05-034	CYNTHIAN TERRACE LOT 7 BLK A
	007400-05-037	CYNTHIAN TERRACE LOT 7 BLK B
	007400-05-039	CYNTHIAN TERRACE PT LOT 9 BLK B
	007400-05-031	CYNTHIAN TERRACE LOTS 4 & 5 BLK A
	007400-05-038	CYNTHIAN TERRACE LOT 8 BLK B
	007400-05-050	159 MICHAEL TAYLOR RD
	007400-05-036	CYNTHIAN TERRACE LOTS 1, 2, 3, & 4 BLK B
	007400-05-023	CYNTHIAN TERRACE TRACT 5 BLK B
	007400-05-027	CYNTHIAN TERRACE TRACT 3 BLK A
	007997-03-020	1825610-000 SOUTHERN POST
	007997-03-016	BOTH SIDES HWY 105
	005797-04-002	S SIDE OF GODLEY ST
	005768-01-001	1411148-002 OWEN JOIST
	005768-01-004	PT LOTS 10 & 11 80X148X80X162
	005768-01-005	LOT 1 BLK D 50X150
	005768-01-003	PT LOTS 10 & 11 BLK D 100X120
	005768-01-006	LOTS 2, 3, 4 & 9 BLK D 150X150X50X50X200X2

EXHIBIT "A-1"

All those certain pieces, parcels, or tracts of land with improvements thereon, situate, lying, and being located in the City of Cayce in Lexington County, South Carolina, consisting of approximately 99.1 acres, and hereby shown and delineated on a Site Plan as of August 1999 with Proposed Future Layout Changes prepared by SMI Steel South Carolina dated August 18, 1999, attached hereto as Exhibit A-1, said property being bounded on the north by Taylor Street (S.C. Hwy. 266); on the east by New State Road (S.C. Hwy. 66); on the west by Foreman Street (S-32-266); and on the south by Godley Street.

Less and excepting that certain parcel of land with improvements thereon, situate, lying, and being located between Taylor Street (S.C. Hwy. 266) and Ferrell Street (S.C. Hwy. 835), and delineated as TMS No. 05768-02-011.

DERIVATION: A derivation clause is not required for a Quitclaim deed pursuant to S.C. Code Ann. § 30-5-35(a) (Law. Co-op. 1976).

TMS NOS.: 05768-02-001, -002, -004, -005, -006, -008, -009, -010, -012, -014, -016, -017, -018, -019, -020

05768-03-001, -002, -003, -004, -005, -006, -007, -008, -009, -013, -014, -015, -016, -017, -018, -023, -025, -026, -027, -028, -029, -030, -032

05768-04-001, -002, -003, -004, -005, -006

05768-05-001, -002, -003, -004, -005, -006, -007, -008, -009, -010, -011

05768-06-001, -002, -003, -004, -005, -006

05768-07-002, -003

05768-08-001, -002, -003, -004

05797-03-002, -003

STATE OF SOUTH CAROLINA)	AMENDMENT TO
)	AGREEMENT FOR DEVELOPMENT
COUNTY OF LEXINGTON)	OF JOINT COUNTY INDUSTRIAL PARK
COUNTY OF CALHOUN)	(EXPANSION OF OWEN ELECTRIC STEEL
		COMPANY OF SOUTH CAROLINA (D/B/A
		CMC STEEL SOUTH CAROLINA) /AFFILIATES)

This Amendment to Agreement for Development of Joint County Industrial Park (the “Amendment”) is made and entered into by and between Calhoun County, South Carolina (“Calhoun County”) and Lexington County, South Carolina (“Lexington County”), each a body politic and political subdivision of the State of South Carolina (collectively the “Counties”), and is to be effective as of the 1st day of August, 2008.

WITNESSETH:

WHEREAS, under the authority granted to the Counties pursuant to Article VIII, Section 13(d) of the Constitution of the State of South Carolina and Section 4-1-170 of the Code of Laws of South Carolina 1976, as amended, and pursuant to that certain Agreement for Development of Joint County Industrial Park (as amended or modified, the “Park Agreement”) entered into by the Counties on or about December 11, 1995, where the Counties agreed to develop a multi-county industrial or business park (the “Park”), a portion of which is located in Lexington County as described on Exhibit A to that Agreement (the “Lexington Property”) and a portion of which is located in Calhoun County as described on Exhibit B to that Agreement (the “Calhoun Property”);

WHEREAS, the Counties have determined that it is in the best interest of the Counties to enlarge the boundaries of the Park as authorized by paragraph 3(A) of the Agreement;

WHEREAS, the Counties desire to amend the Agreement to enlarge the boundaries of the Park to include the additional real estate and property thereon which is located in Lexington County and described on Exhibit A hereto and which shall hereafter be owned by or leased to Owen Electric Steel Company of South Carolina (d/b/a CMC Steel South Carolina) (the “Company” or one of its affiliates (the “Additional Property”));

WHEREAS, the City of Cayce has granted its consent to inclusion within the Park of those portions of the Additional Property located within the jurisdictional limits of the City of Cayce;

NOW THEREFORE, in consideration of the mutual agreement, representations and benefits contained in this Amendment and for other good and valuable consideration, the adequacy of which is hereby acknowledged, the parties hereby agree as follows:

1. Exhibit A to the Park Agreement, as amended, which describes the boundaries of the Park with regard to the Lexington Property, is amended by adding the Additional Property .

2. Unless otherwise agreed to in writing by the Company, the term of the Park Agreement shall extend through March 1, 2020 and shall not be terminated prior to such date; provided that, if the Counties have agreed to a longer term in connection with the addition of other properties to the Park, such longer term shall apply.

3. Except as expressly amended or modified herein, the remaining terms and conditions of the Park Agreement shall remain in full force and effect.

In WITNESS WHEREOF, the duly authorized and appointed officers of Calhoun County, South Carolina and Lexington County, South Carolina have set their hand and seals hereto to be effective as of the 1st day of August, 2008.

CALHOUN COUNTY, SOUTH CAROLINA

By: _____

Name: David K. Summers, Jr.

Title: Chairman, Calhoun County Council

(SEAL)

ATTEST:

By: _____

Name: Donna R. Allread

Title: Clerk to Calhoun County Council

LEXINGTON COUNTY, SOUTH CAROLINA

By: _____

Name: Debra B. Summers

Title: Chair, Lexington County Council

(SEAL)

ATTEST:

By: _____

Name: Diana W. Burnett

Title: Clerk to Lexington County Council

EXHIBIT A

<u>TMS NOS:</u>	05800-02-001	603 GODLEY ST
	005797-04-002	S SIDE OF GODLEY ST
	006400-02-002	2308 TWO NOTCH RD
	007300-04-022	SE OF HWY 774
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	007400-05-036	CYNTHIAN TERRACE LOTS 1, 2, 3, & 4 BLK B
	007400-05-023	CYNTHIAN TERRACE TRACT 5 BLK B
	007400-05-027	CYNTHIAN TERRACE TRACT 3 BLK A
	007997-03-020	1825610-000 SOUTHERN POST
	007997-03-016	BOTH SIDES HWY 105
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	005768-01-005	LOT 1 BLK D 50X150
	005768-01-003	PT LOTS 10 & 11 BLK D 100X120
	005768-01-006	LOTS 2, 3, 4 & 9 BLK D 150X150X50X50X200X2

COUNTY OF LEXINGTON, SOUTH CAROLINA

ORDINANCE NO. 09-02

AN ORDINANCE APPROVING THE CONVEYANCE OF REAL ESTATE FROM THE COUNTY OF LEXINGTON TO JAMES M. MAYERS.

WHEREAS, the County of Lexington (hereinafter “the County”) is the owner of the property located in the County of Lexington containing 1.14 acres and having the address of 145 Middlefield Road, Chapin, South Carolina; and

WHEREAS, the County no longer has a need for the subject property; and

WHEREAS, the County has received an offer from James M. Mayers to purchase the subject property at fair market value; and

WHEREAS, the County of Lexington deems it to be in the public’s best interest to sell the subject property to James M. Mayers;

NOW, THEREFORE, pursuant to the authority granted by South Carolina Code § 6-25-128, be it ordained and enacted by the Lexington County Council as follows:

Section 1. The Lexington County Council hereby approves the Contract of Sale attached hereto as Exhibit A and the conveyance of the property described therein to James M. Mayers.

Section 2. The Chairman of the Lexington County Council is authorized and directed to execute and deliver a Deed and the Chairman or County Administrator is authorized to execute any other closing documents necessary to complete the sale of the property described in the Contract of Sale attached hereto as Exhibit A to James. M. Mayers.

Enacted this _____ day of _____, 2009.

Debra B. Summers, Chairman

ATTEST:

_____, Clerk

First Reading: _____

Second Reading: _____

Public Hearing: _____

Third & Final Reading: _____

Filed w/Clerk of Court: _____

4. OFFER TO PURCHASE TO REMAIN OPEN. The parties hereto agree that the offer to purchase the subject property shall remain open for a period of ninety (90) days following the execution of this Contract of Sale by the Purchaser in order to allow the Seller sufficient time to proceed with its legally required process of selling property. The Purchaser understands that the Seller must follow statutory procedures to approve and execute this Contract. Therefore, Purchaser shall not revoke this offer to purchase until Seller has had opportunity and time to follow this procedure, which shall be no later than sixty (60) days after execution by Purchaser.

5. CLOSING COSTS. It is understood and agreed that the Purchaser will pay for deed stamps and any and all other closing costs connected with the closing of this transaction.

6. CONDITION OF PROPERTY. Seller represents that it is not aware of and has not caused to be put any hazardous substances on or in the groundwater of the subject property. "Hazardous substances" is defined as any substances on the list of hazardous substances by DHEC. The property is sold in "as is" condition.

7. CONVEYANCE. The Seller agrees to convey by marketable title and deliver a proper limited warranty deed, free of encumbrances, except as stated herein, upon completion of this Contract. In the event marketable title cannot be given, Seller shall have no obligation to cure such defect, the Contract shall be voided, and Purchaser shall be refunded any earnest money paid. Purchaser shall be responsible for any costs that Purchaser may have incurred.

8. DEFAULT. In the event the Purchaser fails or defaults, then any sums paid by it under this Contract shall remain the property of the Seller, and Seller may pursue any

available legal remedies. In the event of default by Seller, Purchaser may pursue any remedy available at law or in equity except as otherwise provided herein in the event of a title defect.

In the event litigation is commenced to enforce any rights under this agreement or to pursue any other remedy available to either party, all reasonable legal expenses and other direct costs of litigation of the prevailing party shall be paid by the other party.

9. BROKERAGE COMMISSION. There are no brokers involved in this transaction.

10. SURVIVAL. The terms of this Contract shall survive the closing.

11. ENTIRE AGREEMENT. This agreement supersedes any and all understandings and agreements between the parties and constitutes the sole and entire agreement between the parties. No oral agreement or representations prior hereto shall be included herein unless set forth in writing. Any change to this Contract shall be in writing.

WITNESS the hands and seals of the Seller and Purchaser this _____ day of _____, 2009.

WITNESSES:



As to Purchaser

As to Seller

PURCHASER:


James M. Meyers

SELLER:

County of Lexington, South Carolina

By: _____
Name: _____
Title: _____



N/F WHALEY, CYNTHIA M
TMS# 000600-06-139
PLAT 287-147

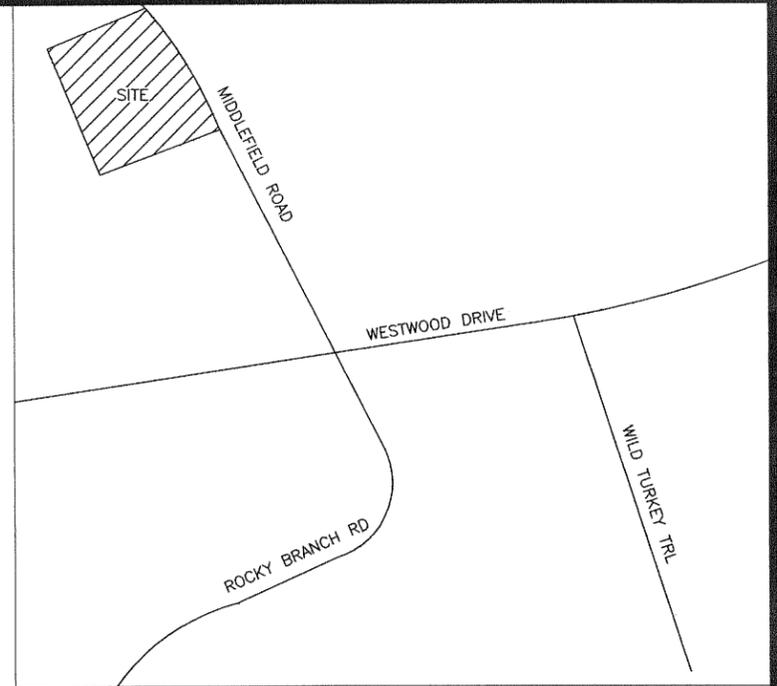
N/F MAYERS, JAMES M
TMS# 000600-06-063
PLAT 187C-849

N/F MAYERS, LADELL W TRUSTEE
TMS# 000600-06-012
PLAT 265-48

N/F COUNTY OF LEXINGTON
PLAT 200C-827

1.14 ACRES

N/F SWITTENBURG, PAULA Q (NOW DUDLEY)
TMS# 000600-06-137
SL-440-8B



LOCATION MAP
SCALE 1" = 600'

SOUTH CAROLINA
LEXINGTON COUNTY

--SURVEY FOR--
COUNTY OF LEXINGTON

LOCATED APPROXIMATELY 1.6 MILES WEST OF THE TOWN OF CHAPIN

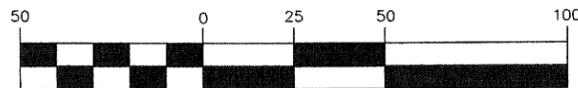
THIS TRACT BEING LEXINGTON COUNTY TAX MAP # 000600-06-081

I hereby state that to the best of my knowledge, information, and belief the survey shown hereon was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina and Meets or exceeds the requirements for a class A survey as specified therein.

NOTES

1. IO= IRON FOUND
2. CT= CRIMP TOP IRON
3. OP= OPEN PIPE FOUND
4. IN= NEW IRON SET USING #5 REBAR

GRAPHIC SCALE



(IN FEET)
1 inch = 50 ft.



Donald H. Rumbaugh
DONALD H. RUMBAUGH PLS# 10888

DRAWN BY: PD DATE: 10-23-08

LEXINGTON COUNTY
PUBLIC WORKS
ENGINEERING DIVISION

440 BALL PARK ROAD
LEXINGTON, SOUTH CAROLINA 29072
(803) 785-8201



COMMITTEE REPORT

RE: Traffic Signal – Lexington County School District 3

DATE: February 27, 2009

COMMITTEE: Public Works

MAJORITY REPORT: Yes

The Public Works Committee met on Tuesday, February 24, 2009, to discuss a traffic signal for Lexington County School District 3.

Mr. John Fechtel, Public Works Director, reported that the Public Works Department received a letter from Town of Batesburg-Leesville in reference to the traffic problem at the B-L Primary School located on Highway 391 (Summerland Avenue). The South Carolina Department of Transportation has not approved a light for this location or provided an estimate. Staff has estimated a traffic light at this location would be approximately \$50,000 to \$60,000. Mr. Fechtel said \$75,000 is available in the FY 2008/09 "C" Funds account (2700-121300-529901) for school projects. Staff recommends approving fifty percent of the cost of the traffic light on Summerland Avenue with a maximum amount of \$30,000 based on the final costs. If the costs exceed \$60,000 the School District or the Town of Batesburg-Leesville would provide the additional funding. Mr. Fechtel said the school has agreed to spend \$30,000 for this project. The Committee suggested revisiting this project if the money is not allocated by the end of the fiscal year to see if there is any additional money left from the \$75,000 "C" Funds account for school projects to possibly increase the County's contribution towards the traffic light.

The Public Works Committee voted unanimously to recommend that full Council approve staff's recommendation to approve fifty percent of the cost of a traffic light at the B-L Primary School on Highway 391 (Summerland Avenue) with a maximum amount of \$30,000 and to increase the amount if funds remain in the "C" Fund account at the end of the fiscal year if the funds have not been allocated at that time.