

AGENDA
LEXINGTON COUNTY COUNCIL
Committee Meetings
Tuesday, October 12, 2010
Second Floor - County Administration Building
212 South Lake Drive, Lexington, SC 29072
Telephone - 803-785-8103 - FAX 803-785-8101

***Times are tentatively scheduled committee meetings that may run behind or ahead of schedule; therefore, the times could change by as much as 30 minutes. Also, if time permits, Council may elect to enter into Executive Session to discuss contractual, legal, personnel matters, etc.**

2:00 p.m. - 2:05 p.m. - Economic Development

- (1) Approval of Minutes - Meeting of August 24, 2010 **A**
- (2) Old Business/New Business
- (3) Adjournment

2:05 p.m. - 2:10 p.m. - Planning & Administration

- (1) Approval of Minutes - Meeting of August 24, 2010 **B**
- (2) Old Business/New Business
- (3) Adjournment

2:10 p.m. - 2:20 p.m. - Justice

- (1) Donation of Vehicle to Gaston Police Department - Sheriff's Department - Col. Allan Paavel..... **C**
- (2) FY10 State Criminal Alien Assistance Program (SCAAP) Grant Award (Goal 3) - Sheriff's Department - Col. Allan Paavel..... **D**
- (3) Highway Safety Enhanced DUI Enforcement Grant Award (Goal 3) - Sheriff's Department - Col. Allan Paavel..... **E**
- (4) Approval of Minutes - Meeting of August 24, 2010 **F**
- (5) Old Business/New Business
- (6) Adjournment

2:20 p.m. - 2:25 p.m. - Health & Human Services

- (1) Approval of Minutes - Meeting of August 24, 2010 **G**
- (2) Old Business/New Business
- (3) Adjournment

2:25 p.m. - 2:50 p.m. - Public Works

- (1) Quail Hollow Lane Dam Pipe Repair - Public Works - John Fechtel, Director **H**
- (2) Town of Gaston “C” Fund Request - Public Works - John Fechtel, Director **I**
- (3) Approval of Minutes - Meeting of August 24, 2010 **J**
- (4) Old Business/New Business - Traffic Congestion, Alternate Material for Road Swells,
Assessment of Ponds Inventory, Flooding Issues, “C” Fund Policy
- (5) Adjournment

2:50 p.m. - 4:15 p.m. - Committee of the Whole

- (1) New Development in Silver Creek Subdivision - Marty Jones, Silvercreek Homeowner’s
Association
- (2) Capital City Lake Murray Country Tourism Update - Miriam Atria, President/CEO **K**
- (3) Approval of Minutes - Meeting of August 24, 2010 **L**
- (4) Possible Executive Session if Time Permits
- (5) Old Business/New Business - Local Contractors Procurement, Fire Service Volunteer
Incentives
- (6) Adjournment

GOALS

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

Economic Development

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

Justice

S. Davis, Chairman
J. Carrigg, Jr., V Chairman
B. Derrick
B. Keisler
J. Kinard

Public Works

B. Derrick, Chairman
J. Carrigg, Jr., V Chairman
B. Keisler
B. Banning, Sr.
J. Kinard

Planning & Administration

J. Carrigg, Jr., Chairman
B. Derrick, V Chairman
B. Banning, Sr.
T. Cullum
J. Kinard

Health & Human Services

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

Committee of the Whole

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

A G E N D A
LEXINGTON COUNTY COUNCIL
Tuesday, October 12, 2010
Second Floor - Dorothy K. Black Council Chambers - County Administration Building
212 South Lake Drive, Lexington, South Carolina 29072
Telephone - 803-785-8103 FAX - 803-785-8101

4:30 P.M. - COUNCIL CHAMBERS

Call to Order/Invocation
Pledge of Allegiance

Chairman's Report

Administrator's Report

Employee Recognition - Katherine Hubbard, County Administrator

Resolution

(1) Reverend Robert L. China, Jr.....**M**

Appointments**N**

Bids/Purchases/RFPs

(1) Forty-five 800 MHz Radios with Accessories - Sheriff's Department..... **O**

(2) Eighteen Laptop Computers - Sheriff's Department..... **P**

Approval of Minutes - Meeting of August 24, 2010 **Q**

Planning & Administration, J. Carrigg, Jr., Chairman

- (1) Ordinance 10-05 - Landscape and Open Space Amendments - 2nd Reading.....**R**

Justice, S. Davis, Chairman

- (1) Donation of Vehicle to Gaston Police Department - **Tab C**
- (2) FY10 State Criminal Alien Assistance Program (SCAAP) Grant Award - **Tab D**
- (3) Highway Safety Enhanced DUI Enforcement Grant Award - **Tab E**

Public Works, B. Derrick, Chairman

- (1) Quail Hollow Lane Dam Pipe Repair - **Tab H**
- (2) Town of Gaston “C” Fund Request - **Tab I**

Budget Amendment Resolutions

6:00 P.M. - Public Hearing

- (1) Zoning Text Amendment T10-02 - Comprehensive Administrative Update..... **S**

OLD BUSINESS/NEW BUSINESS

EXECUTIVE SESSION/LEGAL BRIEFING

MATTERS REQUIRING A VOTE AS A RESULT OF EXECUTIVE SESSION

ADJOURNMENT

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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Lexington County Sheriff's Department

Administrative Bureau

MEMORANDUM

TO: Mr. Jim Kinard, County Council Chairman
Ms. Katherine Hubbard, County Administrator

FROM: Colonel Allan Paavel

DATE: September 29, 2010

RE: Donation of Vehicle to Gaston Police Department

Chief Pat Regalis of the Gaston Police Department, has requested that the Lexington County Sheriff's Department donate one of our dead lined patrol vehicles to his agency. The Town of Gaston recently decided to re-institute its own police department; and, with the ever increasing costs associated with a law enforcement agency, has asked for assistance from the Lexington County Sheriff's Department. Sheriff Metts approved the request; and a marked patrol vehicle which has been taken out of service, is available for this donation. Chief Regalis understands that his department must have this vehicle painted so that it will no longer resemble a Lexington County Sheriff's Department marked vehicle. This vehicle is currently equipped with the necessary emergency equipment; and this emergency equipment will also be transferred with the vehicle. The emergency equipment installed on the vehicle is functional, but obsolete, and of very little value to the Sheriff's Department.

Bill Kazmierczak, Lexington County Fleet Services Manager, has estimated the value of the vehicle, with the emergency equipment, at \$2,300.00. We are asking for permission to transfer ownership of this vehicle to the Gaston Police Department.

Thank you for your consideration in this matter.

Vehicle information:

Make- Ford

Model- Crown Victoria

County number- 27505

Mileage- 155,000

Value- \$2,300.00

DUBOSE, ADAM

From: SCAAP [SCAAP@usdoj.gov]
Sent: Thursday, September 30, 2010 3:34 PM
To: SCAAP
Subject: FY 2010 State Criminal Alien Assistance Program

Dear SCAAP Recipient:

The Bureau of Justice Assistance (BJA) is pleased to announce that the FY 2010 State Criminal Alien Assistance Program (SCAAP) award amounts are now viewable on the SCAAP website at: <http://www.ojp.usdoj.gov/BJA/grant/scaap.html>. BJA will notify your jurisdiction when the 2010 SCAAP awards are ready for drawdown in the next month.

If you have any questions, please email the SCAAP Helpdesk at SCAAP@usdoj.gov or call 202-353-4411.

SCAAP Program Team



BJA BUREAU OF JUSTICE ASSISTANCE

SEARCH

BJA Programs

State Criminal Alien Assistance Program (SCAAP)

NEW FY 2010 SCAAP Awards: The Bureau of Justice Assistance (BJA) is pleased to announce that the FY 2010 State Criminal Alien Assistance Program (SCAAP) awards are complete. To view the FY 2010 SCAAP award amounts, please click the following link ([2010 SCAAP Awards](#)). BJA will email all 2010 SCAAP jurisdictions when the SCAAP awards are ready for drawdown in the next three weeks.

Overview: BJA administers SCAAP, in conjunction with the Bureau of Immigration and Customs Enforcement and Citizenship and Immigration Services, Department of Homeland Security (DHS). SCAAP provides federal payments to states and localities that incurred correctional officer salary costs for incarcerating undocumented criminal aliens with at least one felony or two misdemeanor convictions for violations of state or local law, and incarcerated for at least 4 consecutive days during the reporting period.

Use of SCAAP Awards: The Department of Justice Reauthorization Act of 2005 (Pub. L. 109-162, Title XI) included the following requirement regarding the use of SCAAP funds: "Amounts appropriated pursuant to the authorization of appropriations in paragraph (5) that are distributed to a State or political subdivision of a State, including a municipality, may be used only for correctional purposes." **Beginning with FY 2007 SCAAP awards, SCAAP funds must be used for correctional purposes only.**

FY 2007-2010 SCAAP Use of Funds List

- Salaries for corrections officers
- Overtime costs
- Corrections work force recruitment and retention
- Construction of corrections facilities
- Training / education for offenders
- Training for corrections officers related to offender population management
- Consultants involved with offender population
- Medical and mental health services
- Vehicle rental / purchase for transport of offenders
- Prison Industries
- Pre-release / reentry programs
- Technology involving offender management / inter agency information sharing
- Disaster preparedness continuity of operations for corrections facility

Reporting Period: The reporting period for the FY 2010 application period is July 1, 2008 through June 30, 2009. Only qualifying inmates who served four or more days during this period may be included in the FY 2010 SCAAP application.

Eligible Inmates - Applicant Responsibilities - Unless otherwise prohibited, applicants may submit records of inmates in their custody during the reporting period who: were born outside the United States or one of its territories and had no reported or documented claim to U.S. citizenship; were in the applicant's custody for four or more consecutive days during the reporting period; were convicted of a felony or second misdemeanor for violations of state or local law; were identified and reported using due diligence.

Qualifying Criminal Charges and Convictions

To be eligible for reporting, inmates must have been convicted of a felony or second misdemeanor for violations of state or local law, and housed in the applicant's state or local correctional facility for 4 or more consecutive days during the reporting period. Once a person meets these criteria, all pre-trial and post-conviction time served from July 1, 2008 through June 30, 2009 may be included in the FY 2010 application.

Qualifying Salary Data: Salary information reported in the SCAAP application must reflect the total salaries and wages paid to full-and part-time correctional officers and others who meet the SCAAP definition (see the [FY 2010 SCAAP Guidelines](#)). The reported sum should total the jurisdiction's actual salary expenditures for the applicable reporting period (July 1, 2008 to June 30, 2009). The reported salary should not be a projection, estimate, or average. Correctional Officer salary costs may include premium pay for specialized services (e.g., bilingual officers), shift differential pay, and fixed-pay increases for time in service. Salary costs may also include overtime required by negotiated contract, statute, or regulation (e.g., union agreements, contractual obligations, minimum staffing requirements, etc.). Benefits should not be included in the salary costs.

Entering Inmate Data: If the Alien Number is unknown for an individual inmate, enter all zeroes in the A number field. Do not use letters (A) or symbols (dashes, etc.). Also, use zeros (0) as the beginning digit(s) if the A-number is fewer than 9 digits.

The FBI number is issued by the FBI to track arrests and fingerprint records. If this number is not available, leave this field blank by inserting 10 spaces. If the FBI number is fewer than 10 characters, enter the number first, and then insert spaces for the remainder of the field length.

Chief Executive Officer: SCAAP payments must go directly to eligible states and localities. Authorized jurisdiction employees for SCAAP purposes must be listed as either the Authorized Representative or Alternate Contact in the GMS User Profile. The chief executive officer (CEO) of an eligible jurisdiction may apply directly or delegate authority to another jurisdiction official. **The CEO is generally considered the highest ranking elected or appointed**

official of a unit of government. An application without the CEO information included will be significantly delayed.

Legislation: SCAAP is governed by Section 241(i) of the Immigration and Nationality Act, 8 U.S.C. 1231(i), as amended, and Title II, Subtitle C, Section 20301, Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-322.

Funding: SCAAP payments will be calculated using a formula that provides a relative share of funding to jurisdictions that apply and is based on the number of eligible criminal aliens, as determined by DHS.

Payments: SCAAP payments are calculated simultaneously, with applicants receiving a prorated payment based on the appropriation; costs submitted, and inmates as determined by DHS. All SCAAP payments are made electronically to the applicant's bank account of record identified during the application process. **All SCAAP payments must go to the jurisdiction's general fund. Please use the jurisdiction's EIN (tax identification) and vendor number when applying for SCAAP funds.**

How/When to Apply: FY 2010 applications are being accepted in the OJP Grants Management System (GMS) from March 25, 2010 through May 7, 2010.

BJA would like to remind FY 2010 SCAAP applicants of updates in the Guidelines, including that SCAAP funds may be used for "correctional purposes only," with information regarding the proposed use collected during the award acceptance process and that SCAAP information from jurisdiction inmate data may be shared with other federal government agencies.

2010 SCAAP Data:

FY 2010 SCAAP Guidelines ([PDF](#))

FY 2010 ICE Country Codes ([PDF](#))

FY 2010 Inmate Data File Format ([PDF](#))

Direct Phone Support:

Technical assistance is available Monday through Friday from 9:00 a.m. to 5:00 p.m. eastern time, via the SCAAP Helpdesk at 1-202-353-4411.

For assistance with the GMS login, call 1-888-549-9901 Option 3.

E-Mail Inquiries:

Program and Policy Issues: SCAAP Inquiries: scaap@usdoj.gov

GMS Login Issues: GMS Helpdesk: gmshelp@ojp.usdoj.gov

Banking Issues: OC Customer Service Center: AskOC@ojp.usdoj.gov

Related Information:

FY 2009 SCAAP Information:

FY 2009 SCAAP Awards ([PDF](#))

FY 2009 SCAAP Guidelines ([PDF](#))

FY 2009 ICE Country Codes ([PDF](#))

FY 2009 Inmate Data File Format ([PDF](#))

[SCAAP Archive Information](#)

	County of Benton	\$13,173.00
	County of Clatsop	\$14,762.00
	County of Columbia	\$4,356.00
	County of Douglas	\$11,487.00
	County of Gilliam	\$328.00
	County of Hood River	\$11,160.00
	County of Jackson	\$51,323.00
	County of Jefferson	\$6,302.00
	County of Linn	\$31,339.00
	County of Malheur	\$14,918.00
	County of Polk	\$36,197.00
	County of Sherman	\$175.00
	County of Umatilla	\$25,207.00
	County of Union	\$2,441.00
	County of Wasco	\$4,450.00
	County of Washington	\$393,751.00
	Josephine County	\$6,231.00
	Klamath County	\$11,230.00
	Lane County	\$326,039.00
	Oregon Department of Corrections	\$4,939,427.00
	Yamhill County	\$29,445.00
PA	COUNTY OF LUZERNE	\$180,216.00
	COUNTY OF PIKE	\$4,749.00
	City of Philadelphia	\$86,207.00
	Commonwealth of Pennsylvania	\$1,455,085.00
	County of Adams	\$29,591.00
	County of Allegheny	\$9,597.00
	County of Berks	\$27,714.00
	County of Blair	\$3,960.00
	County of Bucks	\$171,331.00
	County of Centre	\$9,891.00
	County of Chester ,West Chester Pa	\$128,183.00
	County of Crawford	\$1,384.00
	County of Cumberland	\$18,808.00
	County of Dauphin	\$59,562.00
	County of Erie	\$27,640.00
	County of Indiana	\$6,256.00
	County of Lancaster	\$29,904.00
	County of Lebanon	\$22,893.00
	County of Lehigh	\$98,604.00
	County of Lycoming	\$3,169.00
	County of Monroe	\$16,946.00
	County of Westmoreland	\$6,987.00
	Lackawanna County	\$9,631.00
	Montgomery County	\$23,715.00
	Northampton County	\$35,534.00
PR	Puerto Rico Department of Corrections and Rehabilitation	\$398,176.00
RI	State of Rhode Island	\$1,026,129.00
SC	Aiken County	\$11,353.00
	Anderson, County of	\$9,887.00
	Charleston County	\$185,959.00

	Colleton County	\$2,501.00
	County Council of Beaufort	\$89,990.00
	County of Berkeley	\$9,415.00
	County of Dorchester	\$4,119.00
	County of Greenville	\$102,626.00
	County of Greenwood	\$5,763.00
	County of Horry	\$108,691.00
	County of Laurens	\$3,795.00
	County of Pickens	\$16,298.00
	County of York	\$48,282.00
	Georgetown County	\$1,311.00
	LEXINGTON COUNTY	\$53,164.00
	Richland County Government	\$4,572.00
	State of South Carolina	\$376,359.00
SD	Pennington County	\$5,501.00
	State of South Dakota	\$63,247.00
TN	County Of Hamblen	\$9,907.00
	County of Anderson	\$4,815.00
	County of Montgomery	\$44,305.00
	County of Sumner	\$17,781.00
	Hamilton County	\$41,915.00
	Lincoln County	\$3,390.00
	Metropolitan Nashville And Davidson County	\$246,890.00
	Rutherford County	\$16,127.00
	State of Tennessee	\$296,793.00
TX	Brazoria County	\$120,817.00
	COUNTY OF CROCKETT	\$5,718.00
	COUNTY OF HUDSPETH	\$2,891.00
	COUNTY OF LUBBOCK	\$52,926.00
	COUNTY OF LYNN	\$889.00
	Caldwell County	\$12,746.00
	Cameron County	\$259,841.00
	Chambers County	\$13,810.00
	County Of Hunt	\$19,767.00
	County of Andrews	\$5,919.00
	County of Angelina	\$21,355.00
	County of Atascosa	\$3,894.00
	County of Bailey	\$4,510.00
	County of Bastrop	\$13,203.00
	County of Bell	\$98,935.00
	County of Bexar	\$195,908.00
	County of Bosque	\$2,466.00
	County of Bowie	\$7,928.00
	County of Brazos	\$56,689.00
	County of Brewster	\$17,863.00
	County of Brown	\$6,678.00
	County of Burnet	\$6,444.00
	County of Carson	\$1,359.00
	County of Castro	\$2,679.00
	County of Cherokee	\$9,505.00
	County of Collin	\$410,922.00

DUBOSE, ADAM

From: JBI Help Desk [JBIHelpDesk@UNIFICARE.com]
Sent: Thursday, September 30, 2010 7:08 PM
To: DUBOSE, ADAM
Subject: WONDERFUL NEWS!!! The FY2010 SCAAP Awards have been announced

Justice Benefits, Inc.

September 30, 2010

VIA EMAIL

Adam Dubose
Grants Manager
Lexington County, SC

RE: GREAT NEWS!!! FY2010 SCAAP AWARDS ANNOUNCED

Justice Benefits, Inc. is very excited to inform you that the Bureau of Justice Assistance (BJA) has released the Award Payment List for the FY2010 State Criminal Alien Assistance Program (SCAAP).

Congratulations! **Lexington County** was awarded **\$53,164.00**.

BJA has also stated that they will activate the drawdown link in the Grants Management System within the next three weeks, and you will then be able to accept your award.

There is a deadline to drawdown the money. Once you receive the official notification from BJA that your award is available for drawdown, you must accept your award through the GMS within 45 calendar days. Once 45 days elapses, the award may no longer be available.

Once we (JBI) discover that BJA has activated the drawdown link in the GMS, we will email you the detailed drawdown procedures. JBI's Help Desk will also be available to provide assistance with the drawdown procedure, if needed. Please feel free to call us at **800-576-3518**.

Finally and most importantly, we would like to commend the many individuals on your staff for the wonderful spirit of cooperation in working with JBI as we analyzed data and prepared Lexington County's claim. It was only through the "partnership" of Lexington County and JBI that led to the ultimate success of this most deserved award for the FY2010 State Criminal Alien Assistance Program.

As we have in past years, attached at the end of this email you will also find a document that can be used as a press release suitable for your local newspaper and other media.

Please do not hesitate to contact JBI regarding any questions to this email or other questions pertaining to the SCAAP.

Sincerely,

Michelle Coté
Director
Justice Benefits, Inc.

Contact: Kimberly King, Sr. Vice President of Business Development
JUSTICE BENEFITS, INC.
Ph: 1-800-835-2164

September 30, 2010
FOR IMMEDIATE RELEASE

Press Release

Lexington County Awarded Federal Reimbursement from the FY2010 SCAAP

The U.S. Department of Justice announced the award of \$53,164.00 to Lexington County, SC, to reimburse some of the costs of incarcerating undocumented criminal aliens who have committed serious crimes in the United States. The goal of this program is to enhance public safety in communities throughout the nation.

This opportunity originates from federally mandated programs that the County is providing at local cost. As many local entities are aware, the Federal Government drives local political entities to assume more responsibility for the administration and delivery of government services. Many times these services are funded with local dollars.

However, in some cases there are federal funding opportunities available, if the proper request is made. Identifying federal funding stream opportunities and then properly applying for them are not simple or easy tasks. The interaction between federal, state, and local political entities is complex, and often unwieldy for most local political entities.

An aggressive program of researching and applying for little known federal programs to supplement the local tax burden was implemented by engaging Justice Benefits, Inc. (JBI) for assistance.

JBI is a public sector consulting firm located in Dallas, Texas, that specializes in locating and accessing hard-to-find federal reimbursements for local and state entities. JBI does the research, gathers and analyzes the data, and completes all necessary information to be included in the application. As a result of JBI's expertise and experience, Lexington County was able to maximize its dollar amount on this application. Lexington County was one of only 865 (out of 3,140) eligible local entities across the U.S. that successfully applied for these dollars.

COUNTY OF LEXINGTON
HIGHWAY SAFETY ENHANCED DUI ENFORCEMENT
Annual Budget
FY - 2010-11 Estimated Revenue

Object Code	Revenue Account Title	Requested 2010-11	Approved 2010-11	Awarded 2010-11
*LE - Highway Safety Enhanced DUI Enforcement 2491:				
Revenues:				
457000	Federal Grant Income	430,865	430,865	225,509
461000	Investment Interest	0	0	0
** Total Revenue		<u>430,865</u>	<u>430,865</u>	<u>225,509</u>
***Total Appropriation		430,865	430,865	225,509
FUND BALANCE				
Beginning of Year		<u>0</u>	<u>0</u>	<u>0</u>
FUND BALANCE - Projected				
End of Year		<u><u>0</u></u>	<u><u>0</u></u>	<u><u>0</u></u>

COUNTY OF LEXINGTON
HIGHWAY SAFETY ENHANCED DUI ENFORCEMENT
Annual Budget
Fiscal Year - 2010-11

Fund: 2491
Division: Law Enforcement
Organization: 151200 - LE/Operations

		<i>BUDGET</i>		
Object Expenditure		2010-11	2010-11	2010-11
Code Classification		Requested	Approved	Awarded
Personnel				
510100	Salaries & Wages - (3/2)	122,000	122,000	81,333
511112	FICA - Employer's Portion	9,333	9,333	6,222
511114	Police Retirement - Employer's Portion	13,530	14,067	9,378
511120	Insurance Fund Contribution - (3/2)	24,000	23,400	15,600
511130	Workers Compensation	4,099	4,100	2,733
	* Total Personnel	172,962	172,900	115,266
Operating Expenses				
521000	Office Supplies	500	500	500
521200	Operating Supplies	2,600	2,600	1,000
521208	Police Supplies	0	0	800
522300	Vehicle Repairs & Maintenance - (3/2)	3,000	3,000	1,000
524100	Vehicle Insurance - (3/2)	1,638	1,638	1,092
524201	General Tort Liability Insurance	2,235	2,235	1,490
525004	WAN Service Charges - (3/2)	0	2,160	1,440
525020	Pagers & Cell Phones - (3/2)	4,320	2,160	1,440
525030	800 MHz Radio Service Changes - (3/2)	2,280	2,280	1,520
525041	E-mail Service Charges	288	243	192
525210	Conference, Meeting & Training Expense	6,600	6,600	1,666
525400	Gas, Fuel and Oil	21,362	21,469	14,883
525600	Uniforms and Clothing	4,050	4,050	400
	* Total Operating	48,873	48,935	27,423
	** Total Personnel & Operating	221,835	221,835	142,689
Capital				
540000	Small Tools & Minor Equipment	1,875	1,875	800
540010	Minor Software	575	575	400
5AB304	(3) Marked Vehicles and Accessories	78,330	78,330	0
5AB305	(3) 800 MHz Radios	16,500	16,500	0
5AB306	(3) In-Car Video Cameras	16,800	16,800	0
5AB307	(3) In-Car Radar Units	4,500	4,500	0
5AB308	(3) Tire Deflation Devices	1,200	1,200	0
5AB309	(3) Passive Alcohol Sensors	2,100	2,100	0
5AB310	(1) DVD/VCR Recorder	1,000	1,000	0
5AB311	(3) Digital Cameras	1,200	1,200	0
5AB312	(3) License Plate Readers and Accessories	67,200	67,200	0
5AB313	(3) Ruggedized Laptop and Accessories	9,800	9,800	0
5AB314	(3) Portable Printers and Accessories	1,200	1,200	0
5AB315	(3) Tasers and Accessories	3,750	3,750	0
5AB316	(3) Handguns and Accessories	3,000	3,000	0
5AB428	(2) Marked Vehicles and Accessories			51,740
5AB429	(2) 800 MHz Radios & Accessories			11,000
5AB430	(2) In-Car Video Cameras & Accessories			5,840
5AB431	(2) In-Car Radar Units			3,240
5AB432	(2) Tire Deflation Devices			800
5AB433	(2) Passive Alcohol Sensors			1,400
5AB434	(2) Digital Cameras & Accessories			800
5AB435	(2) Ruggedized Laptops and Accessories			6,000
5AB436	(2) Portable Printers and Accessories			800
	** Total Capital	209,030	209,030	82,820
	*** Total Budget Appropriation	430,865	430,865	225,509

SECTION V. – PROGRAM OVERVIEW

The ultimate goal for the creation of a Driving Under the Influence (DUI) Traffic Enforcement Unit in Lexington County is to combine resources to effect a positive change in the collision, injury, and arrest rate of traffic and DUI violations. By consolidating the resources and expanding knowledge and skills to perform DUI traffic enforcement, the quality of enforcing the traffic laws will result in an effort to reduce severe and fatal traffic collisions. The expertise and knowledge gained from the specialized training will enhance the unit's capability by using technologically sound equipment and techniques to collect and process evidence for court cases. The Highway Safety Traffic DUI Enforcement Unit will afford the citizens of Lexington County and the surrounding areas the effective discovery, documentation, and judicial prosecution of traffic and criminal offenders.

SECTION VI. A. - SUMMARY OF REVENUES

457000 –FEDERAL GRANT INCOME **\$ 225,509**

Federal grant funds are awarded to the agency in the amount of 100%.

SECTION VI. B. – LISTING OF POSITIONS

<u>Grade</u>	<u>Positions</u>	<u>Full Time Equivalent</u>		<u>Total</u>
		<u>General Fund</u>	<u>Other Fund</u>	
Current Staffing Level:				
Traffic Lieutenant	1	1	0	20
Traffic Master Deputies	2	2	0	13
Traffic Deputies	7	7	0	12
Totals:	10	10	0	

<u>Grade</u>	<u>Positions</u>	<u>Full Time Equivalent</u>		<u>Total</u>
		<u>General Fund</u>	<u>Other Fund</u>	
LE / Operations (151200)				
Traffic Deputies	2	0	2	12
Totals:	2	0	2	

SECTION VI. C. – OPERATING LINE ITEM NARRATIVES

521000 - OFFICE SUPPLIES **\$ 500**

Items to be purchased include, but are not limited to pens, file jackets, folders, diskettes, calendars and other general supplies used daily.

521200 - OPERATING SUPPLIES **\$ 1,000**

Items to be purchased are traffic supplies such as video and audiotapes, OSH kits, traffic books, disks, batteries, etc. are for operational purposes for the traffic officers.

521208 – POLICE SUPPLIES **\$ 800**

Items to be purchased are flashlights, traffic cones, and fire extinguishers.

522300 - VEHICLE REPAIRS AND MAINTENANCE **\$ 1,000**

Vehicle repairs and maintenance that are needed for the grant vehicles.

524100 - VEHICLE INSURANCE **\$ 1,092**

Vehicle insurance is required for the grant vehicles. (\$546 X 2 vehicles = \$1,092)

524201 - GENERAL TORT LIABILITY INSURANCE **\$ 1,490**

General Tort Liability Insurance is required for each person employed by the County. (\$745 X 2 officers = \$1,490)

525004 – WAN SERVICE CHARGES **\$ 1,440**

Air card service will allow the grant traffic officers to have wireless access to the web, GNET and other databases from other counties as well as LCSD to obtain immediate information on the person in question. (\$60/month X 2 officers X 12 months = \$1,440)

525020 - PAGERS AND CELL PHONES **\$ 1,440**

The mobile telephones for the grant traffic officers will allow them to communicate effectively with each other and to make contact to those individuals that are involved in traffic situations. (\$60/month X 2 officers X 12 months = \$1,440)

525030 – 800 MHz RADIO SERVICE CHARGES **\$ 1,520**

The 800 MHz radio fees plus roaming fees is required for the operation of 800 MHz radios.

525041 – E-MAIL SERVICE CHARGES **\$ 192**

The email service is required for immediate communication and immediate transfer of documents for DUI investigative purposes. (\$8 month X 2 officers X 12 months = \$192)

525210 – CONFERENCE, MEETING, & TRAINING EXPENSE **\$ 1,666**

The grant requires that each grant funded person attend at least two training seminars per grant year. The registration fees are required to secure attendance to training classes which will be announced in the upcoming year. The training will be in state and national training will be out of state at a time and location that will be announced later. These training seminars will teach the most current technological approaches to DUI approaches, vehicle inspections, laws, investigations that will allow the DUI officers to present cases in court for prosecution purposes.

525400 - GAS, FUEL, AND OIL **\$ 14,883**

The grant reimburses the mileage at the federal rate for the grant-funded personnel to allow them to travel to work and scenes while performing their duties. (\$0.50 X 29,766 miles = \$14,883)

525600 - UNIFORMS AND CLOTHING **\$ 400**

It is necessary to provide uniforms and clothing for the traffic officers to perform their DUI traffic enforcement daily tasks. The uniforms and the vests worn by the DUI Enforcement Officers are standard department issued uniforms. These uniforms will quickly identify the officer and is worn also for the safety of the officer. (\$200 per officer)

SECTION VI. D. –CAPITAL LINE ITEM NARRATIVES

540000 – SMALL TOOLS AND MINOR EQUIPMENT \$ 800

Each officer will need various small tools and minor equipment to perform his job duties effectively and efficiently. Impairment goggles will be used to educate students and officers on the visual effects of driving under the influence of alcohol and drugs.

540010 – MINOR SOFTWARE \$ 400

Office software and flash drives will be required for the traffic DUI officers to easily download information and for the storing and the collecting of information in the computer.

5AB428 – (2) MARKED VEHICLES AND ACCESSORIES \$ 51,740

The DUI Enforcement Traffic vehicles to be purchased must meet the standards established by the Office of Highway Safety. Each vehicle will be equipped the same to ensure uniformity and consistency with all traffic stops. Emergency lighting and audio is required for the safety of all motoring public during a traffic stop or checkpoints. Push bumpers are required on each vehicle to assist a disabled motorist from the highway without damaging the vehicle. Vehicle safety barriers are required for safe transport of prisoners to jail.

The cost for the following items is estimated to include tax and any applicable shipping charges.

(2) Marked Vehicles	\$ 46,000
(2) Equipment Installation	\$ 320
(2) Light Bars	\$ 2,400
(2) Siren Speakers	\$ 940
(2) Push Bumpers	\$ 420
(2) Power Control Centers	\$ 860
(2) Vehicle Safety Barriers	\$ 800

5AB429 – (2) 800 MHZ RADIO AND ACCESSORIES \$ 11,000

The 800 MHz Digital Encrypted radios are required for each officer. The digital encryption allows all law enforcement agencies to communicate over a secure network and for the safety of the traffic officers. (\$5,500 X 2 Radios = \$11,000)

5AB430 – (2) IN-CAR VIDEO CAMERAS AND ACCESSORIES \$ 5,840

The use of digital in-car video cameras are paramount for evidentiary purposes, which will assist in successful prosecution of each case. The video medium is regarded as the most effective tool to prosecute driving under the influence. (\$2,920 X 2 Cameras = \$5,840)

5AB431 – (2) IN-CAR RADAR UNITS \$ 3,240

The radar units enable the apprehension of traffic violators. It has been proven that there is a direct correlation of speed and driving under the influence. (\$1,620 X 2 Units = \$3,240)

5AB432 – (2) TIRE DEFLATION DEVICES **\$ 800**

The tire deflation devices are used to immobilize vehicles of fleeing suspects. These devices enhance safety for the suspect, the officer, and the motoring public. (\$400 X 2 Devices = \$800)

5AB433 – (2) PASSIVE ALCOHOL SENSORS **\$ 1,400**

Passive alcohol sensors are used to solidify driving under the influence cases by determining the suspect's blood alcohol level. (\$700 X 2 Sensors = \$1,400)

5AB434 – (2) DIGITAL CAMERAS AND ACCESSORIES **\$ 800**

The use of digital photography for traffic scenes will greatly enhance traffic investigations and court presentations. Some of the benefits are:

- Instantaneous review to confirm the incident was correctly documented.
- The speed at which images can be used and disseminated.
- Cost savings over film systems.
- More images are taken and scenes are documented more thoroughly due to the absence of film.

(\$400 X 2 Cameras = \$800)

5AB435 – (2) RUGGADIZED LAPTOPS AND ACCESSORIES **\$ 6,000**

These computers will be used for recording data in the field. The laptop will also be used to pull information from the in-house system needed for the investigation. (\$3,000 X 2 Laptops = \$6,000)

5AB436 – (2) PORTABLE PRINTERS AND ACCESSORIES **\$ 800**

Mobile printers and accessories will be used to print search warrants, photographs and other documents needed to process the DUI information at the scene. (\$400 X 2 Printers = \$800)



South Carolina Department of Public Safety
Office of Highway Safety

September 24, 2010

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



RE: Highway Safety Grant No. 2H11015
Enhanced Speed and DUI Traffic Enforcement Team

Dear Ms. Hubbard:

I am pleased to provide you with the original and one copy of a grant award approved by this office in the amount of **\$225,509**, with funding beginning October 1, 2010. In order to complete the contract for this award, it is necessary for you, as the Official Authorized to Sign, to return the original grant award with an original signature within 30 days. The signed original should be sent to:

Dr. Ed Harmon, Assistant Director
Office of Highway Safety
S. C. Department of Public Safety
P. O. Box 1993
Blythewood, South Carolina 29016

Copies of the Request for Payment/Quarterly Fiscal Report forms have been forwarded to the Project Director. The first report for this grant is due February 1, 2011, for the quarter ending December 31, 2010. Timely submission of progress reports will ensure the processing of eligible claims filed against this grant.

Congratulations on your project's selection for funding for FFY 2011. Our staff looks forward to working with you in our joint mission to reduce the incidence and severity of traffic crashes in our state. Please contact your assigned program manager, Cothea Scott, if you have any questions regarding this award.

Sincerely,

Phil Riley
Director

c: Ms. Nandalyn S. Heaitley
Grant File

SOUTH CAROLINA DEPARTMENT OF PUBLIC SAFETY
OFFICE OF HIGHWAY SAFETY
P. O. BOX 1993
BLYTHEWOOD, SOUTH CAROLINA 29016

GRANT AWARD

Subgrantee: County of Lexington
Grant Title: Enhanced Speed and DUI Traffic Enforcement Team
Grant Period: 10/1/2010 - 9/30/2011 Date of Award: 10/1/2010
Amount of Award: \$225,509 Grant No.: 2H11015

In accordance with the provisions of the Highway Safety Act of 1966, 72 Stat. 885, as amended, CFDA No. 20.601, and on the basis of the application for a grant award submitted to the Office of Highway Safety, the S. C. Department of Public Safety hereby awards to the foregoing Subgrantee, a grant in the amount shown above for the projects specified in the application and within the purposes and categories authorized for the Highway Safety grants.

This grant is subject to conditions set forth within the application and must begin implementation within 90 days following the award date or be subject to automatic cancellation of the grant. Evidence of implementation must be detailed in the first progress report.

The grant shall become effective as of the date of the award, contingent upon the return of the original of this form to the Office of Highway Safety, signed by the Subgrantee in the space provided below. This award must be accepted within 30 days, and such progress and other reports required by the S. C. Department of Public Safety must be submitted to the Office of Highway Safety in accordance with regulations.



Phil Riley, Director
Office of Highway Safety



Ed Harmon, Assistant Director
Office of Highway Safety

Acceptance of Grant Award:

Signature of Authorized Official

THIS GRANT AWARD IS SUBJECT TO SPECIAL CONDITIONS ATTACHED.

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.

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



COUNTY OF LEXINGTON
PUBLIC WORKS DEPARTMENT
ENGINEERING

M E M O R A N D U M

DATE: October 1, 2010
TO: Katherine Hubbard, County Administrator
FROM: John Fechtel, Director of Public Works/Assistant County Administrator
RE: Quail Hollow Lane Dam Pipe Repair

We have a double line of 84" metal pipes that are each approximately 100 ft in length and these pipes are rusting out and may fail, so they need to be reinforced or replaced. These pipes have a stand box upstream in a privately owned pond that is approximately four (4) acres in size. These pipes go under Quail Hollow Lane (County Council District 8) and there is a sewer line and water line within the right-of-way between the surface and the pipe.

We have received a quote from the LPA Group to explore the various options in correcting this problem. In addition we need to study this drainage area, develop plans, acquire the necessary permits, bid the project, and provide construction management. This scope of services is quoted at \$44,289.58. Construction costs may range between \$80,000.00 to \$130,000.00 dependent on final design.

We have \$244,500.00 budgeted in our "C" Fund Drainage Projects Account (2700-121302-5R0051) for this type of project.

I request County Council approve this funding for this project.

See Attachments.

Growth Site

[Census Tract and Block Query](#) | [Find Address](#) | [Road Search](#) | [TMS Search](#) | [Print](#)











COUNTY OF LEXINGTON
PUBLIC WORKS DEPARTMENT
ENGINEERING

M E M O R A N D U M

DATE: October 1, 2010
TO: Katherine Hubbard, County Administrator
FROM: John Fechtel, Director of Public Works/Assistant County Administrator
RE: Town of Gaston "C" Fund Request

Attached is a request from the Town of Gaston for "C" Funds in the amount of \$23,000.00 for the local match for landscaping and a welcome sign. SCDOT has approved an enhancement grant that will fund \$92,000.00 of this project for a total cost of \$115,000.00.

Historically County Council has approved these types of requests using funds from our "C" Fund Special Projects Account (2700-121302-539900) Unclassified. Presently we have a balance of \$167,497.00 in this account.

I recommend County Council approve this request.



Troy R. Bivens
Mayor

Chief John (Pat) Regalis
Police Department

Jennifer Bellotti
Town Clerk

Town of Gaston
131 North Carlisle St.
P.O. Box 429
Gaston, SC 29053

PH: (803) 796-7725 Fax: (803) 739-5793
website: www.gastonsc.org

COUNCIL MEMBERS

Marvin Pound, Jr.
Charlie R. Sharpe
Kelly Dalk
Robin Ross

Building Official

September 23, 2010

County of Lexington
Attn: John Fechtel
440 Ball Park Road
Lexington, SC 29072

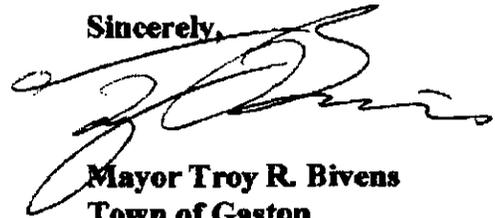
Mr. Fechtel:

The Town of Gaston has been awarded the Gaston Highway Beautification Enhancement Grant, Project (FPA 15-11) from South Carolina Department of Transportation. We have received paperwork from SCDOT regarding an agreement between them and the Town of Gaston which consists of installation of landscaping and a Welcome Sign along Highway 321, from West Ball Park Road to Lucas Drive in the Town of Gaston. The total cost for this project is \$115,000.00. SCDOT's maximum funding for the project is 80% of the total cost not to exceed the maximum amount of \$92,000.00, as authorized by the Highway Commission on January 19, 2007.

The Town of Gaston requests that the County of Lexington fund the remaining 20% of the cost of the project which is estimated at \$23,000.00.

Please consider this request at your next council meeting. Thank you for your consideration.

Sincerely,



Mayor Troy R. Bivens
Town of Gaston

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.

This page has intentionally been left blank.

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

RESOLUTION

THE COUNCIL FOR THE COUNTY OF LEXINGTON, SOUTH CAROLINA, MEETING IN GENERAL SESSION THE 12TH DAY OF OCTOBER, TWO THOUSAND AND TEN, ADOPTED THE FOLLOWING:

WHEREAS, Reverend Robert L. China, Jr. has served as Pastor of Spring Hill, AME Church in Gilbert, SC for the past sixteen (16) years; and

WHEREAS, during his tenure, he served as president of the Lexington Ministerial Alliance, helped organize the first Rev. Dr. Martin Luther King, Jr. Celebration in Lexington, organized the Spring Hill HIV/AIDS Awareness Ministry, and was instrumental in organizing The Operation Tenisha Swim Ministry and forming a Prison Visitation Ministry; and

WHEREAS, Reverend China is a Chaplain at Lexington Medical Center and was the first African-American president of the Lexington Medical Center's Chaplain Association. In addition, he serves on the Lexington Medical Center's Special Care Team; and

WHEREAS, he was instrumental in bringing Lexington Medical staff to the community to address free testing for male illnesses, as well as the mobile units for kidney and HIV/AIDS; and

WHEREAS, Reverend China resides in Sumter County, but has totally devoted himself in service to Lexington County and its many citizens in numerous areas.

NOW, THEREFORE, BE IT RESOLVED that we, the members of Lexington County Council, express our heartfelt appreciation and gratitude to **REVEREND ROBERT L. CHINA, JR.** for his service to Lexington County and its citizens on this special occasion - "The Gilbert/Lexington Community Roast and Toast."

James E. Kinard, Jr., Chairman

William B. Banning, Sr., Vice Chairman

William C. Derrick

George H. "Smokey" Davis

Debra B. Summers

Bobby C. Keisler

Johnny W. Jeffcoat

John W. Carrigg, Jr.

M. Todd Cullum

ATTEST:

Diana W. Burnett, Clerk



APPOINTMENTS BOARDS & COMMISSIONS

October 12, 2010

DEBBIE SUMMERS

Children's Shelter - Glenda Sweatman - Term expired 6/30/10 - Eligible for reappointment -
Confirmed desire NOT to serve another term

BOBBY KEISLER

Museum Commission - Issac D. Porter - Term expires 11/01/10

JOHN CARRIGG

Assessment Appeals Board - Kenneth Brad Matthews - Term expired 9/21/10 - Eligible for reappointment - *Confirmed desire to serve another term*

Children's Shelter - Garrett Huddle - Term expired 6/30/10 - Eligible for reappointment -
Confirmed desire NOT to serve another term

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

BILL BANNING

Museum Commission - Robert A. Werts - Term expires 11/01/10

TODD CULLUM

Board of Zoning Appeals - Stanley Smith - Term expires 12/31/13 - Resigned due to job relocation

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

Museum Commission - Carol Metts - Term expires 11/01/10

AT LARGE

Midlands Authority for Conventions, Sports & Tourism:

Lodging Industry Representative - E.L. "Bert" Pooser - Term expired 6/30/10 - Not eligible for reappointment

COUNTY OF LEXINGTON

Procurement Services

MEMORANDUM

(O) 785-8319

(F) 785-2240

DATE: September 27, 2010

TO: Katherine L. Hubbard
County Administrator

THROUGH: Jeffrey A. Hyde
Interim Procurement Manager

FROM: Angela M. Seymour
Procurement Officer

SUBJECT: **(45) 800 MHz Radios with Accessories**
Sheriff's Department

We have received a requisition for the purchase of forty-five (45) 800 MHz Radios with Accessories for the Sheriff's Department. These items will be purchased from the SC State Contract # DSIT.2009.01.

Major George Brothers has reviewed and recommended this purchase. The total cost, including applicable sales tax, is \$241,492.95.

Funds are appropriated in the following account:

1000-151200-5AB222	(45) MHz Radios with Accessories	\$242,046.00
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I concur with the above recommendation and further recommend that this purchase be placed on County Council's agenda for their next scheduled meeting on October 12, 2010.

copy: Larry Porth, Director of Finance/Assistant County Administrator
Chief Keith Kirchner, Assistant Sheriff
Colonel Alan Paavel, Sheriff's Department
Major George Brothers, Sheriff's Department
Sylvia Dillon, Sheriff's Department

COUNTY OF LEXINGTON

Procurement Services

MEMORANDUM

(O) 785-8319

(F) 785-2240

DATE: September 28, 2010

TO: Katherine L. Hubbard
County Administrator

FROM: Jeffrey A. Hyde
Interim Procurement Manager

SUBJECT: **(18) Laptop Computers**
Sheriff's Department

We have received a requisition for the purchase of eighteen (18) Dell Latitude E6510 Notebooks for the Sheriff's Department. These items will be purchased from the South Carolina State Contract # 5000008961 from Dell Marketing, LP.

Mr. Andre Johnson, IT Division Manager, has reviewed and recommended this purchase. The total cost, including applicable sales tax, is \$29,801.58

Funds are appropriated in the following account:

1000-151200-5AB221	(18) Laptop Computers (F4)	\$39,600.00
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I concur with the above recommendation and further recommend that this purchase be placed on County Council's agenda for their next scheduled meeting on October 12, 2010.

copy: Larry Porth, Director of Finance/Assistant County Administrator
Chief Keith Kirchner, Assistant Sheriff
Colonel Alan Paavel, Sheriff's Department
Sylvia Dillon, Sheriff's Department

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



COMMITTEE REPORT

RE: Ordinance 10-05 - Landscape and Open Space Ordinance Amendments

DATE: October 5, 2010

COMMITTEE: Planning & Administration

MAJORITY REPORT: Yes

The Planning & Administration Committee convened on Tuesday, September 28, 2010 to review the proposed amendments to Ordinance 10-05 - Landscape and Open Space Ordinance.

Mr. Charlie Compton, Planning and GIS Director, presented the proposed changes for the Landscape and Open Space Ordinance. He reported that the Planning Commission voted unanimously to recommend approval of the amendments which includes a note on Water Quality Protection and Trophy Tree Preservation. The note is not part of the ordinance but helps explain the section on clearcutting. Mr. Compton also reported that the Planning Commission recommendation included adding a statement in the notification section that says that failure to remember to inform the Landscape Administrator is not considered a violation of this Ordinance. He added that the staff has no problems with that recommendation or the complete deletion of the notification section.

The Committee voted unanimously to recommend to full Council to approve Ordinance 10-5 Landscape and Open Space Ordinance with the proposed changes.

ORDINANCE #10-05

An Ordinance Amending the LEXINGTON COUNTY LANDSCAPE AND OPEN SPACE 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 and Open Space Ordinance are to be considered that would update the restrictions contained therein and as a minimum address the following issues:

1. Increase the scope of the Ordinance to include all multi-dwelling unit activities.
2. Insure that the scope of the Ordinance complies with the Vested Rights Act of South Carolina.
3. Make changes to the clearcutting section to insure compliance with the most recently adopted South Carolina Law which addresses local regulation of development affecting forest land.
4. Modify the amendment procedures to better replicate other County ordinances.

Make the following changes and additions to:

Article 1 – Authority

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 **and Mobile Home Parks**, 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/Utilities.
- b. Any land used for Crops and Animal Operations, as defined in the Lexington County Zoning Ordinance. These definitions include 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 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 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; etc.).

Some of the residential activities, exempted above from the scope of these regulations, must follow the requirements of Article 3, 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.

A landscape permit shall be effective for two years from the date of the approval. Five one-year extensions of the landscape permit will be granted provided the obligations of the permit continue to be met, and provided there have been no amendments to these regulations that prohibit approval.

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 5.

1.3.3 Existing Permits

Building permits or zoning permits lawfully issued before the effective date of this Ordinance or subsequent amendments shall remain in effect for as long as provided by the Lexington County Building Code and the Lexington County Zoning Ordinance. ~~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.~~ Landscape permits lawfully issued before the effective date of amendments to this Ordinance shall remain in effect as long as provided for in Section 1.3.1.

Make the following changes and additions to:

Section 1. General (found in 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, and 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 exempts sustainable forest management activities while offering opportunities for the assessment of development activities in order to preserve ~~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. Exemptions: Any forestry activity **on forestland**, ~~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~~ **that meets at least one of the following requirements as defined under Section 48-23-205 of the South Carolina Code of Laws**, does not require a review by the Landscape Administrator:

- taxed on the basis of its present use value as forestland;
- managed in accordance with a forest management plan;
- certified under the Sustainable Forestry Initiative, the Forest Stewardship Council, the American Forest Foundations Tree Farm System, or any other nationally recognized forest certification system;
- subject to a legally binding conservation easement under which the owner limits the right to develop or subdivide the land; or
- managed and harvested in accordance with the best management practices established by the State Commission of Forestry.

For the purpose of this exemption, forestry activity includes, but is not limited to, timber harvesting; site preparation; controlled burning; tree planting; applications of fertilizers, herbicides, and pesticides; weed control; animal damage control; fire control; insect and disease control; forest road construction; and any other generally accepted forestry practices.

In order for Lexington County ~~To help insure that this exemption is respected by everyone, a simple notification by telephone, FAX, or e-mail of the a proposed clearcut associated with sustainable forest management activity will~~ **should be made to the Landscape Administrator. Failure to remember to inform the Landscape Administrator is not considered a violation of this Ordinance and** ~~Notification is not expected for activities such as thinning; shelter wood, salvage, or seed tree cuts; or insect and disease control measures.~~

Lexington County may deny any permits for development of a site for a period of 3 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.

b. 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~~ **is considered** a development cut because it is considered the final harvest without plans for ~~regeneration of trees~~ **future sustainable forest management activities**. If there is an unexpected need for the property owner to harvest timber and the intent is to develop the property or market the property for development, the harvest must be reviewed by the Landscape Administrator to ensure there is no loss of essential water quality protection, beneficial trophy tree preservation, or vegetation along designated Scenic Corridors. This review is not intended to prevent equitable financial gain to the property owner, but to ensure the activity does not cause irreplaceable damage to the long-term benefits to the County or the property owner.

~~c. Clearcutting that occurs with no immediate intention of development will be reviewed by the Landscape Administrator to ensure 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 ensure 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 protections 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 (BMPs)*; 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 BMPs 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.~~

~~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 BMPs. Even though those practices do not include a visual buffer, Lexington County will require a minimum visual buffer as follows:~~

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

The following notes are not part of this Ordinance but are inserted here to help explain the previous section:

Water quality protection: The stormwater runoff after “clearcutting associated with future development” must meet the water quality requirements of Lexington County. Since the water quality protections 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 (BMPs)*; 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 BMPs 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.

Make the following changes and additions to:

Section 3. Amendments (found in Article 6 – Administration)

6.3.2 Procedures

Amendments to this Ordinance may be proposed by the Lexington County Council, ~~or the Lexington County Planning Commission, or by an interested party.~~

- a. An application for amendment shall be filed with the Landscape Administrator.
- b. These regulations may be amended after notice and public hearing in the same manner as prescribed by law for their original adoption.

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

Enacted this ____ day of _____, 2010.

James E. Kinard, Jr.
Chair, Lexington County Council

ATTEST:

Diana W. Burnett, Clerk

First Reading: July 27, 2010
Second Reading: _____
Public Hearing: August 24, 2010
Third and Final Reading: _____
Filed w/Clerk of Court: _____



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 # **T10-02**

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

All sections of the Zoning Ordinance including but not limited to vesting, definitions, principal activity descriptions, accessory activities, permitted activity by district, permitted access by street classification, parking, buffering restrictions, signs, and administration.

Reason for the request: Comprehensive review of the text for needed updates.

Submitted on behalf of: County Council Planning Commission

Printed Name: Charles M. Compton Title: Planning Director

Signature: Signature on file

08/13/2010	Application Received			Newspaper Advertisement
	Planning Commission			

Planning Commission Recommendation: _____

08/24/10	First Reading	10/12/10	Public Hearing	Second Reading	Third Reading
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Results: _____

Make the following changes and additions to:

Section 11.33 Existing Permits

Building permits ~~or zoning permits~~ lawfully issued before the effective date of this Ordinance or subsequent amendments shall remain in effect **for as long as** provided **by the Lexington County Building Code**. ~~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.~~ **Zoning permits lawfully issued before the effective date of amendments to this Ordinance shall remain in effect as long as provided for in Section 121.10.**

Make the following changes and additions to:

Section 12.10 Definitions

Grandfathered Residential Use: residential use in existence or permitted for construction ~~by~~ **before** the dates below:

- Dutch Fork Planning Area – August ~~13~~**14**, 1980
- Eastern Lexington County Planning Area – August ~~13~~**14**, 1980
- Central Lexington County Planning Area – December ~~89~~**9**, 1986
- Northern Lexington County Planning Area – August ~~12~~**2**, 1989
- Western Lake Murray Lexington County Planning Area – March ~~20~~**21**, 1989
- Southern Lexington County Planning Area – January ~~12~~**13**, 1998
- Western Lexington County Planning Area – November 14, 2001

An abandoned residential structure which is derelict or uninhabitable for a continuous period of 12 months ~~or greater~~ shall not be considered a grandfathered use. An uninhabited residence shall not in and of itself constitute abandonment.

Make the following changes and additions to:

Section 21.10 Description of Principal Activities

Child or Adult Day Care include any facility for the regular care, supervision, or guidance of pre-teenage children, senior citizens, or adults with disabilities, which is subject to registration or licensing by the South Carolina Department of Social Services. Regular care, supervision, or guidance of no more than 6 such individuals may qualify as a Home Occupation under Section 21.22.

Communication Towers (Limited) include those used for telephone transmittal. The buildings attendant to such use may be included in this activity as long as the size does not exceed 300 square feet.

Vegetation. Towers to preserve existing vegetation.

Illumination. Towers shall be illuminated only to the extent required by applicable federal or state statute or regulation.

Co-location. Satisfactory evidence shall be submitted that alternative towers, buildings, or other structures are not available for use within the communication tower site search area that are structurally capable of supporting the intended wireless communication antenna or meeting

the necessary height criteria, or provide a location free of interference from other communication towers. The applicant for a new tower shall sign an instrument, maintained by the County, agreeing to encourage and promote the joint use of telecommunications towers within the County and, to that extent, committing that there shall be no unreasonable act or omission that would have the effect of excluding, obstructing or delaying joint use of any tower where fair and reasonable market compensation is offered for such use.

Color. Towers shall be light gray, except as otherwise required by applicable federal or state statute or regulation.

Fall zone letter required. A tower must be designed such that, in the event of structural failure, it would not fall within a public right-of-way or on to adjoining property. A signed letter from a registered professional structural engineer certifying to this will be required.

Communication Towers (Extensive) include those used for radio, ~~and television, and telephone~~ transmittal. The buildings attendant to such use may be incorporated into the Business Services activity.

Vegetation. Towers to preserve existing vegetation.

Illumination. Towers shall be illuminated only to the extent required by applicable federal or state statute or regulation.

Color. Towers shall be light gray, except as otherwise required by applicable federal or state statute or regulation.

Fall zone letter required. A tower must be designed such that, in the event of structural failure, it would not fall within a public right-of-way or on to adjoining property. A signed letter from a registered professional structural engineer certifying to this will be required.

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

Retirement Centers/Assisted Living Facilities include those complexes offering a combination of housing options, support services, light retail/personal services, and/or medical services on-site. Activities may take place under one roof or in a separate buildings. (See also “Nursing Homes.”)

Make the following changes and additions to:

Section 21.21 Partial List of Accessory Activities

- j. Vehicles without a current license plate or vehicles under repair for longer than 30 days, are an allowed accessory activity to residential use only if fully screened from the road right-of-way and any surrounding properties.

In the case of a single vehicle on a property meeting this description, a cloth automotive cover may be used provided that it is designed and sold specifically for use as a car/truck cover **and is in excellent condition**. A Tarpaulin may not be used as screening. For multiple cars, total screening must be provided as described in Article 2, Section 23.30 Screening.

Make the following changes and additions to:

21.31 Chart of Permitted Activities by District

R1	R2	R3	D	RA	RD	LC	C1	C2	ID	LR	ACTIVITIES
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Child or Adult Day Care
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Communication Towers (Limited)
					✓				✓	✓	Communication Towers (Extensive)
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Nursing Homes
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Retirement Centers/Assisted Living

Make the following changes and additions to:

22.02 Chart of Permitted Access by Street Classification

The following chart designates the street classifications necessary to access each of the major activities. A principal activity which is restricted from access to a specific street classification may not locate where the activity is reachable only through the use of a street with such a restricted classification.

If a street right-of-way has been annexed by a municipality, the access necessary for a major activity will be determined by using the street classification in existence before the annexation.

There are limits placed on some activities allowed to access a Limited Local (LL) street classification. The last column in the chart describes the specific nature of these limits where they exist. They are expressed in either maximum number of dwelling units (DU) per acre, maximum number of beds per acre, or maximum floor area ratio (FAR). A floor area ratio is an expression of the total floor area of a structure or building, including useable basements, compared to the total lot area. For example, a 1000 square foot building on a 10,000 square foot lot would have a floor area ratio of .10.

A	C	L	RL6	RL5	RL4	LL & Max. Limits	ACTIVITIES
✓	✓	✓	✓	✓	✓		Child or Adult Day Care
✓	✓	✓	✓	✓	✓	✓	Communication Towers (Limited)
✓	✓	✓				✓ .03 FAR	Communication Towers (Extensive)
✓	✓	✓	✓	✓	✓	✓ 12 Beds/acre	Nursing Homes
✓	✓	✓	✓	✓	✓	✓ 6 DU/acre	Retirement Centers/Assisted Living

Make the following changes and additions to:

22.20 Parking

ACTIVITY

Communication Towers (Limited)
Communication Towers (Extensive)

MINIMUM NUMBER of PARKING SPACES

no minimum established
no minimum established

Make the following changes and additions to:

23.50 Chart of Buffering Restrictions

ACTIVITIES		HEIGHT (#/1)	BUFFER	SETBACKS from		SCREENING	
				Adjoining Property	Road R. O. W.	Total	Partial
Child or Adult Day Care	R	¼	30	50	30	50	75
	I	3					
Communication Towers (Limited)	R	1	30	50	30	50*	100*
	I	4					
* Screening requirements apply to the first 20 feet of the tower above the ground.							
Communication Towers (Extensive)	R	1	30	50	30	50*	100*
	I	4					
* Screening requirements apply to the first 20 feet of the tower above the ground.							
Hospitals	R	¼	70	100	50	150	225
	I	3					
Nursing Homes	R	¼	30/50#	50/70#	30	50/100#	70/150#
	I	3		10*	30		
* Setback may be reduced to 10' if a minimum 20' line of sight is maintained. # This extra protection shall be afforded in all districts, but only relative to Residential Detached and Mobile Home activity already in use on surrounding properties. In such cases the extent of this extra protection, if any, shall be determined in accordance with Special Rule #1 as if the Residential Detached or Mobile Home activity was a Grandfathered Residential Use within an Intensive Development District.							
Retirement Centers/Assisted Living	R	¼	100 30/50#	10*50/10070#	30	12080#	180120#
	I	3		10*	30		
* Setback may be reduced to 10' if a minimum 20' line of sight is maintained. # This extra protection shall be afforded in all districts, but only relative to Residential Detached and Mobile Home activity already in use on surrounding properties. In such cases the extent of this extra protection, if any, shall be determined in accordance with Special Rule #1 as if the Residential Detached or Mobile Home activity was a Grandfathered Residential Use within an Intensive Development District.							

Make the following changes and additions to:

**ARTICLE 2 - APPLICATION OF REGULATIONS, Chapter 3. Buffering Restrictions
and renumber this Chapter as necessary.**

23.00 Purpose

Buffering restrictions are a key component of this Ordinance which strives to achieve compatibility of neighboring activities. To accomplish this goal each principal activity classification has a separate set of recommended maximum buffering restrictions which address height, buffer, setbacks, and screening. These principal activity categories will find themselves located in projects containing varying degrees of intensity depending on the layout, size, shape, design, etc. of the specific activity itself, the accessory activities, and the associated buildings and structures. Determination of the ideal buffering restrictions for each specific principal activity will be subject to a process outlined in this Chapter. Likewise subdivisions and other new developments which may contain a variety of activities will be given internal flexibility with the application of these restrictions in order to achieve a maximum level of creativity in the formation of their project layout.

23.560 Chart of **Maximum Buffering Restrictions**

The columnar chart below lists the **maximum** buffering restrictions defined in this chapter as they apply to ~~specifie~~ the list of principal activities. The procedure for determining the actual buffering restrictions that will apply to a particular project or site shall be as outlined in the following paragraphs.

A request for a zoning permit which utilizes the maximum buffering restrictions as published shall be approved with respect to the requirements of this Chapter. A request for a zoning permit which proposes to utilize buffering restrictions less than the maximum numbers listed must employ the following procedure:

If the owner of any protected property wishes to sanction the selection of a lesser specific restriction, such consent shall be noted on a form provided by Lexington County. This consent shall become valid only upon verification by the Zoning Administrator and attachment to the applicable zoning permit.

If the process outlined above does not produce the buffering restriction desired by the applicant requesting a zoning permit, the applicant may request that the Board of Zoning Appeals serve as the arbiter with respect to their application for a restriction less than the maximum. Such a request will be heard at a regularly scheduled meeting of the Board with at least 15 days notice to both the applicant and any protected property owners involved.

In the development of a subdivision or other new development which may contain a variety of activities, the internal buffering restrictions shall be determined by the design of the project. Internal shall be defined as those buffering restrictions intended to determine the relationship between properties contained wholly within the boundaries of the project. Buffering restrictions with respect to surrounding properties shall be determined as outlined in the previous paragraphs. Setbacks from internal rights-of-way for roads to be constructed as part of the project may also be reduced provided all off-street parking requirements, sight distances, and applicable Building Code restrictions are met.

Following are general rules and special rules for interpreting the chart:

Make the following changes and additions to:

Section 26.53 Specialty Signs

Residential/Commercial/Industrial Subdivision and Residential Development Signs are permanent signs displaying no information other than the name of the subdivision, group housing development, apartment/condominium complex, or mobile home park. Such signs may be either single signs or gateway signs (paired signs on each side of an entrance). These signs shall not exceed 100 square feet each in display area, and shall not exceed a height of 6 feet. However, the display area and height restrictions are not intended to apply to the entire decorative structure on which the sign is displayed. Within the same project, a single sign or pair of gateway signs must be at least 300 feet from another single sign or pair of gateway signs. Such signs shall also be exempt from the **area and height limitations in Section 26.55 and the** 10-foot setback restriction of Section 26.51, but still must comply with the engineering criteria found in the Lexington County Land Development Manual and the Driveway Restrictions found in Section 22.10 of this Ordinance. A sign can be located in a road right-of-way median if such sign complies with all engineering criteria found in the Lexington County Land Development Manual.

Make the following changes and additions to:

ARTICLE 12 – ADMINISTRATION

Delete Section 121.04 and renumber this Chapter as needed:

121.04 Power to Arbitrate

~~Where buffering restrictions and performance standards apply, the Zoning Administrator shall act as the initial arbiter wherein surrounding property owners conflict or consent with regard to the application of these regulations or standards. A decision by the Zoning Administrator to relax either the buffering restrictions or performance standards shall be based upon the written consent of the neighboring and affected property owner(s), upon forms provided by the Zoning Administrator. This consent shall be called a zoning waiver and shall become valid only upon verification by the Zoning Administrator and attachment to an applicable zoning permit.~~

122.60 Standards for Variances

The Board ~~shall not~~ **may** grant a variance ~~unless if~~ it makes **the following** findings as follows:

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
- b. These conditions do not generally apply to other property in the vicinity;
- c. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
- d. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

The Board shall also consider the following when hearing a variance request in these sections of the Ordinance:

Section 22.10, Driveway and Street Restrictions – Many of the regulations found in this section are based upon laws of physics and engineering standards that help achieve sight lines, sight distances, etc. that provide for safer movement of motorists and pedestrians. Such restrictions should not be decreased without the support of a qualified engineering study.

Chapter 5, Signs, from Article 2, Application of Regulations – This Chapter contains many standards that implement comprehensive aesthetic and safety initiatives of Lexington County. Most of these regulations are articulated in a manner that provides an equal opportunity for all to advertise their activity and many help businesses avoid becoming a nonconformity upon annexation into a municipality. The Board should not approve a variance that destroys this equitable balance of opportunity, that damages the County’s aesthetic and safety initiatives, or that creates a nonconformity problem for a business in future years.

123.20 Extent of Amendment Granted

The County Council may grant a ~~more restrictive~~ zoning amendment that allows fewer principal activities than formally requested by the applicant, but may not grant an ~~less restrictive zoning~~ amendment that allows more principal activities than formally requested by the applicant.