

AGENDA
LEXINGTON COUNTY COUNCIL
BUDGET WORKSESSION
Tuesday, May 17, 2011
Second Floor - Dorothy K. Black Council Chambers
212 South Lake Drive, Lexington, SC 29072
Telephone - 803-785-8103 - FAX 803-785-8101

1:00 p.m. - 4:00 p.m. - Committee of the Whole

- **FY2011-2012 Budget Discussions**
 - General Fund Overview
 - Budget Policies
 - General Fund Appropriations
 - Sheriff's Department
 - Public Safety/Fire Service
 - General Fund Departments
 - Non-General Fund Departments (if time permits)

Committee of the Whole

J. Kinard, Jr., V Chairman

B. Banning, Sr., V Chairman

F. Townsend

S. Davis

D. Summers

B. Keisler

J. Jeffcoat

B. Matthews

T. Cullum

A G E N D A
LEXINGTON COUNTY COUNCIL

Tuesday, May 17, 2011

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

Ordinance

- (1) Ordinance 11-08 - An Ordinance (1) 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 Michelin North America, Inc.; and (2) Approving and Authorizing Other Matters Related Thereto - 2nd ReadingA

OLD BUSINESS/NEW BUSINESS

EXECUTIVE SESSION/LEGAL BRIEFING

MATTERS REQUIRING A VOTE AS A RESULT OF EXECUTIVE SESSION

ADJOURNMENT

ORDINANCE NO. 11-08

AN ORDINANCE (1) 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 MICHELIN NORTH AMERICA, INC.; AND (2) APPROVING AND AUTHORIZING OTHER MATTERS RELATED THERETO.

WHEREAS, pursuant to Ordinance No. 95-12 enacted September 11, 1995, by Lexington County Council, Lexington County entered into an Agreement for Development of Joint County Industrial Park dated as of December 11, 1995, with Calhoun County (the “Original Agreement”), which Original Agreement has been amended through the date hereof, pursuant to the authority contained in subsequent ordinances enacted by Lexington County Council for Amendments to the Original Agreement (collectively referred to as the “Park Agreement”); and

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

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

WHEREAS, the expansion of the Park shall include certain tracts of real estate located in Lexington County and described in the schedule attached to this Ordinance as Exhibit A (the “Additional Property”), which is presently owned by Michelin North America, Inc. (the “Company”); and

WHEREAS, pursuant to Ordinance No. 96-20, Lexington County Council approved the enlargement of the Park to include certain other real estate presently owned by, or leased to, the Company or one or more of its affiliates, which is located in Lexington County, which is described in the schedule attached to this Ordinance as Exhibit B (the “Prior Property”); and

WHEREAS, Calhoun County and Lexington County (collectively, the “Counties”) have determined that it is in the best interest of the Counties, and desire, to amend the Park Agreement to so enlarge the Park and to provide that the Park Agreement may not be terminated, without the written consent of the Company, prior to December 31, 2035, all as set forth in greater detail in the Amendment to Agreement for Development of Joint County Industrial Park (Michelin North America, Inc.) presented to this meeting.

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

1. The Park Agreement is hereby and shall be amended to include the Additional Property within the Park.

2. Lexington County hereby ratifies and confirms that the Prior Property was included within the Park pursuant to Ordinance No. 96-20 previously enacted by Lexington County Council and continues to be included in the Park.

3. The form, provisions, terms and conditions of the Amendment now before this meeting and filed with the Clerk to Lexington County Council be and they are hereby approved, and all of the provisions, terms and conditions thereof are hereby incorporated herein by reference as if the Amendment were set out in this Ordinance in its entirety.

4. The Amendment is to be in substantially the form now before this meeting and hereby approved, or with such changes therein as shall not materially adversely affect the rights of Lexington County thereunder and as shall be approved by the officials of Lexington County executing the same, upon advice of counsel to Lexington County, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of the Amendment now before this meeting.

5. The Chairman of Lexington County Council is hereby authorized, empowered, and directed to execute the Amendment in the name and on behalf of Lexington County; the Clerk to Lexington County Council is hereby authorized and directed to attest the same; and the Chairman of Lexington County Council is further authorized, empowered, and directed to deliver the Amendment to Calhoun County. The Chairman of Lexington County Council, and the Clerk to Lexington County Council, for and on behalf of Lexington County, are hereby each authorized, empowered, and directed to do any and all things necessary or proper to effect the performance of all obligations of Lexington County under and pursuant to the Amendment, and to carry out the transactions contemplated thereby and by this Ordinance.

6. The provisions of this Ordinance are hereby declared to be separable and if any section, phrase, or provision shall for any reason be declared by a court of competent jurisdiction to be invalid, unconstitutional, or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases, and provisions hereunder.

7. All orders, ordinances, resolutions, and parts thereof in conflict herewith are to the extent of such conflict hereby repealed. This Ordinance shall be effective after third and final reading.

[Signature page follows]

DONE in meeting duly assembled this ____ day of _____, 2011

LEXINGTON COUNTY, SOUTH CAROLINA

(SEAL)

By: _____
James E. Kinard, Jr., Chairman of County Council
Lexington County, South Carolina

ATTEST:

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

First Reading: May 5, 2011
Second Reading: _____
Public Hearing: _____
Third Reading: _____

EXHIBIT A

LEGAL DESCRIPTION OF ADDITIONAL PROPERTY

All that certain piece, parcel or tract of land, situate, lying and being on the northwestern side of Two Notch Road in the County of Lexington, State of South Carolina, containing 10.755 acres, more or less, and having according to plat of survey entitled, "ALTA/ACSM Land Title Survey for Michelin North America, Inc. and Fisher Tank Company" prepared by Freeland & Associates, Inc., dated September 24, 2008, last revised June 10, 2009 and recorded on June 17, 2009 in the Office of the Register of Deeds for Lexington County, South Carolina in Plat Book 13672 at Page 85, the following metes and bounds to wit: Beginning at an iron pin located on the northwestern right-of-way of SC Highway 70 (Two Notch Road 66'; right-of-way) and being the common corner of Owen Industrial Products, Inc. (Deed Book 18V, Page 340); thence along said right-of-way S59°09'38"W for 853.10 feet to an iron pin; thence leaving said right-of-way along the common line of Michelin Tire Corp. (Deed Book 331, Page 274) N24°59'00"W for 598.01 feet to a concrete monument; thence N48°40'38"E for 552.78 feet to a concrete monument located on the common line of Owen Industrial Products, Inc.; thence along said line, S55°09'27" E for 240.50 feet to an iron pin; thence S51°18'36"E for 454.33 feet to an iron pin; thence S20°19'22"E for 51.53 feet to the point of beginning.

TMS# 006400-02-007

EXHIBIT B

LEGAL DESCRIPTION OF PRIOR PROPERTY

ALL that certain piece, parcel or lot of land situate, lying and being on the northern side of Two Notch Road (S.C. Road S-32-70) in the County of Lexington, State of South Carolina, containing 213.85 acres, more or less, as shown on plat of survey of property of Michelin Tire Corporation dated March 30, 1979, by John A. Simmons, R.L.S., and having, according to said plat, the following metes and bounds, to-wit:

BEGINNING at an iron pin in the center of the intersection of Two Notch Road (S.C. Road S-32-70) and Long's Pond Road (S.C. Road S-32-204) and running thence with the center of Long's Pond Road N. 1-18 W. 1,400 feet to a nail; thence continuing with the center of said road as follows: N. 2-33 W. 100 feet to a nail; N. 7-35 W. 100 feet to a nail, N. 13-36 W. 100 feet to a nail, N. 19-56 W. 100 feet to a nail, N. 25-42 W. 100 feet to a nail, N. 29-43 W. 65 feet to a nail, and N. 30-54 642.83 feet to a nail at the intersection of said road with the right-of-way of the Southern Railway Company; thence running with the right-of-way of said Southern Railway as follows: N. 65-03 E. 184.76 feet to an iron pin, N. 66-13 E. 200 feet to an iron pin; N. 67-13 E. 200 feet to an iron pin, N. 68-07 E. 200 feet to an iron pin, N. 68-56 E. 200 feet to an iron pin, N. 70-00 E. 200 feet to an iron pin, N. 71-03 E. 200 feet to an iron pin, N. 72-08 E. 141 feet to an iron pin, N. 72-31 E. 2,159.81 feet to an old concrete monument at the corner of property now or formerly belonging to Owens Industrial Products, Inc.; thence leaving said railroad right-of-way and running S. 55-36 E. 1,291.72 feet to an old iron pin; thence S. 48-12 W. 552.96 feet to an old iron pin; thence S. 25-26 E. 630.52 feet to a nail in the center of Two Notch Road; thence with the center of Two Notch Road as follows: S. 58-36 W. 2,486.98 feet to a nail, S. 60-41 W. 100 Feet to a nail, S. 64-21 W. 100 feet to a nail, S. 66-56 W. 100 feet to a nail, S. 69-48 W. 135 feet to a nail, S. 70-47 W. 670 feet to a nail, S. 68-44 W. 200 feet to a nail, S. 66-00 W. 200 feet to a nail, and S. 64-03 W. 411-4 feet to a nail in the center of the intersection of Two Notch Road with Long's Pond Road, the point of beginning.

TMS#s 006400-02-001; 006400-02-018; 006400-02-019; 006400-02-020; 006400-02-022; 006400-02-024; 006400-02-025; 006400-02-026; 006400-02-027; 006400-02-028; 006400-02-036; 006400-02-039

STATE OF SOUTH CAROLINA)	AMENDMENT TO
)	AGREEMENT FOR DEVELOPMENT
COUNTY OF LEXINGTON)	OF JOINT COUNTY INDUSTRIAL PARK
COUNTY OF CALHOUN)	(MICHELIN NORTH AMERICA, INC.)

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 corporate and political subdivision of the State of South Carolina (collectively the "Counties"), and is to be effective as of the _____ day of _____, 2011.

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 through the date hereof, the "Park Agreement") entered into by the Counties as of 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 the Park Agreement (the "Lexington Property") and a portion of which is located in Calhoun County as described on Exhibit B to the Park Agreement (the "Calhoun Property"); and

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 Section 3 of the Park Agreement and the Counties desire to amend the Agreement to enlarge the boundaries of the Park to include certain real estate which is located in Lexington County and described on Exhibit A hereto (the "Additional Property"), which is presently owned by Michelin North America, Inc. (the "Company"), and to provide that the Park Agreement may not be terminated without the written consent of the Company, all as set forth in greater detail herein; and

WHEREAS, Calhoun County and Lexington County have, respectively, authorized the execution and delivery of this Amendment by Calhoun County Council Ordinance No. _____ enacted on _____, 2011 and Lexington County Council Ordinance No. ____ enacted on _____, 2011.

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, which describes the boundaries of the Park located in Lexington County, is hereby amended by adding the Additional Property.

2. Unless otherwise consented to in writing by the Company, the Park Agreement shall not be terminated prior to December 31, 2035; provided that, if the Counties have agreed to a longer term, or a later date prior to which the Park Agreement may not be terminated, in connection with the addition of other properties to the Park, such longer term or later date 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 above written date.

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: James E. Kinard, Jr.,

Title: Chairman, Lexington County Council

(SEAL)

ATTEST:

By: _____

Name: Diana W. Burnett

Title: Clerk to Lexington County Council

EXHIBIT A

LEGAL DESCRIPTION OF ADDITIONAL PROPERTY

All that certain piece, parcel or tract of land, situate, lying and being on the northwestern side of Two Notch Road in the County of Lexington, State of South Carolina, containing 10.755 acres, more or less, and having according to plat of survey entitled, "ALTA/ACSM Land Title Survey for Michelin North America, Inc. and Fisher Tank Company" prepared by Freeland & Associates, Inc., dated September 24, 2008, last revised June 10, 2009 and recorded on June 17, 2009 in the Office of the Register of Deeds for Lexington County, South Carolina in Plat Book 13672 at Page 85, the following metes and bounds to wit: Beginning at an iron pin located on the northwestern right-of-way of SC Highway 70 (Two Notch Road 66'; right-of-way) and being the common corner of Owen Industrial Products, Inc. (Deed Book 18V, Page 340); thence along said right-of-way S59°09'38"W for 853.10 feet to an iron pin; thence leaving said right-of-way along the common line of Michelin Tire Corp. (Deed Book 331, Page 274) N24°59'00"W for 598.01 feet to a concrete monument; thence N48°40'38"E for 552.78 feet to a concrete monument located on the common line of Owen Industrial Products, Inc.; thence along said line, S55°09'27" E for 240.50 feet to an iron pin; thence S51°18'36"E for 454.33 feet to an iron pin; thence S20°19'22"E for 51.53 feet to the point of beginning.

TMS# 006400-02-007