

**AGENDA
LEXINGTON COUNTY COUNCIL
Committee Meetings**

August 28, 2012

**Second Floor - County Administration Building
212 South Lake Drive, Lexington, SC 29072
Telephone - 803-785-8103 -- FAX 803-785-8101**

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

12:00 p.m. - 12:45 p.m. - Economic Development

- (1) Project Highpoint Discussion - Economic Development - Chuck Whipple, Director
- (2) Project Extend Discussion - Economic Development - Chuck Whipple, Director
- (3) Discussions Regarding Contract on Saxe Gotha Four - Economic Development - Chuck Whipple, Director
- (4) Meeting of May 8, 2012 - Approval of Minutes..... A
- (5) Meeting of May 22, 2012 - Approval of Minutes..... B
- (6) Old Business/New Business
- (7) Adjournment

12:45 p.m. - 1:00 p.m. - Planning and Administration

- (1) Ordinance 12-01 Amendments to the Landscape and Open Space Ordinance - 2nd Reading (Goal 2) - Planning & GIS - Robbie Derrick, Landscape Administrator..... C
- (2) CDBG Minor Home Repair Program Request For Reallocation of Fund (Goal 1) - Community Development - Ron Scott, Director D
- (3) FY 2012-13 Home Investment Partnership Program (Goal 1) - Community Development - Ron Scott, Director..... E
- (4) Meeting of May 22, 2012 - Approval of Minutes..... F
- (5) Old Business/New Business
- (6) Adjournment

1:00 p.m. - 1:05 p.m. - Justice

- (1) FY 12 Justice Assistance Grant (JAG) Award (Goal 1) - Sheriff's Department - Col. Allan Paavel G
- (2) Meeting of May 8, 2012 - Approval of Minutes..... H
- (3) Meeting of May 22, 2012 - Approval of Minutes..... I
- (4) Old Business/New Business
- (5) Adjournment

1:05 p.m. - 1:40 p.m. - Health and Human Services

- (1) 2012 Local Emergency Management Performance Grant (LEMPG) Award (Goal 1) - Public Safety/Preparedness - Tom Collins, Emergency Response Coordinator J

- (2) Lexington Medical Center Practice Update - Dan Jones, Chairman, Lexington County Health District Board of Directors and Mike Biediger, President/CEO, Lexington Medical Center
- (3) Meeting of May 22, 2012 - Approval of Minutes..... K
- (4) Old Business/New Business
- (5) Adjournment

1:40 p.m. - 2:30 p.m. - Public Works & Solid Waste Management

- (1) Frye Road Paving - Public Works - Randy Edwards, P.E., County Engineer..... L
- (2) Chariot Street Paving Request - Public Works - Randy Edwards, P.E., County Engineer M
- (3) C-Fund Dirt Road Paving List Update - Public Works - Randy Edwards, P.E., County Engineer N
- (4) Chapter 7 - Agreements, Bonds and Warranties - Public Works - Sheri Armstrong, Stormwater Manager O
- (5) Franchise Curbside Collection Contract - Solid Waste Management - Dave Eger, Director
- (6) Meeting of May 8, 2012 - Approval of Minutes..... P
- (7) Meeting of May 22, 2012 - Approval of Minutes..... Q
- (8) Old Business/New Business
- (9) Adjournment

2:30 p.m. - 2:35 p.m. - Airport

- (1) Meeting of May 8, 2012 - Approval of Minutes..... R
- (2) Old Business/New Business
- (3) Adjournment

2:35 p.m. - 4:15 p.m. - Committee of the Whole

- (1) Meeting of May 8, 2012 - Approval of Minutes..... S
- (2) Meeting of May 22, 2012 - Approval of Minutes..... T
- (3) May 22, 2012 Budget Worksession Minutes - Approval of Minutes U
- (4) Possible Executive Session if Time Permits
- (5) Old Business/New Business
- (6) Adjournment

GOALS

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

Economic Development

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

Planning & Administration

D. Summers, Chairman
S. Davis, V Chairman
J. Kinard
B. Matthews
T. Cullum

Justice

S. Davis, Chairman
B. Keisler, V Chairman
F. Townsend, III
J. Jeffcoat
B. Matthews

Health & Human Services

B. Matthews, Chairman
D. Summers, V Chairman
F. Townsend, III
B. Keisler
J. Kinard

Public Works & Solid Waste Management

T. Cullum, Chairman
J. Kinard, V Chairman
B. Keisler
J. Jeffcoat
B. Matthews

Airport

F. Townsend, III, Chairman
J. Kinard, V Chairman
D. Summers
B. Keisler
T. Cullum

Committee of the Whole

B. Banning, Sr., Chairman
J. Jeffcoat, V Chairman
J. Kinard
F. Townsend, III
S. Davis
D. Summers
B. Keisler
B. Matthews
T. Cullum

**AGENDA
LEXINGTON COUNTY COUNCIL**

August 28, 2012

**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 - Joe Mergo, County Administrator

Resolution

(1) First Purple Heart County V

Appointments

(1) Boards & Commissions W

Bids/Purchases/RFPs

(1) Fleet Vehicle Replacement and Addition - Fleet Services/Building Services..... X
(2) Dell SAN Storage Shelf with One (1) Year Onsite Service - Information Services..... Y
(3) 12 Mile Creek Consulting Services - Public Works Z
(4) One (1) Farm Tractor (Replacement) - Public Works..... 1
(5) Caron Traction and Contour Pin-On Caps (Sole Source) - Solid Waste Management..... 2
(6) One (1) Fleet Vehicle Addition and Accessories - Sheriff Department..... 3
(7) Fourteen (14) Laptops (F4) with Docking Stations - Sheriff's Department 4
(8) Salamander Command and Rapid Tag Software Package - Sheriff's Department 5

Approval of Minutes

(1) Meeting of June 26, 2012 6

Ordinance(s)

(1) Ordinance 12-08 - Ordinance Authorizing the Lease of 8.90 Acres More or Less, to the Town of Lexington - 2nd Reading 7
(2) Ordinance 12-09 - Ordinance Authorizing an Amendment to the Agreement for Development of Joint County Industrial Park Between Newberry and Lexington County to Add F.G. Wilson (USA) LLC - 2nd Reading..... 8

- (3) Ordinance 12-10 - Ordinance Finding that the Richland/Lexington Riverbanks Parks District May Issue not Exceeding \$32,000,000 G.O. Bonds, Authorize the Issue of Such Bonds and to Provide for the Publication of Notice of the said Findings and Authorization - 2nd Reading 9

Committee Reports

Planning & Administration, D. Summers, Chairman

- (1) Ordinance 12-01 Amendments to the Landscape and Open Space Ordinance - 2nd Reading C

Public Works & Solid Waste Management, T. Cullum, Chairman

- (1) Green is Good for Business Conference Sponsorship..... 10
- (2) Kinley, K-1 and K-2 Creeks Funding Options 11
- (3) Sustainable Energy Plan for the Central Midlands Region 12

Justice, S. Davis, Chairman

- (1) FY 12 Justice Assistance Grant (JAG) Award (Goal 1)..... G

Health & Human Services, B. Matthews, Chairman

- (1) Resolution R12-4 - Approval of Resolution for the Emergency Planning Zone for V.C. Summer Nuclear Station..... 13
- (2) 2012 Local Emergency Management Performance Grant (LEMPG) Award (Goal 1) J

Presentation of Resolution

- (1) Cindy's Place Presented by Councilwoman Summers

Budget Amendment Resolutions

6:00 P.M. - Public Hearing

- (1) Ordinance 12-10 - Ordinance Finding that the Richland/Lexington Riverbanks Parks District May Issue Not Exceeding \$32,000,000 G.O. Bonds and Provide for the Publication of Notice of the Said Findings and Authorization 14

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.

transactions that Council approved in 2011. As a brief recap since 2008 to the end of last year, the decisions Council made impacted 24 companies, eight of those companies were new to Lexington County and 16 were expansion opportunities. The County is looking at a total investment of some \$988,328,450 in capital investment in Lexington County from 2008 to 2011. The eight distribution companies' investment was \$186.7 million, the 11 manufacturing companies' was \$755.8 million and the five service companies' was \$45.8 million. It was clarified for the public that the numbers are for buildings and equipment. For information only, no action taken.

Meeting of February 28, 2012 - Approval of Minutes - A motion was made by Mr. Keisler, seconded by Ms. Summers to approve the February 28, 2012 minutes as submitted.

The vote in favor was unanimous.

Old Business/New Business - None.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Judy R. Busbee
Assistant to the Clerk

Johnny W. Jeffcoat
Chairman

Diana W. Burnett
Clerk

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.



DRAFT
(as of July 24, 2012)

COUNTY OF LEXINGTON, SOUTH CAROLINA

ORDINANCE #12-1

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. Address the scope of the regulations.
2. Modify and expand the definitions.
3. Update and expand the Landscaping Requirements.
4. Modify the Open Space Requirements.

Make the following changes and additions to:

Article 1 – Authority

1.2 Intent

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

1.3 Scope of Regulations

Except as otherwise stated, the regulations set forth herein shall apply to all Residential Attached dwelling units and Mobile Home Parks, as defined within the Lexington County Zoning Ordinance; all residential and nonresidential subdivisions, as defined and regulated within Article 4; and all nonresidential 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. ~~Nonresidential 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.).~~ Advertising signs, as defined and regulated in the Lexington County Zoning Ordinance.

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. Temporary activities that offer seasonal or holiday products that occur for a period of time exceeding 90 calendar days will be required to comply with applicable street frontage tree requirements included in Article 3, Section 6, Road Frontage Trees, and Article 3, Section 7, Scenic Corridor Protection.

1.6 Exclusions

~~Because such activities are developed with benefit of public hearings and other input, any facility or activity established or expanded by Lexington County is exempt from the provisions and administrative procedures of this Ordinance. However, the development plan for all such activities shall be devised with a diligent effort to meet the requirements of this Ordinance.~~ In the interest of meeting the public need for services in an efficient and timely manner, and because such activities are developed with the benefit of public hearings and other public input, any facility or activity established or expanded and/or owned and operated by Lexington County is exempt from the administrative procedures found in Article 6 of this Ordinance. However, the development and operation of such activities shall meet all of the requirements of this Ordinance with the authority to vary from any of those provisions residing only with Lexington County Council.

Make the following changes and additions to:

Article 2 – Definitions

2.2 Definitions

Bioretention Pond – A structure that utilizes soils and woody and herbaceous plants to remove pollutants from stormwater runoff.

Tree, Canopy, Large – Any single- or multi-stem tree of a species which normally reaches a height of 30 feet or more and a crown spread of 20 feet or more at maturity.

Tree, Understory, Small – Any single- or multi-stem tree of a species which normally reaches a height of between 8 and 30 feet and a crown spread of less than 20 feet at maturity.

Make the following changes and additions to:

Article 3 – Landscaping Requirements

Sections 1(General), 3(Parking Lots), 4(Service Areas/Utilities), and 6(Road Corridors)

Section 1 (General)

3.1.2 Planting and Maintenance

- c. All newly planted trees and shrubs shall be mulched evenly around each individual plant and extend to the dripline, but no less than a 4-foot radius from the trunk of the tree or shrub. The mulch should be two to three inches in depth. Group plantings, including shrubbery, shall have a defined bed area that shall be mulched. Natural areas with groupings of trees that are preserved to meet provisions of this Ordinance do not require mulch; however, individual trees that are protected will require mulch. The mulched areas should be maintained and kept free of weeds and grass.
- e.d. New trees must be planted properly, to include soil/site preparation and protection of roots. See Appendix.

3.1.3 Species Selection

- f. To encourage diversity and flexibility of design, no more than ~~60~~ 40 percent of any one species ~~can be used for new tree plantings~~ ~~of tree may be used~~ in the overall development plan.

Section 3 (Parking Lots)

3.3.3 Trees

- b. Where overhead utilities exist or are planned, ~~or where space restricts the use of canopy trees~~, understory trees may be required instead of large canopy trees, at a replacement density of ~~three~~ two understory trees for each canopy tree.
- c. The requirements of this Section shall apply only to the perimeter of a parking lot greater than 10,000 square feet that is used as a display/storage area for nonresidential development (i.e., automobile, boat and craft dealerships; truck terminals; etc.). The permit applicant may choose to not follow the requirements of this Section on the interior portion of such a display/storage area.

Section 4 (Service Areas/Utilities)

3.4.1 Application

- a. The requirements of this section shall apply to all service areas, equipment, and structures related to garbage collection, utilities and communication, as well as all detention and retention ponds, or other similar stormwater holding areas, to include those in residential subdivisions.
- b. This section shall not be construed to deny access by vehicles and equipment to service areas or for maintenance of detention and retention ponds.

3.4.3 Detention/Retention Ponds

- a. Detention and retention ponds, or other holding areas that are part of a storm/surface water system, should be enhanced as an amenity of the development.
- b. Unless designed as an integral part of a landscape plan or features as an amenity (i.e., water features in a wet bottom basin or recreation/open space in a dry bottom basin), all detention ponds, retention ponds, or other similar holding areas shall be screened from view from any existing or future private or public street and from adjoining property.
- c. Bioretention systems will be considered to have met the additional landscape requirements noted in this section of the Ordinance.
- d. The development of any system shall be in accordance with the provisions of the Lexington County Stormwater Management Ordinance, to include the requirement of fencing for safety purposes.

3.4.4 Screening

The use of vegetation for screening is strongly encouraged; however, if fencing or a wall is used for screening of service areas, utilities, or ponds, at least 50 percent of the structure shall be softened with shrubbery or other vegetation. The vegetation must be placed on the outside property line of the structure. Access and room for maintenance must be incorporated into the design and placement of the structure and subsequent vegetation. **The substance of the fencing, wall, or other screening structure must be approved by the Landscape Administrator.**

Section 6 (Road Corridors)

3.6.1 Identification of Road Corridors

Any road identified as an Arterial, Collector, or Local Road by the Lexington County Zoning Ordinance shall be considered a road corridor. **When the road, and/or its right-of-way, is located within the boundaries of a municipality, the provisions of this section shall still apply if the parcel is located in the unincorporated portion of Lexington County.** Where any road corridor or portion thereof is also identified as a scenic corridor, the requirements of Section 7 Scenic Corridor Protection shall prevail.

3.6.3 Trees

- d. ~~Large canopy trees to provide shade will be required except where there exist overhead utilities.~~ Where overhead utilities exist or are planned, **or where space restricts the use of canopy trees,** understory trees may be required instead of large canopy trees at a replacement density of ~~three~~ **two** understory trees for each canopy tree.

Make the following changes and additions to:

Article 4 – Open Space Requirements

4.1 Residential Subdivisions

The purpose of this section is to provide guidelines for the establishment of suitable and useable open space within all proposed residential subdivisions with lot sizes less than 2 acres or which have at least ten lots.

4.1.1 Quantity of Open Space

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

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

This Ordinance shall take effect _____, 2012.

Enacted the _____ day of _____, 2012

William B. Banning, Sr.
Chair, Lexington County Council

ATTEST:

Diana W. Burnett, Clerk

First Reading: January 10, 2012
Public Hearing: February 14, 2012
Second Reading: _____
Third & Final Reading: _____
Filed w/Clerk of Court: _____



County of Lexington

Community Development Department
212 South Lake Drive—Suite 401
Lexington, SC 29072
Phone: (803) 785-8121
Fax: (803) 785-8188

MEMORANDUM

TO: Planning and Administration Committee
Lexington County Council

THROUGH: Joe Mergo III, County Administrator

FROM: Ronald T. Scott, Community Development Director

DATE: August 17, 2012

RE: CDBG Minor Home Repair Program Request for Reallocation of Funds

The Community Development Department requests approval from the Planning and Administration Committee to reallocate \$200,000 of Community Development Block Grant Program (CDBG) contingency funds to the Minor Home Repair Program. These funds were previously budgeted for projects that were completed under budget.

The Minor Home Repair project assists low to moderate income homeowners with minor repairs to their homes. The majority of program recipients are senior citizens within the County. The current budget for FY 2012-13 will allow us to assist approximately 30 homeowners in Lexington County. Through the \$200,000 reallocation we will be able to assist 30 additional homeowners with qualifying repairs to their homes.

We request County Council's consideration and approval of the reallocation of \$200,000 for the Minor Home Repair Program.

Requested Action: Committee recommendation to County Council to modify the FY 2011-12 HUD Annual Action to reallocate \$200,000 for the Minor Home Repair Program.



County of Lexington

Community Development Department
Community Development Block Grant Program
212 South Lake Drive, Suite 401
Lexington, SC 29072
Telephone (803) 785-8121 - Fax (803) 785-8188

MEMORANDUM

To: Planning and Administration Committee
Through: Joe Mergo III, County Administrator
From: Ron Scott, Community Development Director
Date: August 17, 2012
Subject: FY 2012-13 HOME Investment Partnership Program

The Community Development Department requests approval from the Planning and Administration Committee to change the scope of the Homeownership Assistance Program identified in the FY 2012-13 HUD Annual Action Plan. The program was originally designed to provide homeownership assistance through down payment assistance and mortgage financing. This program was designed to create program income, with all assistance fully repayable to the County.

After further consultations with the HUD field office it was determined that the best course of action to optimize the receipt of program income was to pursue an Acquisition and Rehabilitation Program. This alternative program will provide immediate return of program income upon completion of the activity. The Acquisition and Rehabilitation Program will allow for a developer or CHDO to apply for funding to acquire a blighted property and rehabilitate the property. The property will then be sold to a low-to-moderate citizen. The proceeds from the sale minus a developer's fee will instantly be returned to Lexington County to be reused in the program thereby creating a self-perpetuating fund.

The original amount allocated for the Homeownership Assistance Program was \$674,167 (\$424,167 HOME funds + \$150,000 CDBG funds + \$100,000 HOME Fund Balance). We request approval to reallocate these funds to the new Acquisition and Rehabilitation Program, along with down payment assistance.

Requested Action: Committee recommendation to County Council to modify the FY 2012-13 HUD Annual Action Plan to implement the Acquisition and Rehabilitation Program.

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
 FY 12 JUSTICE ASSISTANCE GRANT
 Annual Budget
 FY 2012-13 Estimated Revenue**

Object Code	Revenue Account Title	Actual 2010-11	Received Thru Jun 2011-12	Budget Thru Jun 2011-12	Revenues Thru Jun 2011-12	Requested 2012-13	Recommend 2012-13	Approved 2012-13
* FY 12 Justice Assistance Grant 2492:								
Revenues:								
457000	Federal Grant Income	0	0	0	0	39,035	39,035	39,035
		<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>39,035</u>	<u>39,035</u>	<u>39,035</u>
	***Total Appropriations				0	39,035	39,035	39,035
FUND BALANCE								
	Beginning of Year				<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
FUND BALANCE - Projected								
	End of Year				<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

**COUNTY OF LEXINGTON
 FY 12 JUSTICE ASSISTANCE GRANT
 Annual Budget
 Fiscal Year - 2012-13**

Fund: 2492
 Division: Law Enforcement
 Organization: 151200 - Operations

Object Expenditure Code Classification		2010-11 Expenditure	2011-12 Expenditure (June)	2011-12 Amended (June)	<i>BUDGET</i>		
					2012-13 Requested	2012-13 Recommend	2012-13 Approved
Personnel							
* Total Personnel		0	0	0	0	0	0
Operating Expenses							
* Total Operating		0	0	0	0	0	0
** Total Personnel & Operating		0	0	0	0	0	0
Capital							
5AD360	(120) Driver License Barcode Readers	0	0	0	30,057	30,057	30,057
** Total Capital		0	0	0	30,057	30,057	30,057
*** Total Budget Appropriation		0	0	0	30,057	30,057	30,057

**COUNTY OF LEXINGTON
 FY 12 JUSTICE ASSISTANCE GRANT
 Annual Budget
 Fiscal Year - 2012-13**

Fund: 2492
 Division: Non-departmental
 Organization: 999900 Non-departmental

Object Expenditure Code Classification	2010-11 Expenditure	2011-12 Expenditure (June)	2011-12 Amended (June)	2012-13 Requested	<i>BUDGET</i>	
					2012-13 Recommend	2012-13 Approved
Personnel						
* Total Personnel	0	0	0	0	0	0
Operating Expenses						
520306 Counseling Services	0	0	0	4,294	4,294	4,294
* Total Operating	0	0	0	4,294	4,294	4,294
** Total Personnel & Operating	0	0	0	4,294	4,294	4,294
Capital						
** Total Capital	0	0	0	0	0	0
*** Total Budget Appropriation	0	0	0	4,294	4,294	4,294

SECTION V. – PROGRAM OVERVIEW

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

The County of Lexington has been awarded \$39,035 for the FY 12 Edward Byrne Memorial Justice Assistance Grant (JAG) Program from the US Department of Justice. This funding will be split between the Sheriff's Department, Magistrate Court Service, and Sistercare.

SECTION VI. D. – CAPITAL LINE ITEM NARRATIVE

5AD357 - (2) EXECUTIVE DESK **\$ 2,065**

The two executive desks will be purchased for one At-Large Magistrate and one District Magistrate. Each desk can be purchased on State contract for \$964.80 each.

2 Executive Desk @ \$964.80ea = \$1,929.60 x 7% tax = \$2,064.67

5AD358 - (2) CREDENZAS **\$ 2,166**

The two credenzas will be purchased for one At-Large Magistrate and one District Magistrate. Each credenza can be purchased on State contract for \$912 each.

2 Credenza @ \$912ea = \$1,824 x 7% tax = \$1,951.68

2 keyboard tray @ 100.00ea = \$200 x 7% = \$214

5AD359 - (1) EXECUTIVE CHAIR **\$ 453**

The Magistrate Court is requesting one executive chair to be used by an At-Large Magistrate at the Summary Court Center. The chair can be purchased on State contract for \$309.98 each.

1 Executive Chairs @ \$422.50ea x 7% = \$452.08

SECTION VI. D. – CAPITAL LINE ITEM NARRATIVE

5AD360 - (120) DRIVER LICENSE BARCODE READERS \$ 30,057

These scanners are needed to read the barcodes on the back of driver licenses. The information obtained from the scan of the license will populate the data fields in our Records Management System for reporting purposes. This will increase the accuracy of data on file and this will reduce the time an officer spends entering this information. The total estimated cost per scanner is \$250; therefore we are estimating that we will be able to purchase 120 scanners with this allocation.

SECTION VI. C. - OPERATING LINE ITEM NARRATIVES

520306 – COUNSELING SERVICES **\$ 4,294**

These funds will be used to offset the cost of community counseling support group services for Lexington County battered women and their children. It will also help provide crime victim services and break the intergenerational cycle of domestic violence.



Department of Justice

Office of Justice Programs

Bureau of Justice Assistance

Office of Justice Programs

Washington, D.C. 20531

July 25, 2012

Mr. Joe Mergo III
Lexington County
212 South Lake Drive
Lexington, SC 29072-3489

Dear Mr. Mergo:

On behalf of Attorney General Eric Holder, it is my pleasure to inform you that the Office of Justice Programs has approved your application for funding under the FY 12 Edward Byrne Memorial Justice Assistance Grant (JAG) Program Local Solicitation in the amount of \$39,035 for Lexington County.

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

If you have questions regarding this award, please contact:

- Program Questions, Cynthia Y. Simons, Program Manager at (202) 305-1020; and
- Financial Questions, the Office of the Chief Financial Officer, Customer Service Center (CSC) at (800) 458-0786, or you may contact the CSC at ask.ocfo@usdoj.gov.

Congratulations, and we look forward to working with you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Denise O'Donnell".

Denise O'Donnell
Director

Enclosures



Department of Justice
Office of Justice Programs
Office for Civil Rights

Washington, D.C. 20531

July 25, 2012

Mr. Joe Mergo III
Lexington County
212 South Lake Drive
Lexington, SC 29072-3489

Dear Mr. Mergo:

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

Ensuring Access to Federally Assisted Programs

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

Providing Services to Limited English Proficiency (LEP) Individuals

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

Ensuring Equal Treatment for Faith-Based Organizations

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

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

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

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

Enforcing Civil Rights Laws

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

Complying with the Safe Streets Act or Program Requirements

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

1) Meeting the EEOP Requirement

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

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

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

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

2) Submitting Findings of Discrimination

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

Ensuring the Compliance of Subrecipients

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

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

Sincerely,



Michael L. Alston
Director

cc: Grant Manager
Financial Analyst



Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

Grant

PAGE 1 OF 6

1. RECIPIENT NAME AND ADDRESS (Including Zip Code) Lexington County 212 South Lake Drive Lexington, SC 29072-3489		4. AWARD NUMBER: 2012-DJ-BX-0734	
		5. PROJECT PERIOD: FROM 10/01/2011 TO 09/30/2015 BUDGET PERIOD: FROM 10/01/2011 TO 09/30/2015	
		6. AWARD DATE 07/25/2012	7. ACTION Initial
1A. GRANTEE IRS/VENDOR NO. 576000378		8. SUPPLEMENT NUMBER 00	
		9. PREVIOUS AWARD AMOUNT \$ 0	
3. PROJECT TITLE FY 12 Justice Assistance Grant		10. AMOUNT OF THIS AWARD \$ 39,035	
		11. TOTAL AWARD \$ 39,035	
12. SPECIAL CONDITIONS THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S).			
13. STATUTORY AUTHORITY FOR GRANT This project is supported under FY12(BJA - JAG) 42 USC 3750, et seq.			
15. METHOD OF PAYMENT GPRS			
[REDACTED] AGENCY APPROVAL [REDACTED]		[REDACTED] GRANTEE ACCEPTANCE [REDACTED]	
16. TYPED NAME AND TITLE OF APPROVING OFFICIAL Denise O'Donnell Director		18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL Joe Mergo County Administrator	
17. SIGNATURE OF APPROVING OFFICIAL <i>Denise O'Donnell</i>		19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL	19A. DATE
[REDACTED] AGENCY USE ONLY [REDACTED]			
20. ACCOUNTING CLASSIFICATION CODES FISCAL YEAR FUND CODE BUD. ACT. DIV. REG. SUB. POMS AMOUNT X B DJ 80 00 00 39035		21. LDJUGT0942	

OJP FORM 4000/2 (REV. 5-87) PREVIOUS EDITIONS ARE OBSOLETE.

OJP FORM 4000/2 (REV. 4-88)



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**AWARD CONTINUATION
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Grant**

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PROJECT NUMBER 2012-DJ-BX-0734

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SPECIAL CONDITIONS

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

mail:

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

e-mail: oig.hotline@usdoj.gov

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

or hotline fax: (202) 616-9881

Additional information is available from the DOJ OIG website at www.usdoj.gov/oig.

6. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of any contract or subaward to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries, without the express prior written approval of OJP.
7. The recipient agrees to comply with any additional requirements that may be imposed during the grant performance period if the agency determines that the recipient is a high-risk grantee. Cf. 28 C.F.R. parts 66, 70.



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**AWARD CONTINUATION
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PROJECT NUMBER 2012-DJ-BX-0734

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SPECIAL CONDITIONS

8. The recipient agrees to comply with applicable requirements regarding Central Contractor Registration (CCR) and applicable restrictions on subawards to first-tier subrecipients that do not acquire and provide a Data Universal Numbering System (DUNS) number. The details of recipient obligations are posted on the Office of Justice Programs web site at <http://www.ojp.gov/funding/ccr.htm> (Award condition: Central Contractor Registration and Universal Identifier Requirements), and are incorporated by reference here. This special condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).
9. Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), the Department encourages recipients and sub recipients to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this grant, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.
10. The recipient agrees to comply with all applicable laws, regulations, policies, and guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences, meetings, trainings, and other events, including the provision of food and/or beverages at such events, and costs of attendance at such events. Information on pertinent laws, regulations, policies, and guidance is available at www.ojp.gov/funding/confcost.htm.
11. The recipient understands and agrees that any training or training materials developed or delivered with funding provided under this award must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <http://www.ojp.usdoj.gov/funding/ojptrainingguidingprinciples.htm>.
12. The recipient agrees that if it currently has an open award of federal funds or if it receives an award of federal funds other than this OJP award, and those award funds have been, are being, or are to be used, in whole or in part, for one or more of the identical cost items for which funds are being provided under this OJP award, the recipient will promptly notify, in writing, the grant manager for this OJP award, and, if so requested by OJP, seek a budget-modification or change-of-project-scope grant adjustment notice (GAN) to eliminate any inappropriate duplication of funding.
13. The recipient agrees to comply with applicable requirements to report first-tier subawards of \$25,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients of award funds. Such data will be submitted to the FFATA Subaward Reporting System (FSRS). The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the Office of Justice Programs web site at <http://www.ojp.gov/funding/ffata.htm> (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here. This condition, and its reporting requirement does not apply to grant awards made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own operate in his or her name).
14. The recipient agrees that all income generated as a direct result of this award shall be deemed program income. All program income earned must be accounted for and used for the purposes of funds provided under this award, including such use being consistent with the conditions of the award, the effective edition of the OJP Financial Guide and, as applicable, either (1) 28 C.F.R. Part 66 or (2) 28 C.F.R Part 70 and 2 C.F.R. Part 215 (OMB Circular A-110). Further, the use of program income must be reported on the quarterly Federal Financial Report, SF 425.



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SHEET
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PROJECT NUMBER 2012-DJ-BX-0734

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SPECIAL CONDITIONS

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

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

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

The grantee understands and agrees that complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. The grantee further understands and agrees to the requirements for implementation of a Mitigation Plan, as detailed at <http://www.ojp.usdoj.gov/BJA/resource/nepa.html>, for programs relating to methamphetamine laboratory operations.

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

16. To avoid duplicating existing networks or IT systems in any initiatives funded by BJA for law enforcement information sharing systems which involve interstate connectivity between jurisdictions, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the grantee can demonstrate to the satisfaction of BJA that this requirement would not be cost effective or would impair the functionality of an existing or proposed IT system.
17. In order to promote information sharing and enable interoperability among disparate systems across the justice and public safety community, OJP requires the grantee to comply with DOJ's Global Justice Information Sharing Initiative (DOJ's Global) guidelines and recommendations for this particular grant. Grantee shall conform to the Global Standards Package (GSP) and all constituent elements, where applicable, as described at: http://www.it.ojp.gov/gsp_grantcondition. Grantee shall document planned approaches to information sharing and describe compliance to the GSP and appropriate privacy policy that protects shared information, or provide detailed justification for why an alternative approach is recommended.



Department of Justice
Office of Justice Programs
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PROJECT NUMBER 2012-DJ-BX-0734

AWARD DATE 07/25/2012

SPECIAL CONDITIONS

18. The recipient is required to establish a trust fund account. (The trust fund may or may not be an interest-bearing account.) The fund, including any interest, may not be used to pay debts or expenses incurred by other activities beyond the scope of the Edward Byrne Memorial Justice Assistance Grant Program (JAG). The recipient also agrees to obligate and expend the grant funds in the trust fund (including any interest earned) during the period of the grant. Grant funds (including any interest earned) not expended by the end of the grant period must be returned to the Bureau of Justice Assistance no later than 90 days after the end of the grant period, along with the final submission of the Federal Financial Report (SF-425).
19. JAG funds may be used to purchase bulletproof vests for an agency, but may not be used as the 50% match for purposes of the Bulletproof Vest Partnership (BVP) program.
20. The recipient agrees to submit a signed certification that that all law enforcement agencies receiving vests purchased with JAG funds have a written "mandatory wear" policy in effect. Fiscal agents and state agencies must keep signed certifications on file for any subrecipients planning to utilize JAG funds for bulletproof vest purchases. This policy must be in place for at least all uniformed officers before any FY 2012 JAG funding can be used by the agency for bulletproof vests. There are no requirements regarding the nature of the policy other than it being a mandatory wear policy for all uniformed officers while on duty.
21. Bulletproof vests purchased with JAG funds may be purchased at any threat level, make or model, from any distributor or manufacturer, as long as the vests have been tested and found to comply with applicable National Institute of Justice ballistic or stab standards. In addition, bulletproof vests purchased with JAG funds must be American-made. The latest NIJ standard information can be found here: <http://www.nij.gov/topics/technology/body-armor/safety-initiative.htm>.
22. The recipient agrees that any information technology system funded or supported by OJP funds will comply with 28 C.F.R. Part 23, Criminal Intelligence Systems Operating Policies, if OJP determines this regulation to be applicable. Should OJP determine 28 C.F.R. Part 23 to be applicable, OJP may, at its discretion, perform audits of the system, as per the regulation. Should any violation of 28 C.F.R. Part 23 occur, the recipient may be fined as per 42 U.S.C. 3789g(c)-(d). Recipient may not satisfy such a fine with federal funds.
23. The recipient agrees to ensure that the State Information Technology Point of Contact receives written notification regarding any information technology project funded by this grant during the obligation and expenditure period. This is to facilitate communication among local and state governmental entities regarding various information technology projects being conducted with these grant funds. In addition, the recipient agrees to maintain an administrative file documenting the meeting of this requirement. For a list of State Information Technology Points of Contact, go to <http://www.it.ojp.gov/default.aspx?area=policyAndPractice&page=1046>.
24. The grantee agrees to comply with the applicable requirements of 28 C.F.R. Part 38, the Department of Justice regulation governing "Equal Treatment for Faith Based Organizations" (the "Equal Treatment Regulation"). The Equal Treatment Regulation provides in part that Department of Justice grant awards of direct funding may not be used to fund any inherently religious activities, such as worship, religious instruction, or proselytization. Recipients of direct grants may still engage in inherently religious activities, but such activities must be separate in time or place from the Department of Justice funded program, and participation in such activities by individuals receiving services from the grantee or a sub-grantee must be voluntary. The Equal Treatment Regulation also makes clear that organizations participating in programs directly funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. Notwithstanding any other special condition of this award, faith-based organizations may, in some circumstances, consider religion as a basis for employment. See http://www.ojp.gov/about/ocr/equal_fbo.htm.
25. The recipient acknowledges that all programs funded through subawards, whether at the state or local levels, must conform to the grant program requirements as stated in BJA program guidance.



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SHEET
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PROJECT NUMBER 2012-DJ-BX-0734

AWARD DATE 07/25/2012

SPECIAL CONDITIONS

26. Grantee agrees to comply with the requirements of 28 C.F.R. Part 46 and all Office of Justice Programs policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent.
27. Grantee agrees to comply with all confidentiality requirements of 42 U.S.C. section 3789g and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. Grantee further agrees, as a condition of grant approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular, section 22.23.
28. The recipient agrees that funds received under this award will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities.
29. Award recipients must submit quarterly a Federal Financial Report (SF-425) and annual performance reports through GMS (<https://grants.ojp.usdoj.gov>). Consistent with the Department's responsibilities under the Government Performance and Results Act (GPRA), P.L. 103-62, applicants who receive funding under this solicitation must provide data that measure the results of their work. Therefore, quarterly performance metrics reports must be submitted through BJA's Performance Measurement Tool (PMT) website (www.bjaperformancetools.org). For more detailed information on reporting and other JAG requirements, refer to the JAG reporting requirements webpage. Failure to submit required JAG reports by established deadlines may result in the freezing of grant funds and future High Risk designation.
30. The recipient agrees to monitor subawards under this JAG award in accordance with all applicable statutes, regulations, OMB circulars, and guidelines, including the OJP Financial Guide, and to include the applicable conditions of this award in any subaward. The recipient is responsible for oversight of subrecipient spending and monitoring of specific outcomes and benefits attributable to use of JAG funds by subrecipients. The recipient agrees to submit, upon request, documentation of its policies and procedures for monitoring of subawards under this award.
31. Award recipients must verify Point of Contact(POC), Financial Point of Contact (FPOC), and Authorized Representative contact information in GMS, including telephone number and e-mail address. If any information is incorrect or has changed, a Grant Adjustment Notice (GAN) must be submitted via the Grants Management System (GMS) to document changes.
32. The grantee agrees that within 120 days of award acceptance, each member of a law enforcement task force funded with these funds who is a task force commander, agency executive, task force officer, or other task force member of equivalent rank, will complete required online (internet-based) task force training. The training is provided free of charge online through BJA's Center for Task Force Integrity and Leadership (www.ctfli.org). All current and new task force members are required to complete this training once during the life of the award, or once every four years if multiple awards include this requirement. This training addresses task force effectiveness as well as other key issues including privacy and civil liberties/rights, task force performance measurement, personnel selection, and task force oversight and accountability. Additional information is available regarding this required training and access methods via BJA's web site and the Center for Task Force Integrity and Leadership (www.ctfli.org).



Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

Washington, D.C. 20531

Memorandum To: Official Grant File

From: Orbin Terry, NEPA Coordinator

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

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

The specified activities requiring environmental analysis are:

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

Complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. Further, for programs relating to methamphetamine laboratory operations, the preparation of a detailed Mitigation Plan will be required. For more information about Mitigation Plan requirements, please see <http://www.ojp.usdoj.gov/BJA/resource/nepa.html>.

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



Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

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

Grant

PROJECT NUMBER
2012-DJ-BX-0734

PAGE 1 OF 1

This project is supported under FY12(BJA - JAG) 42 USC 3750, et seq.

1. STAFF CONTACT (Name & telephone number)

Cynthia Y. Simons
(202) 305-1020

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

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

3a. TITLE OF THE PROGRAM

BJA FY 12 Edward Byrne Memorial Justice Assistance Grant (JAG) Program

3b. POMS CODE (SEE INSTRUCTIONS
ON REVERSE)

4. TITLE OF PROJECT

FY 12 Justice Assistance Grant

5. NAME & ADDRESS OF GRANTEE

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

6. NAME & ADDRESS OF SUBGRANTEE

7. PROGRAM PERIOD

FROM: 10/01/2011 TO: 09/30/2015

8. BUDGET PERIOD

FROM: 10/01/2011 TO: 09/30/2015

9. AMOUNT OF AWARD

\$ 39,035

10. DATE OF AWARD

07/25/2012

11. SECOND YEAR'S BUDGET

12. SECOND YEAR'S BUDGET AMOUNT

13. THIRD YEAR'S BUDGET PERIOD

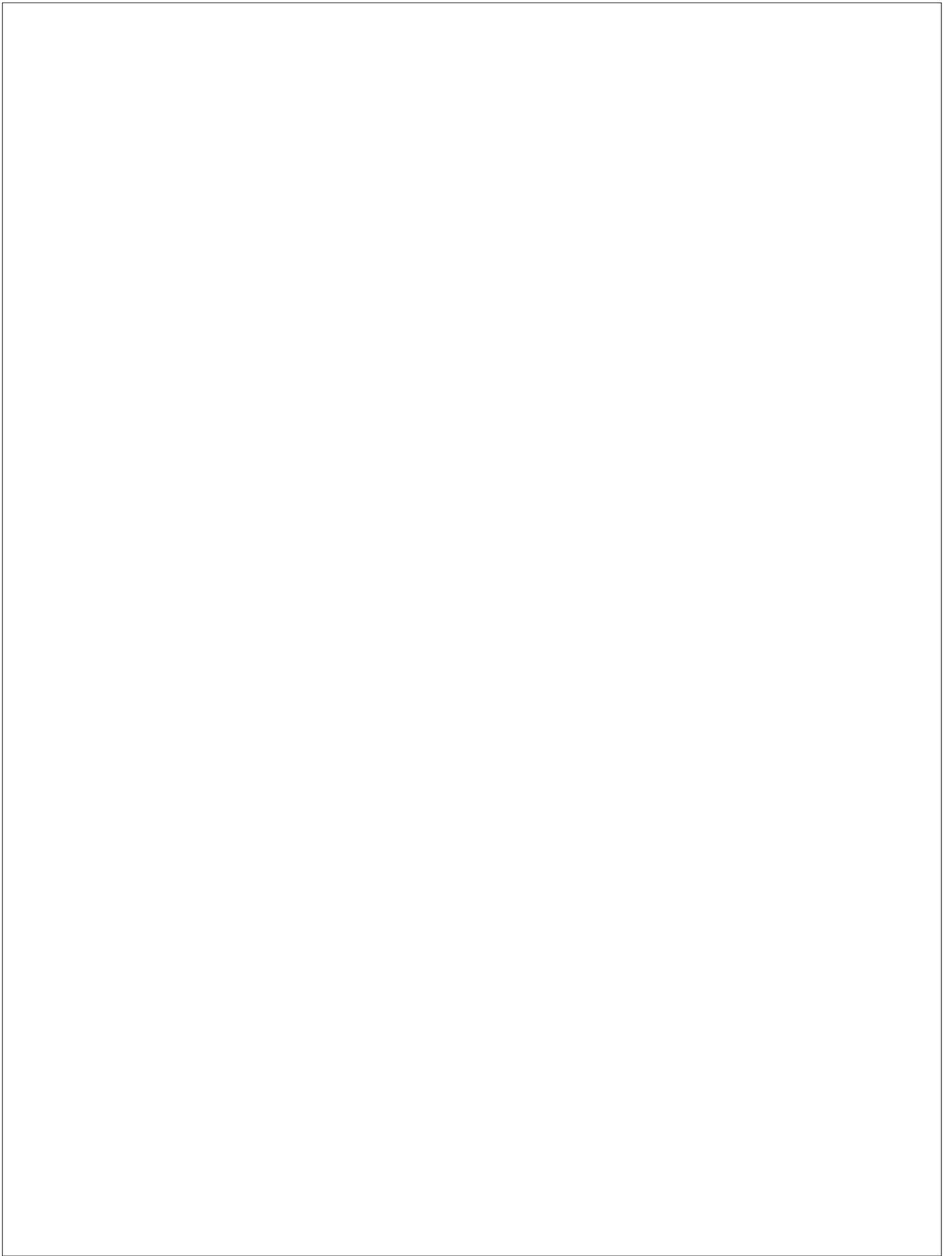
14. THIRD YEAR'S BUDGET AMOUNT

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

The Edward Byrne Memorial Justice Assistance Grant Program (JAG) allows states and units of local government, including tribes, to support a broad range of activities to prevent and control crime based on their own state and local needs and conditions. Grant funds can be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice, including for any one or more of the following purpose areas: 1) law enforcement programs; 2) prosecution and court programs; 3) prevention and education programs; 4) corrections and community corrections programs; 5) drug treatment and enforcement programs; 6) planning, evaluation, and technology improvement programs; and 7) crime victim and witness programs (other than compensation).

The grantee will utilize the JAG award to purchase equipment, supplies and to provide assistance to crime victims. Specific purchases will include credenzas, chairs and Driver License Barcode Readers. The goal of the project is to increase essential law enforcement services. NCA/NCF

OJP FORM 4000/2 (REV. 4-88)



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.



Lexington County Public Safety Department
Emergency Management Division

TO: Diana W. Burnett
Clerk to Lexington County Council

FROM: Thomas B. Collins *TBC*
Emergency Manager

REF: 2012 Local Emergency Management Performance Grant (LEMPG) - Award

DATE: August 13, 2012

We respectfully request to put to County Council the 2012 Local Emergency Management Performance Grant (LEMPG) Award. Our office received this information on July 27, 2012.

Our deadline to submit the signed grant award document to the South Carolina Emergency Management division is August 31, 2012, we therefore respectfully request to have the LEMPG Grant Award submitted to and brought out at the August 28, 2012 County Council Health and Human Services Meeting.

There is a 50% match for this grant. Lexington County will match funds through the salaries of the Emergency Management Staff.

Thank you for your attention to this matter.

COUNTY OF LEXINGTON Grant Request Summary Form

Title of Grant: 2012 Local Emergency Management Performance Grant (LEMPG)

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

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

Grant Overview:

The 2012 Local Emergency Management Performance Grant (LEMPG) award will be used to offset a percentage of the salaries for the Lexington County Emergency Preparedness personnel. This award also includes funds for the Emergency Response Coordinator to an Emergency Management training events and also includes funds which will be used for the purchase of equipment and supplies for Emergency Preparedness operations.

Equipment: (1) Vehicle Mount Weather Station, (7) HazMat Suits, (1) Laptop, (5) Ipad & Accessories, Furniture for the EOC Center, (1) Scrolling Marquee Sign, (20) 800 MHz batteries, and (1) Satellite Phone.

Grant Period: July 1, 2012 to June 30, 2013

Responsible Departmental Grant Personnel: Thomas B. Collins, Emergency Response Coordinator

Date Grant Information Released: April 26, 2012 **Date Grant Application Due:** June 8, 2012

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

Personnel	\$ 94,096.00		* Application Amount:	\$65,021.00
Operating	\$ 3,625.00		* Award Amount:	\$65,021.00
Capital	\$ 32,321.00			
Total	<u>\$ 130,042.00</u>			

Local Match Required: Yes No

If Yes, What is the Percentage / Amount:

<u>50</u>	<u>\$65,021.00</u>	* This is not a cash, but an in-kind match for Salaries & Fringes paid by the GF.
50	\$65,021.00	
%	\$ Amount	

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

Application was approved by Council at the 5/22/12.

F:\windows\excel2k\forms\grants\blankgrantsummaryform.xls
 Last Updated: 12/13/06 By: AD

Dept. Preparer:	NM	8/13/2012
Dept. Approval:	TBC	8/13/2012
Finance Approval:	AD	8/17/2012
	<i>Initials</i>	<i>Date</i>

COUNTY OF LEXINGTON
LOCAL EMERGENCY MANAGEMENT PERFORMANCE GRANT
Annual Budget
FY - 2012-13 Estimated Revenue

Object Code	Revenue Account Title	Actual 2010-11	Received Thru Dec 2011-12	Amended Budget Thru Dec 2011-12	Projected Revenues Thru Jun 2011-12	Requested 2012-13	Recommend 2012-13	Approved 2012-13
* Local Emergency Management Performance Grant (LEMPG)								
Revenues:								
451200	FEMA EPD Operating Reimbursement	71,039	42,899	73,597	73,597	65,021	65,021	65,021
	In-kind Match	66,284	56,962	73,597	73,597	65,021	65,021	65,021
	** Total Revenue	<u>137,323</u>	<u>99,861</u>	<u>147,194</u>	<u>147,194</u>	<u>130,042</u>	<u>130,042</u>	<u>130,042</u>
	***Total Appropriation				144,531	130,042	130,042	130,042
FUND BALANCE								
	Beginning of Year				<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
FUND BALANCE - Projected								
	End of Year				<u>2,663</u>	<u>0</u>	<u>0</u>	<u>0</u>
*50/50 In-kind Match								

COUNTY OF LEXINGTON
LOCAL EMERGENCY MANAGEMENT PERFORMANCE GRANT
Annual Budget
Fiscal Year - 2012-13

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

Object Code	Expenditure Classification	BUDGET					
		2010-11 Expend	2011-12 Expend (Dec)	2011-12 Amended (Dec)	2012-13 Requested	2012-13 Recommend	2012-13 Approved
Personnel							
510100	Salaries & Wages	77,282	48,042	73,152	64,773	64,773	64,773
510200	Overtime	0	0	0	0	0	0
511112	FICA Cost	5,912	3,614	5,597	4,955	4,955	4,955
511113	State Retirement	2,677	1,815	2,768	2,724	2,724	2,724
511114	Police Retirement	0	0	5,190	4,806	4,806	4,806
511120	Insurance Fund Contribution	15,600	7,800	11,777	15,600	15,600	15,600
511130	Workers' Compensation	1,388	832	1,397	1,238	1,238	1,238
511214	Police Retirement - Retiree	5,623	3,412	0	0	0	0
	* Total Personnel	108,482	65,515	99,881	94,096	94,096	94,096
Operating Expenses							
520200	Contracted Services	0	0	0	0	0	0
522200	Small Equipment Repair & Maintenance	281	0	0	0	0	0
522300	Vehicle Repairs & Maintenance	0	17	500	0	0	0
524100	Vehicle Insurance	0	0	546	0	0	0
525210	Conference, Meeting & Training Expenses	8,100	3,745	6,570	3,075	3,075	3,225
525400	Gas, Fuel & Oil	0	200	2,000	0	0	0
525600	Uniforms & Clothing	0	0	332	796	796	400
	* Total Operating	8,381	3,962	9,948	3,871	3,871	3,625
	** Total Personnel & Operating	116,863	69,477	109,829	97,967	97,967	97,721
Capital							
540000	Small Tools & Minor Equipment	329	0	1,390	835	835	1,290
540010	Minor Software	0	646	776	0	0	0
	All Other Equipment	15,376	29,738	32,536			
5AD346	(1) Vehicle Mount Weather Station				4,895	4,895	4,774
5AD347	(2) Flash HazMat Suits & Accessories				5,810	5,810	5,522
5AD348	(1) Laptop & Accessories				3,961	3,961	3,949
5AD349	(5) iPads and Accessories				3,983	3,983	5,019
	Office Furniture for the EOC				8,108	8,108	0
5AD350	(1) Credenza						1,490
5AD351	(1) Overhead Storage with Doors						1,256
5AD352	(1) Desk						2,032
5AD353	(2) Single Door Cabinets						1,990
5AD354	(1) Office Chair						362
5AD355	(1) Scrolling Marquee Sign				578	578	575
5AD356	(1) Satellite Phone				3,905	3,905	4,062
	** Total Capital	15,705	30,384	34,702	32,075	32,075	32,321
	*** Total Budget Appropriation	132,568	99,861	144,531	130,042	130,042	130,042

SECTION V – PROGRAM OVERVIEW

PUBLIC SAFETY/EMERGENCY PREPAREDNESS LEMPG GRANT

Summary of Programs:

PROGRAM II – EMERGENCY MANAGEMENT LEMPG GRANT

Objectives:

This grant is awarded annually to support Emergency Preparedness and the Emergency Operations Center in Lexington County. There is a 50/50 match with the County portion coming from the salaries of the Emergency Coordinator and the Administrative Assistant.

SECTION VI. - LINE ITEM NARRATIVES

SECTION VI. A. – LISTING OF REVENUES

451200 – FEMA EPD OPERATING REIMBURSEMENT \$ 65,021

These grant funds will be used to support Emergency Preparedness and the Emergency Operations Center in Lexington County.

SECTION VI. C. - OPERATING LINE ITEM NARRATIVES

525210 – CONFERENCES, MEETING & TRAINING EXPENSES **\$ 3,225**

This account will cover the cost for the Emergency Coordinator to continue to attend the Homeland Security/Emergency Management Certification Program through the American Military University.

Three (3) courses at \$975.00 each = \$2,925.00
Three (3) books at \$50.00 each = \$300.00

525600 – UNIFORMS & CLOTHING **\$ 400**

This account will be used to cover the cost for Emergency Preparedness uniforms in support of emergency operations.

Four (4) Uniform Polo Shirts @ \$30.00 each	\$120.00
Four (4) Uniform Long Sleeve Shirts @ \$40.00 each	\$160.00
One (1) Jacket	<u>\$93.00</u>
Subtotal	\$373.00
Tax	<u>\$26.11</u>
Total	\$399.11

SECTION VI. D. - CAPITAL LINE ITEM NARRATIVES

540000 – SMALL TOOLS & MINOR EQUIPMENT **\$ 1,290**

This account will be used to purchase batteries for reserve 800 MHz radios, flash drives, and camera batteries.

Twenty (20) 800 MHz Radio Batteries	\$780.00
Tax	<u>\$54.60</u>
	\$834.60

Fifty (50) Flash Drives	\$259.50
Imprint Fee	\$30.00
Shipping & Handling	<u>\$10.00</u>
Subtotal	\$299.50
Tax	<u>\$20.97</u>
	\$320.47

Five (5) Olympus 3000 Camera Batteries	\$74.75
One (1) Olympus 6000 Camera Battery	\$23.99
One (1) Sanyo Video Camera Battery	<u>\$25.64</u>
Subtotal	\$124.38
Tax	<u>\$8.71</u>
	\$133.09

5AD346 – (1) VEHICLE MOUNT WEATHER STATION **\$ 4,774**

This account will be used to purchase a weather system that will interface with the CAMEO/ALOHA HazMat software. This will allow for plume modeling and evacuation corridor predictions during an incident.

One (1) Orion Weather Station	\$4,461.00
Tax	<u>\$312.27</u>
	\$4,773.27

5AD347 – (2) FLASH HAZMAT SUITS & ACCESSORIES **\$ 5,522**

Flash HazMat suits have a five (5) year life span. This account will be used to replace two (2) of the Flash HazMat suits in the current inventory.

One (1) Flash HazMat Suit – XXL, RED NFPA	\$2,495.00
One (1) Flash HazMat Suit – XXXL, RED NFPA	\$2,495.00
One (1) Inflation Adapt Hose & Fittings	<u>\$170.00</u>
Subtotal	\$5,160.60
Tax	<u>\$361.24</u>
	\$5,521.84

5AD348 – (1) LAPTOP & ACCESSORIES \$ 3,949

This account will be used to purchase a laptop and the necessary software for the Emergency Coordinator to support emergency management operations. The current laptop is over 4 years old and needs to be replaced.

(1) Dell Precision M6600 Laptop with Windows 7 + tax	\$3,070.26
(1) MS Office Pro Plus License + tax	\$353.00
(1) Adobe Acrobat Professional + tax	\$291.00
(1) BOSS Client License + tax	\$26.00
(1) Symantec Antivirus License + tax	\$37.00
(1) Plus 210W Port Replicator + tax	<u>\$171.19</u>
	\$3,948.45

5AD349 – (5) IPADS & ACCESSORIES \$ 5,019

Emergency Preparedness will be utilizing iPads for emergency incident operations management and damage assessment after emergencies or disasters that affect the county.

(5) iPad 2 with iOS, 4.3 operating system – 32 GB @ \$641.00 each (includes tax)	\$3,205.00
(5) iPad 2 Sena ZipBook covers @ \$120.00 each (includes tax)	\$600.00
(5) iPad 2 Wireless Keyboard @ \$74.00 each (includes tax)	\$370.00
(5) Applications for iPads @ \$99.00 each (includes tax)	\$495.00
(1) iPad 2 iWorks (includes tax)	<u>\$349.00</u>
	\$5,019.00

5AD350 – (1) CREDENZA \$ 1,490

This account will be used to purchase furniture for the Emergency Preparedness Office/EOC. The current furniture set is well over 10 years old and is in need of repairs.

One (1) Credenza	\$1,254.00
Shipping & Handling	\$138.00
Tax	<u>\$97.44</u>
	\$1,489.44

5AD351 – (1) OVERHEAD STORAGE WITH DOORS \$ 1,256

This account will be used to purchase furniture for the Emergency Preparedness Office/EOC. The current furniture set is well over 10 years old and is in need of repairs.

One (1) Overhead Storage with Doors	\$1,056.00
Shipping & Handling	\$117.00
Tax	<u>\$82.11</u>
	\$1,255.11

5AD352 – (1) DESK **\$ 2,032**

This account will be used to purchase furniture for the Emergency Preparedness Office/EOC. The current furniture set is well over 10 years old and is in need of repairs.

One (1) Desk	\$1,710.00
Shipping & Handling	\$189.00
Tax	<u>\$132.93</u>
	\$2,031.93

5AD353 – (2) SINGLE DOOR CABINETS **\$ 1,990**

This account will be used to purchase furniture for the Emergency Preparedness Office/EOC. The current furniture set is well over 10 years old and is in need of repairs.

Two (2) Single Door Cabinets	\$1,674.00
Shipping & Handling	\$185.00
Tax	<u>\$130.13</u>
	\$1,990.00

5AD354 – (1) OFFICE CHAIR **\$ 362**

This account will be used to purchase furniture for the Emergency Preparedness Office/EOC. The current furniture set is well over 10 years old and is in need of repairs.

One (1) Office Chair	\$338.00
Tax	<u>\$23.66</u>
	\$361.66

5AD355 – (1) SCROLLING MARQUEE SIGN **\$ 575**

This account will be used to purchase a scrolling marquee sign for the Emergency Operations Center (EOC). The EOC needs to be able to display up-to-the-minute vital information to the operations staff in the EOC during an ongoing event. The use of a scrolling marquee would accomplish this task.

One (1) Marquee sign	\$487.00
Shipping/Handling	<u>\$50.00</u>
Subtotal	\$537.00
Tax	<u>\$37.59</u>
Total	\$574.59

5AD356 – (1) SATELLITE PHONE & ACCESSORIES **\$ 4,062**

This account will be used to purchase a satellite phone with accessories for the Emergency Operations Center.

One (1) Satellite Phone w/ Acc.	\$3,750.00
Shipping & Handling	<u>\$46.00</u>
Subtotal	\$3,796.00
Tax	<u>\$265.72</u>
	\$4,061.72

The State of South Carolina
Military Department



OFFICE OF THE ADJUTANT GENERAL

ROBERT E. LIVINGSTON, Jr.
MAJOR GENERAL
THE ADJUTANT GENERAL

July 23, 2012

Tom Collins, Director
Lexington County Emergency Preparedness Division
212 S. Lake Drive, Suite 502
Lexington, SC 29072

REF: 2012 LEMPG Allocations

Dear Mr. Collins:

Enclosed are two copies of the Grant Award allocating Lexington County \$65,021 under the FY2012 Local Emergency Management Performance Grant (LEMPG) for the twelve month grant period. Please return **one copy** of the award document signed by your authorized county official (administrator/county manager) to the attention of George McKinney no later than August 9, 2012. **Retain the second copy of the Award Document for your files.**

The period of performance for the FY2012 LEMPG is July 1, 2012 to June 30, 2013. Progress and financial reports for this grant award are required quarterly in conjunction with the State Fiscal Year:

<u>PERIOD</u>	<u>DUE DATE</u>
July 1, 2012 – September 30, 2012	October 10, 2012
October 1, 2012 – December 31, 2012	January 10, 2013
January 1, 2013 – March 31, 2013	April 10, 2013
April 1, 2013 – June 30, 2013	July 10, 2013

Progress reports should include the status of all objectives of the grant, detailing delays with anticipated completion dates. Your reporting package should include the worksheets with a brief narrative outlining accomplishments and shortfalls, if any. Financial reports are to be submitted at the same time using the form provided in your application packet. Progress and financial reports should be addressed to George McKinney. Reimbursements will not be processed until all reports are received for grant compliance.

Budget revisions or extensions to this grant must be submitted to my attention, with a copy to your **Regional Emergency Manager**. Budget revisions may be processed during the period of performance. Final requests for revisions must be submitted no later than May 31, 2013.

If you have any questions or need further assistance, please do not hesitate to let us know.

Sincerely,

A handwritten signature in blue ink that reads "George H. McKinney, II".

George H. McKinney, II
Director

Enclosures

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

SOUTH CAROLINA
EMERGENCY MANAGEMENT DIVISION
2779 Fish Hatchery Road
West Columbia, SC 29172-2024

GRANT AWARD

SUB-GRANTEE: Lexington County Emergency Preparedness Division

DATE: July 23, 2012

GRANT PERIOD: 07/01/12 – 06/30/13

PROGRAM NAME: LEMPG

CFDA No.: 97.042

GRANT NO: 12EMPG01

ANNUAL ALLOCATION: \$29,075

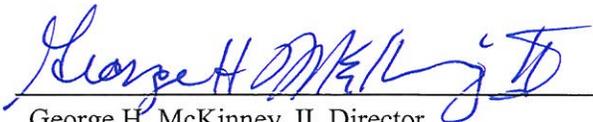
EM PROJECT: \$35,946

TOTAL AWARD: \$65,021

The South Carolina Emergency Management Division, Office of the Adjutant General, under the Department of Homeland Security and South Carolina Law Enforcement Division Grant No. 12EMPG01, hereby awards to the aforementioned *Sub-grantee* a federal award in the amount shown above. This amount is inclusive of the Lexington County project award(s) as specified in the *FY-2012 Local Emergency Management Performance Grant* application. South Carolina Emergency Management Division will pay WebEOC costs for those counties that have elected to contract WebEOC support. However, that project and amount must be included in the scope of work and budget worksheets. This grant award is subject to the terms and conditions set forth in the application.

The grant shall become effective as of the date of award and upon return of an original signed copy of this document by the *Sub-Grantee's* designated official(s) to the South Carolina Emergency Management Division. This award must be accepted within thirty (45) days from the above date. It is agreed that quarterly progress, finance and other reports, as required by the South Carolina Emergency Management Division, must be submitted in accordance with the Terms and Conditions of the award.

The *Sub-Grantee*, hereby assures and certifies that it will comply with the regulations, policies, guidelines and requirements to **include equipment accountability** as set forth in the Code of Federal Regulations (CFR) 44, OMB Circular Nos. A-102, A-87, A-110 (Revised) and A-133 and the signed Standard Assurances, which are on file, as they relate to the application acceptance and use of federal funds.


George H. McKinney, II, Director
South Carolina Emergency Management Division
Office of the Adjutant General

Acceptance for the Sub-Grantee:

County Administrator/Manager

Date: _____

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

MEMORANDUM

DATE: August 14, 2012
TO: Joe Mergo, County Administrator
FROM: Randy Edwards, P.E., County Engineer
RE: Frye Road Paving

In the spring of 2010, the general contractor for the new River Bluff High School, China Construction, requested that Lexington County consider allowing temporary construction access to the school property along Frye Road. Since Frye Road is a dirt road, permission was granted under the condition that China Construction pave approximately 900 linear feet of the road using a minimum roadway section upon completion of its use. China Construction is near completion with this phase of the new school construction and the required paving is expected to be completed this October.

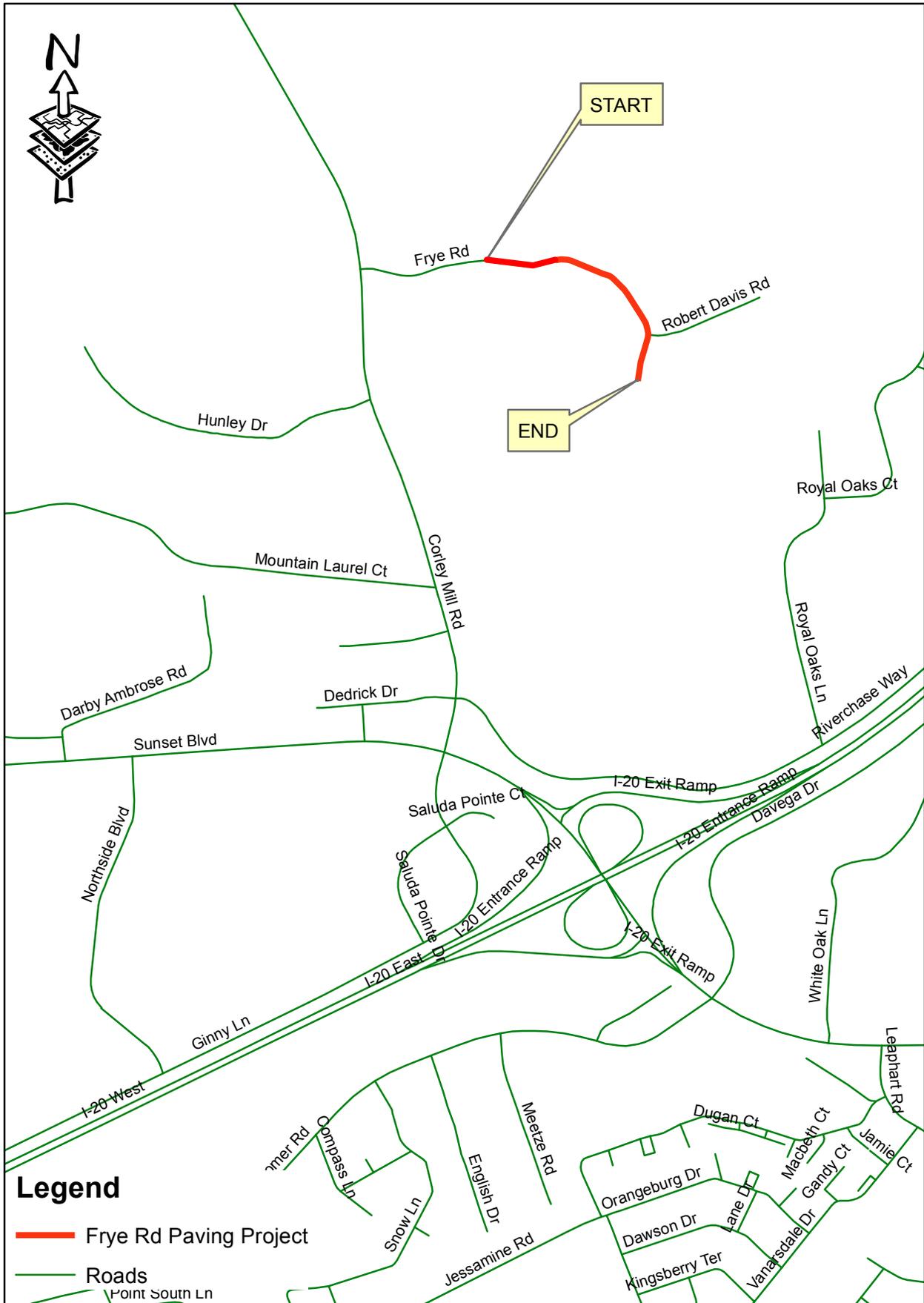
During this period of time, several citizens that live on Frye Road and Councilman Davis requested the remaining 1,750 LF be considered for paving. Therefore, staff developed an engineer's cost estimate to fully pave and engineer the remaining portion of the road at a cost of \$96,000.00. Frye Road currently ranks 44th on the C-Fund Priority List. All property owners along the road have agreed to provide the necessary right-of-way and storm drainage easements as required for the paving of the remaining dirt portion.

If Council elects to forward fund this remaining portion, there is currently a balance of \$181,495 in the unclassified account (2700-121300-539900).

Please present this to the Public Works Committee for their consideration.

Attachments

FRYE ROAD LOCATION MAP COUNCIL DISTRICT 8



Frye Road Estimate

Length			Width		SY
Section 1*	{900}	LF	{22}	LF	* By Others
Section 2	1490	LF	18	LF	2980
Section 3	260	LF	14	LF	404
	1750	LF			3384 SY

Item	Quantity	Unit	Unit Price	Total
Fine Grading	3384	SY	\$1.50	\$5,076
Drainage Improvements	1	LS	\$10,000	\$10,000
6" GABC	3384	SY	\$10	\$33,840
2" HMA Surface Course	402	TON	\$95	\$38,190
			Subtotal =	\$87,106
			10% Contingency =	\$8,711
			Total =	\$95,817

To: Lexington County Council, Lexington County Administrators Office, and Lexington County Department of Public Works

From: Residents and Land Owners from Frye Road

Date: September 19, 2011

Re: Paving of Frye Road

Frye Road, which is located near the US 378 end of Corley Mill Road, is a county maintained dirt road. It also has the distinction of being one of the oldest roads still unpaved within the county. The roads namesake can be traced back to the 1700's when Philip Martin Frye started a family on a couple hundred acres. Today, Frye Road is the path home for 16 families and 8 additional landowners. Three of the families can trace their ancestry to Philip Martin Frye.

In addition to the residents and landowners, the road is also used by visiting friends and family and by Lexington School District One for local student pick-up and delivery. Many "tourist" travel Frye Road as well, especially since the new high school started construction. As a part of the contract regarding the new high school, the school district plans to pave the first several hundred feet sometime after the construction traffic has ceased using a temporary entrance to the school site off Frye Road. While this is appreciated it still leaves approximately 2,000 feet of road unpaved.

The conditions of Frye Road are in constant need of attention. Many times residents of the road have taken it upon themselves to fix areas until county service can be provided. The road has been scraped so many times that many areas are nothing more than a hard bed of red clay. The gravel has either washed away or been pushed to the sides. During rain this creates a slick and muddy mess. When it's dry the dust from traffic impairs visibility and prevents many from enjoying their property. The road simply needs help for the long-term.

With three new schools, two new restaurants, and continued housing growth there is no doubt the surrounding area is experiencing growth, even in these slow economic times. We urge you, as our local leaders, to help advance the paving of Frye Road. Perhaps the County and the school district can work together, possibly pooling resources, to have the entire road paved.

The signatures below represent those taxpaying residents of Frye Road that are anxious and willing to see it happen.

<i>Blenda G. Smith</i>	699 Corley Mill Rd.	957-3904
<i>John Little</i>	219 FRYE RD	957-6255
<i>Chris McClatch</i>	230 Frye Rd	359-7032
<i>David W. Black</i>	249 Frye Rd	252-4358
<i>David C. Black</i>	249 FRYE RD	422-6029
<i>Paul B. Black</i>	229 Frye Rd	920-2586
<i>Malva Keen</i>	149 Frye Rd	356-4640
<i>Ernie A. Adams</i>	148 Frye Rd	356-4640
<i>Van Stalund</i>	224 Fry Rd	356-4912
<i>Janet Phillips</i>	344 Robert Davis Rd	957-1261
<i>Robert Phillips</i>	157 True Rd.	730-5978
<i>Lawn Black-Creamer</i>	262 Frye Rd	957-4066
<i>Jerry H. Mallard</i>	317 Robert Davis Rd	309-8427
<i>Jan Sawyer</i>	181 DICKERT DR Loo	356-1507
<i>Tom Harts</i>	157 Frye Rd. Lex	315-2732
<i>David & FRANKIE LIND</i>	1177 EVERGREEN AVE	796-5739
<i>Angela Decker</i>	238 Mountain Laurel Ct	Lex 383-4883
<i>Robert W. Phillips</i>	344 Robert Davis Rd	Lex 957-1261
<i>Althea Davis</i>	242 Frye Rd. Lex	SC 29072 979-5
<i>Jesse Jordan</i>	141 True Rd	Lex SC 29072 351-



COUNTY OF LEXINGTON
PUBLIC WORKS DEPARTMENT
ENGINEERING

MEMORANDUM

DATE: August 14, 2012
TO: Joe Mergo, County Administrator
FROM: Randy Edwards, P.E., County Engineer
RE: Chariot Street Paving

The Public Works Engineering staff is requesting that County Council consider allocating the necessary funds to pave Chariot Street. Chariot Street is located near the town of Lexington and connects US Highway 1 to Hendrix Street near the Lexington Recreation Commission Soccer Complex. The Recreation Commission, along with local businesses and the general public have all made several requests to pave this road. The reasons for considering the paving are as follows:

- 1.) Riley's Drug store has relocated to the formerly vacant building on the corner of US Highway 1 and Chariot Street.
- 2.) Lexington Recreation Commission has requested pavement connectivity from US Highway 1 along Chariot Street with the soccer complex on Duffie Rd.
- 3.) The car dealership, Jim Hudson Ford (formerly Ben Satcher) has a gated access along this route that is not used due to the condition of the road.
- 4.) The Average Daily Traffic is currently 400.

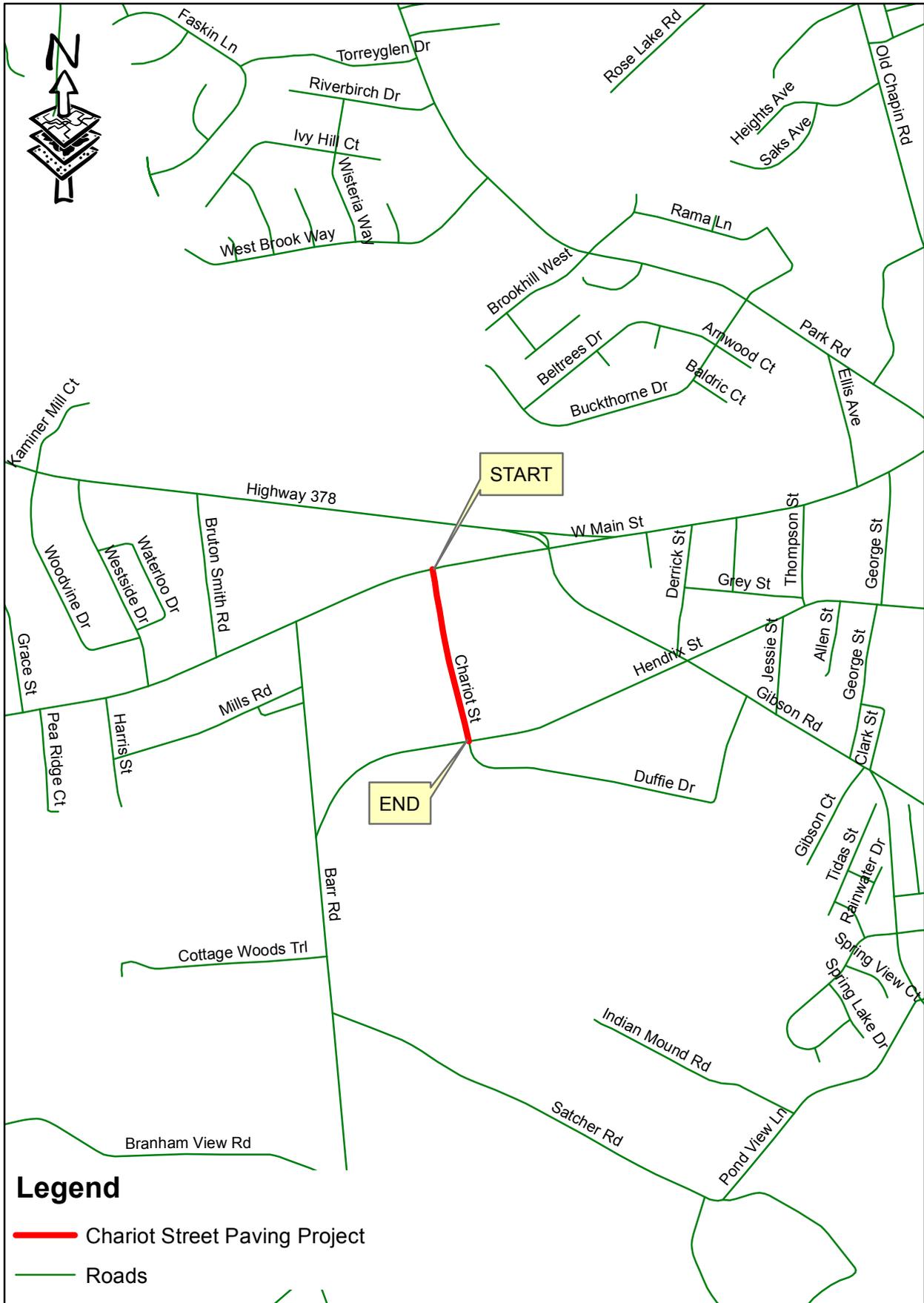
The anticipated cost to complete the engineering and construction is \$122,576. Since the request to pave the road is being generated by the Recreation Commission and from local businesses, staff recommends funding this project through the C-Fund program using Economic Development funds. The funds would be transferred into a new account from the Unclassified Account (2700-121301-539900), which currently has an available balance of \$122,850.

Currently Engineering Staff has developed a design plan and is securing SCDOT encroachment permits to assure that paving is possible.

Please present this to the Public Works Committee for their consideration.

Attachments

CHARIOT STREET LOCATION MAP COUNCIL DISTRICT 3



Chariot Road Estimate

Length		Width	SY
1250 LF		24 LF	3333
Valley Gutter =		4 LF	556

Drainage estimate:

Ditch Option: 250 LF 18" RCP @ \$26/LF = \$6,500 * Grading/Exc. Needed
 V. G. Option: 556 SY of 2" HMA = \$5,806 * V.G. Prep Needed

Item	Quantity	Unit	Unit Price	Total
Fine Grading	3333	SY	\$1.50	\$5,000
Drainage Improvements	1	LS	\$10,000	\$10,000
6" GABC	3333	SY	\$10	\$33,333
2'-0" Curb & Gutter	100	LF	\$25	\$2,500
Conc. Handicap Ramp	2	EA	\$1,500	\$3,000
3" HMA Surface Course	580	TON	\$95	\$55,100
Thermoplastic Striping	5000	LF	\$0.50	\$2,500
Subtotal =				\$111,433
10% Contingency =				\$11,143
Total =				\$122,577



COUNTY OF LEXINGTON
PUBLIC WORKS DEPARTMENT
ENGINEERING

MEMORANDUM

DATE: August 14, 2012
TO: Joe Mergo, County Administrator
FROM: Randy Edwards, P.E., County Engineer
RE: C-Fund Dirt Road Paving List Update

In 2009 Lexington County Council programmed the top 25 roads on the C-Fund Priority List for paving over a five year period as funds become available. The attachment contains the current status of each of these roads.

In an attempt to acquire the necessary right-of-way to facilitate the design, many of the projects have stalled. Currently, 2 roads have been completed in their entirety, 6 have been marked for completion, and 4 are expected to be completed using in-house using "alternative" methods and are scheduled to be completed next spring. Right-of-way questionnaire letters are scheduled to go out in the Fall of 2012 on the last 4 roads on the list. The remaining balance has no expected end.

Therefore, staff recommends that the roads that have exhausted the right-of-way acquisition process be removed from the paving list. If and when these roads are re-petitioned they would be considered reprioritized or added to the bottom of the list.

In addition staff would like council to provide direction on moving forward with the current road list (last updated and prioritized in 2003) or reevaluating and updating the list with new and current data.

Staff has included an update on the alternative paving candidates as shown at the bottom of the attachment. These roads are expected to be 100% completed by next spring.

Please present this to the Public Works Committee for their consideration.

Attachment

RANK	ROAD NAME	LENGTH	STATUS	REMARKS
<u>1</u>	BITTERNUT CT		Paved 2010	Completed 2011
<u>2</u>	WINDYWOOD ROAD, 1	2.25	Design @ 65%	Construct Spring 2013
<u>3</u>	JIM SPENCE RD	1.45	Design @ 100%	Outstanding Right-of Way (1) issue
<u>4</u>	FOX BRANCH RD	0.75	Paved 2012	Estimated Final Completion 2012
<u>5</u>	D.E. CLARK ROAD	2.29	Design @ 10%	Survey Complete
<u>6</u>	FIRST CREEK ROAD	0.71	Design @ 95%	Condemnation Process
<u>7</u>	BUB SHUMPERT ROAD -FROM HARTLY QUARTER TO HWY# 302	3.18	Right-of-Way issues (22/86)	Recommend to DROP
<u>8</u>	HARVESTVIEW ROAD	0.92	Right-of-Way issues (9/16)	Recommend to DROP
<u>9</u>	WATER TANK RD,1&3-FROM EXIST. PAVE. TO HARVEY BERRY RD.	2.75	On Hold	Resolution to Harvey Berry Rd drainage issue. (Fall 2012)
<u>10</u>	PHAETON DRIVE	0.07	Right-of-Way issue (1/1)	Recommend to DROP
<u>11</u>	RUTH VISTA ROAD	0.50	Right-of-way Issue (25/73)	Recommend to Pave 0.5 mile from Sherwood Rd (high traffic volume)
<u>12</u>	A.C. BOUKNIGHT RD	2.16	Design by SCDOT @ 30%	Advertise for Construction 2013
<u>13</u>	BUB SHUMPERT ROAD-FROM HARTLEY QUARTER TO HWY 178	1.40	Right-of-Way issues (17/39)	Continue Pursue Resolution to ROW
<u>14</u>	COOL WATER COURT	0.15	Confirming existing right-of-way	Pave In-house Spring 2013 if Funding Available
<u>15</u>	HARVESTVIEW ROAD, FROM CROOKED CREEK TO JOHN LINDLER	0.55	Right-of-Way issues (9/16)	Recommend to DROP
<u>16</u>	ALICE DRIVE, #1	0.14	Confirming existing right-of-way	Pave In-house Spring 2013 if Funding Available
<u>17</u>	OLD CHARLESTON RD, #2-FROM POND BRANCH TO CALKS FERRY	1.18	Right-of-Way issues (4/52)	Recommend to pave portion on each end of road
<u>18</u>	HOLLY TREE STREET	0.20	All issues resolved July 2012	Pave In-house Spring 2013 if Funding Available
<u>19</u>	PINE PLAIN RD #5-FROM REDMND MILL TO ST MATHEWS RD	2.12	Right-of-Way issues (14/59)	Recommend to Pave 1.5 mile from Hwy #6
<u>20</u>	GOLDEN JUBILEE ROAD-FROM #1 TO WINDY ROAD	0.75	Confirming existing right-of-way	Design 2013/2014
<u>21</u>	CHERRY LANE,1	0.49	Right-of-way acquisition in process	Pave In-house Fall 2012 if Funding Available
<u>22</u>	ROLAND DRIVE	0.57	Right-of-way letters scheduled to go out Fall 2012	
<u>23</u>	JOHNS CREEK ROAD	0.73	Right-of-way letters scheduled to go out Fall 2012	
<u>24</u>	FOREMOST DRIVE	0.55	Right-of-way letters scheduled to go out Fall 2012	
<u>25</u>	BACKMAN AVENUE	0.35	Right-of-way letters scheduled to go out Fall 2012	
	Elbert Taylor Rd	1.0	Paved 5/12	Estimated Final Completion 2012
	Lark Lane	0.1	SCDOT Permitting	Pave Fall 2012
	John Kinard Ct / Circle	0.8	Design 90%	Pave Fall 2012
	Derek Hollow Rd	1.1	Bid Open 9/12	Complete Spring 2013



COUNTY OF LEXINGTON
PUBLIC WORKS DEPARTMENT
STORMWATER

MEMORANDUM

DATE: August 28, 2012
TO: John Fechtel, Deputy County Administrator
FROM: Sheri M. Armstrong, Stormwater Manager
RE: Chapter 7 – Agreements, Bonds, and Warranties

A draft of the Chapter 7 Subdivision Guidelines was presented to County Council at the February 14, 2012 meeting. On March 29, 2012 staff met with members of the Home Builders Association (HBA) as well as local developers to address any concerns they may have with the draft document. Mr. Todd Cullum, Chairman of the Public Works Committee, also attended this meeting.

The group was tasked to obtain additional information, and present to Lexington County, from their financial bond holders on a process to carry surety for items under warranty. During the meeting Councilman Cullum asked them to provide their suggestions on “how to make it work”. As of today, we have not received any feedback from the stakeholders.

Below is a summary of each section and the most recent revised draft is attached.

7.1 – Subdivision Bonding Process

- General information

7.1.1– Subdivision Agreement and Surety Bond

- Provide up to 24 months on initial coverage.
- Bond requirements of 125% of the bond estimate (State Law).
- If there are infrastructure “failures”, the developer must work out an approved repair schedule and make repairs or Lexington County can take enforcement action.

7.1.2 – Bond Estimate

- The developer’s engineer will submit a bond estimate to be verified by the County. This estimate shall use the County’s unit costs.

7.1.3 – Bonded Plats

- Submit bonded plat reflecting all infrastructures necessary for the project to function as “stand alone project”.

7.1.4 – Additional Requirements

- Appropriate signage will be installed once a resident inhabits the development. Signs can be provided by a private vendor.
- Temporary sediment traps will be excluded from platting.

7.1.5 – Reductions

- A onetime reduction will be allowed at the closure of the 24 month initial coverage, in the amount no less than 25% of the total construction cost of the infrastructure that the county will maintain.

7.1.6 – Extensions

- After the initial 24 month coverage, a 12 month extension may be requested for a maximum total of three years.
- If infrastructure is not complete bonds will be collected by the County. Upon completion of the infrastructure the funds will be returned to the financial institution.

7.2 – Warranty Period

- The County is requiring a two year warranty on the infrastructure to be maintained by the County. Should repair/failures not be completed by developer Lexington County can pursue the developer for reimbursement of the County’s cost of the repairs/failures.

7.2.1- Financial Assurance

- RESERVED----Staff is evaluating the need and mechanism for developers to obtain a monetary obligation for the two year warranty period.

7.3 – Grassing Agreement

- This agreement allows properties to obtain a certificate of occupancy (CO) or record a final plat prior to permanent vegetation by reserving funds adequate to obtain required stabilization.

We are requesting the Public Works Committee report this to full council.



Chapter 7-Agreements, Bonds and Warranties

This chapter provides information on the various agreements, bonds and warranties required by the County of Lexington.

7.1 Subdivision Bonding Process

Bonding a subdivision provides a Subdivision Agreement and Surety Bond to guarantee completion of the infrastructure of a development. This opportunity, at the discretion of County Council, allows developers to sell parcels prior to Final Plat approval. The bonded infrastructure shall include, but is not limited to: roads, storm drainage conveyance systems, sediment and erosion control measures/maintenance, water quality BMP's, water/sewer systems and associated engineering/surveying costs necessary to obtain Final Plat approval. A Bonded Plat shall be recorded with the Register of Deeds for Lexington County which allows subdivision parcels to be conveyed.

Lexington County reserves the right to deny the bonding process to a developer or any person, entity, corporation, LLC, or association in partnership with the developer. If a developer fails to uphold his responsibilities for the completion of the required infrastructure within a specified time, the surety bond shall be collected by Lexington County to complete the development. Should the developer complete the development within an approved schedule for completion after the bond has been collected, the monies shall be returned to the holder of the surety.

The requirements and policies of the subdivision bonding process are described in more detail in Sections 7.1.1 through 7.1.6.

7.1.1 Subdivision Agreement and Surety Bond

The Subdivision Agreement and Surety Bond are executed by the developer for approval by the County Attorney and County Administrator. Examples of these documents can be obtained from the Community Development Department. The Subdivision Agreement and Surety Bond shall be executed to allow up to 24 months for the initial coverage period for completion of the infrastructure.

A developer must obtain the surety bond from a FDIC insured financial institution, with Lexington County as the beneficiary. The surety bond shall be provided in the form of an irrevocable letter of credit (LOC) or cash deposit in the amount of 125% of the bond estimate as approved by PW/SWD. Lexington County will not accept a surety bond which allows draw downs for monthly expenditures. Payment of monthly expenditures is the sole responsibility of the developer and does not affect the amount of money held in the surety.



If failures of the infrastructure occur during the initial coverage period (24 months) of the surety bond the PW/SWD will provide written notification to the developer of the repair work required. The developer shall then have 30 days to prepare a schedule of corrective actions. If not completed within an approved schedule, the PW/SWD reserves the right to take enforcement actions as deemed necessary (building permit holds/stop work orders, etc.).

7.1.2 Bond Estimate

The bond estimate is 125% of the associated construction cost, for completing the roads, stormwater conveyance system, sediment and erosion control measures/maintenance, water quality practices, water/sewer systems as well as associated engineering/surveying costs necessary to obtain Final Plat approval. If the developer is bonding a phase within a larger development, the bond estimate shall include all necessary improvements required for the phase to function as a stand-alone project. The PW/SWD will review the bond estimate to verify the amount adequately covers associated costs should Lexington County be required to complete the infrastructure. The bond estimate shall bear the live signature and seal of the Licensed Professional Engineer of Record.

The Project Engineer's bond estimate is reviewed for approval by the PW/SWD using current cost factors. A copy of the bond estimate spreadsheet including unit cost prices is provided as a template in Appendix Q for use by the Project Engineer. Unit cost prices are evaluated periodically by PW/SWD and are subject to change.

7.1.3 Bonded Plats

Four copies of a Bonded Plat shall be submitted for redlining along with or prior to the bond estimate submittal. If the developer is bonding a phase within a larger development, the bonded plat shall include all necessary improvements required for the phase to function as a stand-alone project. Upon completion of the review process and required documents, a Bonded Plat will be considered for approval. The Bonded Plat submittal requirements can be found in Appendix Q.

7.1.4 Additional Requirements

Sign installation shall be required once a resident inhabits the development. Sign fees shall be collected by the PW/SWD prior to Final Plat approval. The PW/SWD will place a work order and the signs can be picked up by the developer or installed by Lexington County once the infrastructure of the subdivision has been substantially completed. Signs can be obtained from a private vendor if a sample is provided to County sign shop and meets all specifications.



Subdivision lots containing temporary sediment traps shall be excluded from platting and shown as future development until 80% of the lots in the area draining to the trap have been built-out and stabilized. These lots may be platted once this requirement has been met and the trap has been removed and installed as a permanent feature according to the approved engineering plans or at the approval of the PW/SWD.

7.1.5 Reductions

A one-time bond reduction may be allowed once within the initial coverage period (24 months) when the infrastructure has been satisfactorily completed and as-builts have been approved. The surety bond shall not be reduced below 25% of the total construction costs of the infrastructure that will be maintained by Lexington County.

7.1.6 Extensions

After the initial coverage period (24 months), a one year extension of the Subdivision Agreement and Surety Bond may be requested. This extension request will be evaluated by PW/SWD to allow for a maximum total of 3 years with a surety bond equal to the approved bond estimate. To obtain an extension of the Subdivision Agreement and Surety Bond the developer shall first provide an extension of the surety bond two weeks prior to its expiration date for review and approval.

If the infrastructure work is not completed, or an extension is not obtained prior to the surety expiration date on the third year, the surety will be collected by the County. Should the developer complete the infrastructure after the collection of the surety bond, the monies may be returned to the financial institute upon approval by PW/SWD. Where it demonstrates that the surety bond collected is insufficient to finance the required improvements, Lexington County reserves the right to pursue the cost of the improvements over and above the surety amount from the developer.

7.2 Warranty Period

Roads and stormwater management systems that are to be dedicated to Lexington County for public maintenance shall be under warranty by the developer for a period of two years. The warranty period shall begin upon recording of the final plat.

The PW/SWD shall maintain surveillance over the infrastructure with a semiannual inspection schedule, as referenced in Chapter 5 and provide written notification to the developer if repair work is required during the warranty period. The developer shall then have 30 days to prepare a schedule of corrective actions. If not completed within the approved schedule, the PW/SWD can



correct the repairs and pursue the developer for associated cost of repair. Road and/or stormwater conveyance defects that directly affect public safety shall be addressed immediately. Should the PW/SWD repair the failure Lexington County reserves the right to pursue the cost of the improvements from the developer. The Land Disturbance Permit shall not be closed prior to the end of the warranty period.

7.2.1 Financial Assurance - RESERVED

7.3 Grassing Agreement

The Construction Site Grassing Agreement is an option which allows a construction site to obtain a Certificate of Occupancy (CO) or record a final plat before the final stabilization of a site has been achieved. The developer/permit applicant can obtain a Construction Grassing Agreement by securing monies with the PW/SWD.

Final stabilization is 70 % permanent vegetative coverage across 100 % of the construction site for all disturbed areas without buildings or pavement. Seeding with temporary grass is not considered final stabilization.

7.3.1 Eligibility

To be eligible for a Construction Site Grassing Agreement, the developer/permit applicant must meet the following criteria:

- i. The site shall be graded so that permanent grass and/or other methods of final stabilization can be achieved.
- ii. The developer/permit applicant shall attempt to establish permanent grass or seed prior to Lexington County's acceptance of the Construction Site Grassing Agreement.
- iii. All off site areas disturbed during the construction process shall be completely stabilized (i.e. any off site utility lines).
- iv. As-built must be submitted and approved by the PW/SWD.
- v. All recorded covenants for permanent maintenance for stormwater ponds (detention/retention/amenity) as applicable, must be approved by the PW/SWD.
- vi. The developer or permit applicant shall complete the Construction Site Grassing Agreement.
- vii. All sites greater than 1 acre shall continue with weekly or bi-weekly inspections until the site has been stabilized and the agreement has been released by PW/SWD.

7.3.2 Grassing Agreement

If the developer/permit applicant meets all eligibility criteria, they may apply for a Grassing Agreement. By signing the Grassing Agreement the developer/permit



applicant is obligated to have the site completely stabilized by the end of the agreement period set by the PW/SWD.

The PW/SWD will evaluate the disturbed acreage to secure the agreement using \$5000 per disturbed acre or any portion of a disturbed acre. The PW/SWD reserves the right to adjust this amount depending on site conditions.

If the site has been completely stabilized before the end of the agreement period, the developer/permit applicant will be refunded the entire amount of the agreement. Any interest accrued by the County while the monies are in its account will remain as the property of Lexington County.

7.3.3 Extensions

A developer/permit applicant can request a one-time agreement extension in the event that unforeseen circumstances do not allow final stabilization to occur. The request must be written and submitted to the PW/SWD at 440 Ball Park Road, Lexington SC 29072, 10 days prior to the expiration of the agreement. This request will be evaluated by the PW/SWD, and an extension will be considered. The PW/SWD reserves all rights to deny an extension request.

7.3.4 Failure to Meet Grassing Agreement Requirements

If the site has not been completely stabilized by the end of the grassing agreement period, or an extension has not been approved, then the developer/permit applicant is in violation of the Lexington County Stormwater Ordinance. The PW/SWD may issue a criminal citation subject to the penalty jurisdiction of the magistrate's court and the developer/applicant will forfeit all monies secured for the agreement.

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

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RESOLUTION

THE COUNCIL FOR THE COUNTY OF LEXINGTON, SOUTH CAROLINA, MEETING IN GENERAL SESSION THE 28TH DAY OF AUGUST, TWO THOUSAND AND TWELVE, ADOPTED THE FOLLOWING:

WHEREAS, the Purple Heart is the oldest decoration in present use and was initially created as the Badge of Military Merit by General George Washington in 1782; and

WHEREAS, the Purple Heart was the first American service award or decoration made available to the common soldier and is specifically awarded to any member of the United States Armed Services wounded or killed in combat with a declared enemy of the United States; and

WHEREAS, the mission of the Military Order of the Purple Heart, chartered by an Act of Congress, is to foster an environment of goodwill among the combat wounded veteran members and their families, promote patriotism, support legislative initiatives, and most importantly, make sure we never forget; and

WHEREAS, Lexington County has had several residents make the ultimate sacrifice in armed conflicts since 1898 and has a large number of residents that have been awarded the Military Order of the Purple Heart for wounds received in combat; and

WHEREAS, Lexington County has a large population of highly decorated military members both active and retired living in its communities; and

WHEREAS, Lexington County recognizes the commitment and increasing sacrifices military families are making; and

WHEREAS, Lexington County Military Community Covenant pledges to support those who serve in which together we build strong communities.

NOW THEREFORE BE IT RESOLVED that we, the members of Lexington County Council, do hereby proclaim Lexington County as the **FIRST PURPLE HEART COUNTY** in the State of South Carolina.

William B. Banning, Sr., Chairman

Johnny W. Jeffcoat, Vice Chairman

James E. Kinard, Jr.

Frank J. Townsend, III

George H. "Smokey" Davis

Debra B. Summers

Bobby C. Keisler

K. Brad Matthews

M. Todd Cullum

ATTEST:

Diana W. Burnett, Clerk



APPOINTMENTS BOARDS & COMMISSIONS August 28, 2012

JIM KINARD

- **Assessment Appeals Board - Christopher Lykes**; term expires 09/21/12; resigned effective 04/15/12; *nomination form attached for Mr. Robert Grice*
- **Children's Shelter - Suzanne Hackett**; term expired 06/30/12; not eligible for reappointment

SMOKEY DAVIS

- **Assessment Appeals Board - Wayne Arnold**; term expires 09/21/12; eligible for reappointment; *confirmed desire to serve another term*

BOBBY KEISLER

- **Assessment Appeals Board - Sabrina Rogers**; term expires 09/21/12; eligible for reappointment; *confirmed desire to serve another term*

JOHNNY JEFFCOAT

- **Children's Shelter - Kimberly Thompson**; term expires 06/30/14; resigned effective 07/10/12 due to relocation out of town
- **Museum - Laura Howell**; term expired 11/01/11; *confirmed desire NOT to serve another term*
- **Planning Commission - Pat Dunbar**; term expires 08/26/12; eligible for reappointment; *confirmed desire to serve another term*

TODD CULLUM

- **Assessment Appeals Board - William Power**; term expires 09/21/12; not eligible for reappointment
- **Museum - Carol Metts**; term expires 11/01/13; resigned effective 06/27/11
- **Planning Commission - David "Rock" Lucas**; term expired 08/26/12; eligible for reappointment; *confirmed desire to serve another term*

AT LARGE:

Building Codes Board of Appeals

- **Building - Steve Martin**; term expired 08/13/12; eligible for reappointment; *pending confirmation*
- **Electrical - Michael C. Shealy**; term expired 08/13/12; eligible for reappointment; *confirmed desire to serve another term*
- **Plumbing - Ashton Shuler**; term expired 08/13/11; eligible for reappointment; *confirmed desire NOT to serve another term*

River Alliance

- **Mike Stamps** - term expires 06-26-13

Stormwater Advisory Board

- **Environmental Steward - Sue Green**; term expires 12/09/12; resigned effective 11/16/11



LEXINGTON COUNTY COUNCIL

BOARD/COMMISSION NOMINATION FORM

Name of Board/Commission:

Nominee: Robert Grice

Address: 651 Whetstone Rd Swansea SC 29160

Employed by: Accurate Mfg Inc

Address: 2412 Whetstone Rd Swansea, SC 29160

Home Telephone: 803-568-8809 Business Telephone: 803-568-5726

Mobile Phone: 803-422-0960 * Fax Number: 803-568-5721

Email Address: robert522002@gmail.com

Is nominee aware of board/commission activities and responsibilities? yes

Background information (include education, community service activities, previous service on county boards/commissions or any other boards/commissions on which you are currently serving):

BS USC 2004, various church boards/trustee Sharon WMC Swansea, S

Submitted by: Jim Kinard

Council District Number: 1

Date: 8/13/12

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

COUNTY OF LEXINGTON

Procurement Services

MEMORANDUM

(O) 785-8319

(F) 785-2240

DATE: August 13, 2012

TO: Joe Mergo, III
County Administrator

THROUGH: Jeffrey A. Hyde
Procurement Manager

FROM: Angela M. Seymour
Procurement Officer

**SUBJECT: Fleet Vehicle Replacement and Addition
Fleet Services – Building Services**

We are in receipt of two (2) purchase requests for one (1) replacement vehicle and one (1) additional vehicle for Building Services. These vehicles are being purchased from Love Chevrolet through South Carolina state contract number 4400002969 and Vic Bailey Ford through South Carolina state contract number 4400004339. This procurement has been recommended and approved in accordance with the Fleet Management Policy by Bill Kazmierczak, Fleet Manager.

The total cost including applicable sales tax for all vehicles and accessories is \$61,873.00.

Funds are appropriated in the following accounts:

<u>Account Number</u>	<u>Account Description</u>	<u>Account Balance</u>
1000-111300-5AD327	(1) 4WD Pickup with Extended Cab	\$26,000.00
1000-111300-5AD059	(1) 1-Ton Service Vehicle – Replacement	\$37,000.00

I concur with the above recommendation and further recommend that this purchase be placed on County Council's agenda for their next scheduled meeting on August 28, 2012.

copy: Larry Porth, Director of Finance/Assistant County Administrator
Bill Kazmierczak, Fleet Manager
Mark Kerley, Building Services Manager

COUNTY OF LEXINGTON

Procurement Services

MEMORANDUM

(O) 785-8166

(F) 785-2240

DATE: August 20, 2012

TO: Joseph G. Mergo, III
County Administrator

THROUGH: Jeffrey A. Hyde
Procurement Manager

FROM: Jo Marie Brown
Procurement Officer

**SUBJECT: Dell SAN Storage Shelf with One (1) Year Onsite Service
Information Services**

We received a purchase request from Information Services to purchase a Dell SAN Storage Shelf to include a 4-hour 7x24 on-site service package with installation and training. The items are being purchased from VeriStor through the South Carolina State Contract SC# 5400001124.

Lynn Sturkie, Director of Information Services, has reviewed and recommended this purchase. The estimated total cost, including applicable sales tax, is \$38,230.34.

Funds are appropriated in the following account:

<u>Account Number</u>	<u>Account Description</u>	<u>Account Balance</u>
1000-102100-5AD042	(1) SAN Storage Shelf	\$41,700.00

I concur with the above recommendation and further recommend that this purchase request be placed on County Council's agenda for their next scheduled meeting on August 28, 2012.

copy: Larry Porth, Director of Finance/Assistant County Administrator
Lynn Sturkie, Director of Information Services

COUNTY OF LEXINGTON

Procurement Services

MEMORANDUM

(O) 785-8166

(F) 785-2240

DATE: August 16, 2012

TO: Joseph G. Mergo, III
County Administrator

THROUGH: Jeffrey A. Hyde
Procurement Manager

FROM: Jo Marie Brown
Procurement Officer

**SUBJECT: 12 Mile Creek Consulting Services
Public Works**

We received a purchase request from Public Works for consulting services to AMEC Environment & Infrastructure, Inc. on 12 Mile Creek grant. These services will be purchased under Lexington County contract PQ09010-02/27/09H.

John Fechtel, Deputy County Administrator has reviewed and recommended this purchase. The estimated total cost, including applicable sales tax is \$45,000.00.

Funds are appropriated in the following account:

<u>Account Number</u>	<u>Account Description</u>	<u>Account Balance</u>
2711-121400-520300	Professional Services	\$45,000.00

I concur with the above recommendation and further recommend that this purchase request be placed on County Council's agenda for their next scheduled meeting on August 28, 2012.

copy: Larry Porth, Director of Finance/Assistant County Administrator
John Fechtel, Deputy County Administrator

COUNTY OF LEXINGTON

Procurement Services

MEMORANDUM

(O) 785-8319

(F) 785-2240

DATE: August 3, 2012

TO: Joe Mergo, III
County Administrator

THROUGH: Jeffrey A. Hyde
Procurement Manager

FROM: Angela M. Seymour
Procurement Officer

**SUBJECT: One (1) Farm Tractor - Replacement
Public Works**

We are in receipt of a purchase request for one (1) farm tractor for Public Works. This replacement tractor will be purchased from Steen Enterprises through South Carolina State Contract number 5000008598. This equipment has been recommended and approved in accordance with the Fleet Management Policy by Bill Kazmierczak, Fleet Manager.

The total cost including applicable sales tax for this equipment is \$37,200.00.

Funds are appropriated in the following account:

<u>Account Number</u>	<u>Account Description</u>	<u>Account Balance</u>
1000-121300-5AD077	(1) Farm Tractor – Replacement	\$70,000.00

I concur with the above recommendation and further recommend that this purchase be placed on County Council's agenda for their next scheduled meeting on August 28, 2012.

Attachment

Copy: John Fechtel, Deputy County Administrator
Larry Porth, Director of Finance/Assistant County Administrator
Bill Kazmierczak, Fleet Manager

COUNTY OF LEXINGTON

Procurement Services

MEMORANDUM

(O) 785-8319

(F) 785-2240

DATE: August 7, 2012

TO: Joe Mergo, III
County Administrator

THROUGH: Jeffrey A. Hyde
Procurement Manager

FROM: Angela M. Seymour
Procurement Officer

**SUBJECT: Caron Traction and Contour Pin-On Caps – Sole Source
Solid Waste Management**

We received a purchase request from Solid Waste Management to remove and replace Caron Traction and Pin-O Caps. This will be a “sole source” purchase from Caron Compactor Company as they are the only vendor capable of providing this replacement.

Dave Eger, Director of Solid Waste Management has reviewed and recommended this purchase. The total cost, including applicable sales tax, is \$26,228.58.

Funds are appropriated in the following account:

5700-121204-522100	Heavy Equipment Repairs & Maintenance	\$119,794.14
--------------------	---------------------------------------	--------------

I concur with the above recommendation and further recommend that this bid be placed on County Council’s agenda for their next scheduled meeting on August 28, 2012.

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

COUNTY OF LEXINGTON

Procurement Services

MEMORANDUM

(O) 785-8319

(F) 785-2240

DATE: August 15, 2012

TO: Joe Mergo, III
County Administrator

THROUGH: Jeffrey A. Hyde
Procurement Manager

FROM: Angela M. Seymour
Procurement Officer

SUBJECT: **One (1) Fleet Vehicle Addition and Accessories
Sheriff's Department**

We are in receipt of two (2) requisitions for the purchase of one (1) additional fleet vehicle including any emergency equipment/installation and accessories for the Sheriff's Department. This requested vehicle is being purchased from Love Chevrolet through South Carolina state contract number #4400002993 and will require the purchase and installation of emergency equipment and accessories. The accessories will be acquired from West Chatham Warning Devices through the Lexington County procurement process. This vehicle has been recommended and approved in accordance with the Fleet Management Policy by Bill Kazmierczak, Fleet Manager.

The total cost including applicable sales tax for the vehicle and accessories is \$26,211.02.

Funds are appropriated in the following account:

<u>Account Number</u>	<u>Account Description</u>	<u>Account Balance</u>
2446-151200-5AD318	(1) SUV with Equipment and Accessories	\$27,848.00

I concur with the above recommendation and further recommend that these purchases be placed on County Council's agenda for their next scheduled meeting on August 28, 2012.

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
Bill Kazmierczak, Fleet Manager

COUNTY OF LEXINGTON

Procurement Services

MEMORANDUM

(O) 785-8166

(F) 785-2240

DATE: August 2, 2012

TO: Joseph G. Mergo, III
County Administrator

THROUGH: Jeffrey A. Hyde
Procurement Manager

FROM: Jo Marie Brown
Procurement Officer

**SUBJECT: Fourteen (14) Laptops (F4) with Docking Stations
Sheriff's Department**

We received a purchase request from the Sheriff's Department for Fourteen (14) Laptops (F4) with Docking Stations. The items are being purchased from Dell through the South Carolina State Contract SC # 5000008961-WN27ACA.

Lynn Sturkie, Director of Information Services, has reviewed and recommended this purchase. The estimated total cost, including applicable sales tax, is \$42,095.75.

Funds are appropriated in the following account:

<u>Account Number</u>	<u>Account Description</u>	<u>Account Balance</u>
1000-151200-5AD179	(14) Laptops (F4) w/Docking Stations	\$56,910.00

I concur with the above recommendation and further recommend that this Purchase request be placed on County Council's agenda for their next scheduled meeting on August 28, 2012.

copy: Larry Porth, Director of Finance/Assistant County Administrator
Colonel Allan Paavel, Administration Bureau, Sheriff's Department
Lynn Sturkie, Director of Information Services

COUNTY OF LEXINGTON

Procurement Services

MEMORANDUM

(O) 785-8166

(F) 785-2240

DATE: August 2, 2012

TO: Joseph G. Mergo, III
County Administrator

THROUGH: Jeffrey A. Hyde
Procurement Manager

FROM: Jo Marie Brown
Procurement Officer

**SUBJECT: Salamander Command and Rapid Tag Software Package (Sole Source)
Sheriff's Department**

We received a purchase request from the Sheriff's Department for the Salamander Command and Rapid Tag software package. This will be a "sole source" purchase from Bridgeway Solutions as they are the authorized distributor of this software in our region.

Colonel Allan Paavel, has reviewed and recommended this purchase. The estimated total cost, including applicable sales tax, is \$45,942.93. Homeland Security Grant # 11SHSP32

Funds are appropriated in the following account:

<u>Account Number</u>	<u>Account Description</u>	<u>Account Balance</u>
2485-151200-5AC803	Salamander Command Package	\$50,000.00

I concur with the above recommendation and further recommend that this purchase request be placed on County Council's agenda for their next scheduled meeting on August 28, 2012.

copy: Larry Porth, Director of Finance/Assistant County Administrator
Colonel Allan Paavel, Administration Bureau, Sheriff's Department
Lynn Sturkie, Director of Information Services

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, SOUTH CAROLINA

ORDINANCE NO. 12-08

**AN ORDINANCE AUTHORIZING THE LEASE OF 8.90 ACRES,
MORE OR LESS, TO THE TOWN OF LEXINGTON**

WHEREAS, the County of Lexington (hereinafter “the County”) owns a tract of land located on Hendrix Street in the County of Lexington, State of South Carolina; and

WHEREAS, the County has been asked by the Town of Lexington to lease approximately 8.90 acres of property to the Town of Lexington for purposes of operating a Pet Park; and

WHEREAS, the County of Lexington has previously conveyed 1.19 acres of adjacent property to the Town of Lexington for the purposes of construction of a water tank; and

WHEREAS, the County does not have a present need for the subject property and the County finds that it would serve a proper public purpose to lease the subject property to the Town of Lexington;

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

1. Lexington County Council hereby approves the lease attached hereto and incorporated herein.

2. Chairman of Lexington County Council is hereby authorized to execute and deliver the Lease for the subject property and to further execute on other appropriate documents for the lease of such property

Enacted this ____ day of _____, 2012.

William B. Banning
Chairman, Lexington County Council

ATTEST:

Diana W. Burnett, Clerk

First Reading: _____

Second Reading: _____

Third Reading: _____

Filed W/Clerk of Court: _____

STATE OF SOUTH CAROLINA)
) LEASE AGREEMENT
COUNTY OF LEXINGTON)

THIS AGREEMENT entered into this _____ day of 2012, by and between **County of Lexington**, hereinafter designated as the "Lessor," and **Town of Lexington**, hereinafter designated as the "Lessee,"

WITNESSETH:

1. LEASED PREMISES. The Lessor, in consideration of the rents to be paid and the covenants and agreements to be performed by the Lessee, does hereby lease unto the Lessee those certain premises (hereinafter referred to as the "Premises") situated in the County of Lexington, State of South Carolina, to wit: 8.90 acres, more or less, as shown on the Tract A on the attached plat prepared by Don Rumbaugh. (Tract A is less and except 1.19 acres previously deeded to the Town of Lexington for water tank purposes.)

2. TERM. The term of this Lease shall be for a period of 20 year(s), commencing on the 1st day of October, 2012, and ending on the 30th day of September, 2032 (the "Term"), unless sooner terminated as hereinafter provided.

3. RENT. The Lessee agrees to pay rent for the Term based on the amount of \$1.00 per year.

4. ASSIGNMENT. The Lessee covenants not to assign or transfer this Lease or hypothecates or mortgages the same or sublet said premises or any part thereof without the written consent of the Lessor, and such consent may be withheld by Lessor for any reason. Any assignment, transfer, hypothecation, mortgage, or subletting without said written consent shall give the Lessor the right to terminate this Lease and to re-enter and repossess the leased premises in the manner as is provided for by law.

5. USE AND OCCUPANCY. It is understood and agreed between the parties hereto that said premises during the continuance of this Lease shall be used and occupied for the purpose of a Pet Park and for no other purpose or purposes without the written consent of the Lessor, and such consent may be withheld by Lessor for any reason. On any breach of this agreement, the Lessor may at its option terminate this Lease forthwith and re-enter and repossess the leased premises in the manner as provided by law.

6. COMPLIANCE WITH LAWS. Lessee shall comply with all laws in regard to the use of the leased premises, including but not limited to any pet waste legal requirements.

7. CONDITION OF PROPERTY. Neither the Lessor nor its agents have made any representations with respect to the leased premises except as expressly set forth herein, and no rights, easements, or licenses are acquired by the Lessee by implication or otherwise except as expressly set forth in the provisions of this Lease. The taking of possession of the leased property

by the Lessee shall be conclusive evidence that the Lessee accepts the same "as is" and that the leased property was in good condition at the time possession was taken.

8. WETLANDS. Lessee understands that there are wetlands on the leased premises. Lessee will do nothing to disturb any wetlands of the leased premises and Lessee will be responsible for any liability created by the Lessee's disturbance of any wetlands.

9. ASSUMPTION OF RISK. Lessee assumes the risk of any injury or damage that may occur to any employees or any other persons that have access to the leased premises as a result of Lessee leasing the subject property.

10. INJURIES AND PROPERTY DAMAGE. Lessee shall be responsible for any liability that lessee may create by its use of the leased premises

11. INSURANCE: PAYMENT OF PREMIUM BY LESSEE. Lessee shall maintain liability insurance on the leased premises in an amount to be at least the liability exposure under the S.C. Tort Claims Act.

12. ENFORCEMENT. In the event either party shall enforce the terms of this Lease by suit or otherwise, the party at fault shall pay the costs and expenses incident thereto, including a reasonable attorney's fee.

13. REMEDIES NOT EXCLUSIVE. It is agreed that each and every one of the rights, remedies, and benefits provided by this Lease shall be cumulative, and shall not be exclusive of any other of said rights, remedies, and benefits, or of any other rights, remedies, and benefits allowed by law.

14. WAIVER. One or more waivers of any covenant or condition by the Lessor shall not be construed as a waiver of a further breach of the same covenant or condition.

15. EMINENT DOMAIN. Lessor shall be entitled to any condemnation payments.

16. EXPIRATION. At the expiration of the lease term, the Lessee shall surrender the leased property in as good condition as it was in at the beginning of the term, reasonable use and wear and damages by the elements excepted.

17. NOTICES. Whenever under this Lease a provision is made of any kind, it shall be deemed sufficient notice and service thereof if such notice to the Lessee is in writing addressed to the Lessee at his last known post office address or at the leased premises and deposited in the mail with postage prepaid, and if such notice to the Lessor is in writing addressed to the address contained herein or at the last address given by Lessor to Lessee in writing and deposited in the mail with postage prepaid.

18. MEMORANDUM OF LEASE. If Lessee desires to record this Lease in the Register of Deeds Office, a Memorandum of Lease which sets forth the term of the lease and the

subject property shall be recorded. Lessee shall be responsible for any documentary stamps that are required as a result of recording the Memorandum of Lease.

IN WITNESS WHEREOF, the parties hereunder have executed this Lease and affixed their signatures the day and year first above written.

IN THE PRESENCE OF: LESSOR

COUNTY OF LEXINGTON

BY: COUNTY OF LEXINGTON

NAME: _____

TITLE: _____

AS TO LESSOR

LESSEE

BY: TOWN OF LEXINGTON

NAME: _____

TITLE: _____

AS TO LESSEE

STATE OF SOUTH CAROLINA)
) PROBATE
COUNTY OF LEXINGTON)

PERSONALLY appeared before me the undersigned witness and made oath that she saw the within-named _____ County of Lexington, as Lessor, by _____ its _____, sign, seal and, as its act and deed deliver the within-written LEASE AGREEMENT for the uses and purposes therein mentioned, and that she, with the other witness whose signature appears above, witnessed the execution thereof.

Witness

SWORN to before me this _____ day of _____ 2012.

(L.S)
Notary Public of South Carolina
My Commission Expires: _____

STATE OF SOUTH CAROLINA)
) PROBATE
COUNTY OF LEXINGTON)

PERSONALLY appeared before me the undersigned witness and made oath that she saw the within-named _____, as Lessee, by _____ its _____, sign, seal and, as its act and deed deliver the within-written LEASE AGREEMENT for the uses and purposes therein mentioned, and that she, with the other witness whose signature appears above, witnessed the execution thereof.

Witness

SWORN to before me this _____ day of _____ 2012.

(L.S)
Notary Public of South Carolina
My Commission Expires: _____

STATE OF SOUTH CAROLINA)
) ORDINANCE NO. 12-09
COUNTY OF LEXINGTON)

AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE AGREEMENT FOR DEVELOPMENT OF JOINT COUNTY INDUSTRIAL PARK BETWEEN NEWBERRY COUNTY AND LEXINGTON COUNTY DATED JULY 28, 1998, ADDING ADDITIONAL PROPERTY OF F.G. WILSON (USA) LLC, AND OTHER MATTERS RELATED THERETO.

WHEREAS, Newberry County and Lexington County entered into an Agreement for Development of Joint County Industrial Park dated July 28, 1998 (the “Agreement”); and

WHEREAS, pursuant to Section 3 of the Agreement, the boundaries of the park created therein may be enlarged pursuant to ordinances of the respective county councils; and

WHEREAS, F.G. Wilson (USA) LLC (the “Company”) is investing through the acquisition, construction, and/or renovation of land, buildings, improvements, and/or personal property (the “Project”) on land described in Schedule I attached hereto, which is located in Newberry County (the “Property”); and

WHEREAS, the Property is not located in any multi-county industrial and business park; and

WHEREAS, the Company has requested that Lexington County and Newberry County include the Property in the Agreement in order to allow an enhanced jobs tax credit and facilitate special source revenue credits; and

WHEREAS, the Company has requested that the Property be included in the Agreement for the longer of 30 years or the term of the Fee Agreement among F.G. Wilson (USA) LLC, Caterpillar, Inc., and Newberry County dated December 1, 2010 (the “Fee Agreement”); and

WHEREAS, Lexington County benefits from having the Project located in one park in order to avoid confusion in the administration of multiple Park Agreements and has therefore agreed to include the Property in the joint county industrial and business park created by the Agreement (the “Park”).

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

1. The Agreement is hereby and shall be amended to include the Property and to extend for the longer of 30 years or the term of the Fee Agreement, and the County Administrator or Chairman of the Lexington County Council are hereby authorized to execute and deliver any desired amendments to the Agreement necessary to accomplish the within amendments and enlargement.

2. This Ordinance shall amend, to the extent necessary, any other ordinances or resolutions of the Lexington County Council pertaining to the Park.

3. This Ordinance shall be effective upon approval.

Passed and approved this ____ day of _____, 2012.

**LEXINGTON COUNTY,
SOUTH CAROLINA**

Signature: _____

Name: _____

Title: _____

SCHEDULE I

**Property Added to Exhibit A to the
Agreement for Development of Joint County Industrial Park
Between Newberry County and Lexington County Dated as of July 28, 1998**

All that certain piece, parcel or tract of land situate, lying and being in the County of Newberry, State of South Carolina fronting on Mawson Way and being more particularly shown as Parcel D-1 & D-2, at 4.895 acre tract on a plat prepared for F. G. Wilson (USA) LLC by Foard H. Talbert, Jr., SCPLS, dated January 18, 2011, and recorded in the Office of the Clerk of Court for Newberry County in Plat Book C251 at page 7; reference to said plat being had for a more complete and accurate description thereof.

This being a portion of the same property conveyed to Raymond D. Hobby by deed of West/Hobby, LLC recorded in the Office of the Clerk of Court for Newberry County on the 11th day of May, 2005, in Record Book 1054 at page 234 and by deed of West/Hobby, LLC to Billye L. West recorded in the aforesaid office on the 11th day of May, 2005, in Record Book 1054 at page 236 and by deed of Raymond D. Hobby to Billye L. West recorded in the aforesaid office on the 11th day of May, 2005, in Record Book 1054 at page 238.

Tax Map # 451-22-4

STATE OF SOUTH CAROLINA)
COUNTY OF NEWBERRY)
COUNTY OF LEXINGTON)

AMENDMENT TO AGREEMENT FOR
DEVELOPMENT OF JOINT COUNTY
INDUSTRIAL PARK DATED JULY 28, 1998
ADDING ADDITIONAL PROPERTY OF
F.G. WILSON (USA) LLC

THIS AMENDMENT ENTERED INTO AS OF THE ____ DAY OF _____, 2012 BETWEEN NEWBERRY COUNTY, SOUTH CAROLINA AND LEXINGTON COUNTY, SOUTH CAROLINA.

By authority of Ordinance No. _____ adopted by the County Council of Newberry County on _____, 2012 and Ordinance No. _____ adopted by the County Council of Lexington County on _____, 2012, for value received, Newberry County and Lexington County hereby agree that the property described in Schedule I, attached hereto, which is located in Newberry County, is hereby added to and shall be deemed to be a part of Exhibit A to the Agreement for Development of Joint County Industrial Park between Newberry County and Lexington County dated as of July 28, 1998, as amended (the "Agreement"). In addition, the Agreement shall not be terminated with respect to the property described in Schedule I without the consent of the property owner prior to the later of 30 years from the date hereof or the termination date of the Fee Agreement among F.G. Wilson (USA) LLC, Caterpillar, Inc., and Newberry County dated December 1, 2010. All other terms and provisions of said Agreement shall remain in full force and effect.

WITNESS our hands and seals, effective as of the day first above written.

**NEWBERRY COUNTY,
SOUTH CAROLINA**

Signature: _____
Name: _____
Title: Chairman of County Council

(SEAL)
ATTEST:

Signature: _____
Name: _____
Title: Clerk to County Council

**LEXINGTON COUNTY,
SOUTH CAROLINA**

Signature: _____
Name: _____
Title: Chairman of County Council

(SEAL)
ATTEST:

Signature: _____
Name: _____
Title: Clerk to County Council

SCHEDULE I

**Property Added to Exhibit A to the
Agreement for Development of Joint County Industrial Park
Between Newberry County and Lexington County Dated as of July 28, 1998**

All that certain piece, parcel or tract of land situate, lying and being in the County of Newberry, State of South Carolina fronting on Mawson Way and being more particularly shown as Parcel D-1 & D-2, at 4.895 acre tract on a plat prepared for F. G. Wilson (USA) LLC by Foard H. Talbert, Jr., SCPLS, dated January 18, 2011, and recorded in the Office of the Clerk of Court for Newberry County in Plat Book C251 at page 7; reference to said plat being had for a more complete and accurate description thereof.

This being a portion of the same property conveyed to Raymond D. Hobby by deed of West/Hobby, LLC recorded in the Office of the Clerk of Court for Newberry County on the 11th day of May, 2005, in Record Book 1054 at page 234 and by deed of West/Hobby, LLC to Billye L. West recorded in the aforesaid office on the 11th day of May, 2005, in Record Book 1054 at page 236 and by deed of Raymond D. Hobby to Billye L. West recorded in the aforesaid office on the 11th day of May, 2005, in Record Book 1054 at page 238.

Tax Map # 451-22-4

AN ORDINANCE

No. 12-10

FINDING THAT THE RICHLAND-LEXINGTON RIVERBANKS PARKS DISTRICT MAY ISSUE NOT EXCEEDING \$32,000,000 GENERAL OBLIGATION BONDS; TO AUTHORIZE THE RICHLAND-LEXINGTON RIVERBANKS PARKS DISTRICT TO ISSUE SUCH BONDS AND TO PROVIDE FOR THE PUBLICATION OF NOTICE OF THE SAID FINDING AND AUTHORIZATION.

WHEREAS, by action previously taken, the County Council of Lexington County, the governing body of Lexington County (the "County Council"), ordered that a public hearing on the question of the issuance of not exceeding \$32,000,000 general obligation bonds of the Richland-Lexington Riverbanks Parks District be held in the Lexington County Council Chambers, Lexington County Administration Building, at _____ on _____, 2012, and notice of such hearing has been duly published once a week for three successive weeks in *The State* and in *The Lexington County Chronicle*, newspapers of general circulation in Lexington County; and

WHEREAS, the said hearing has been duly held at the above time, date and place and said public hearing was conducted publicly and both proponents and opponents of the proposed action were given full opportunity to be heard and it is now in order for the County Council to proceed, after due deliberation, in accordance with the provisions of Act No. 1189 enacted at the 1974 Session of the South Carolina General Assembly approved July 9, 1974, now codified as Article 5 of Chapter 11 of Title 6 (Sections 6-11-810 through 6-11-1050, inclusive) (the "Enabling Act") to make a finding as to whether not exceeding \$32,000,000 general obligation bonds of the Richland-Lexington Riverbanks Parks District (the "District") should be issued.

NOW THEREFORE, BE IT ORDAINED, by the County Council of Lexington County in meeting duly assembled:

Section 1. It is found and determined that each statement of fact set forth in the preambles of this Ordinance is in all respects true and correct.

Section 2. On the basis of the facts adduced at the public hearing held on August 28, 2012, it is found and determined that the Riverbanks Parks Commission (the "Commission"), the governing body of the District, should be authorized to issue not exceeding \$32,000,000 general obligation bonds of the District.

Section 3. The County Council finds that the Commission should issue general obligation bonds of the District in an amount not exceeding \$32,000,000 as a single issue or from time to time as several separate issues, as the District shall determine.

Section 4. The County Council hereby authorizes the Commission to issue general obligation bonds of the District in an aggregate principal amount of not exceeding \$32,000,000 as a single issue or from time to time as several separate issues, as the Commission shall determine, for the purpose of defraying the cost of the following improvements to the facilities of the District:

- a. HVAC and energy management system upgrades;
- b. Parking lots and road systems repairs, improvements and extensions;
- c. Roof repairs and replacement;
- d. Refurbishment of gunite structures;
- e. Upgrade IT network;
- f. Emergency communication and video surveillance systems;
- g. Replacement of restrooms, gift shop, and snack bar, and expansion of restaurant;
- h. Replacement of entryway and ticketing facilities;
- i. New children's garden;
- j. Interactive animal demonstration area;
- k. New sea lion exhibit, and repair and replacement of other animal exhibits as necessary;
- l. Acquisition of buildings on Rivermont Drive;
- m. Renovation of canal fountain in the botanical garden; and
- n. Relocate tram stop and acquire additional tram cars.

For the payment of the principal of and interest on such bonds as they respectively mature, and for the creation of such sinking fund as may be necessary therefor, the full faith, credit and taxing power of the District shall be irrevocably pledged, and there shall be levied annually a tax without limit on all taxable property within the area of the District sufficient to pay such principal of and interest on the said bonds as they respectively mature, and to create such sinking fund.

Section 5. Pursuant to Section 6-11-870 of the Enabling Act, notice of the action herewith taken shall be given in the form substantially as set forth in Exhibit A attached hereto. Such notice shall be published once a week for three successive weeks in *The State* and *The Lexington County Chronicle*, newspapers of general circulation in Lexington County.

Section 6. The Chairman and other officers of the County Council are herewith authorized and empowered to take such further action as may be necessary to fully implement the action taken by this Ordinance.

Section 7. A certified copy of this Ordinance shall forthwith be transmitted to the Commission to advise it of the action taken by the County Council, whereby the Commission has been authorized to issue, pursuant to the provisions of the Enabling Act, its general obligation bonds in the aggregate principal amount of not exceeding \$32,000,000.

DONE AT LEXINGTON, SOUTH CAROLINA, this _____ day of _____, 2012.

(SEAL)

Chairman, County Council of Lexington County,
South Carolina

Attest:

Clerk, County Council of
Lexington County

First Reading: _____, 20__

Second Reading: _____, 20__

Public Hearing: _____, 20__

Third Reading: _____, 20__

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

NOTICE PURSUANT TO SECTION 6-11-870
CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED

Notice is hereby given pursuant to the provisions of Section 6-11-870 Code of Laws of South Carolina, 1976 and following a public hearing held on August 28, 2012, that the County Council of Lexington County has found that:

1. The Richland-Lexington Riverbanks Parks District (the "District") created by Act No. 1207 of the Acts and Joint Resolutions of the General Assembly of the State of South Carolina for the year 1970, as amended, has been authorized to issue not exceeding \$32,000,000 general obligation bonds of the District either as a single issue or as several separate issues, for the purpose of defraying the cost of the following improvements to the facilities of the District:

- a. HVAC and energy management system upgrades;
- b. Parking lots and road systems repairs, improvements and extensions;
- c. Roof repairs and replacement;
- d. Refurbishment of gunite structures;
- e. Upgrade IT network;
- f. Emergency communication and video surveillance systems;
- g. Replacement of restrooms, gift shop, and snack bar, and expansion of restaurant;
- h. Replacement of entryway and ticketing facilities;
- i. New children's garden;
- j. Interactive animal demonstration area;
- k. New sea lion exhibit, and repair and replacement of other animal exhibits as necessary;
- l. Acquisition of buildings on Rivermont Drive;
- m. Renovation of canal fountain in the botanical garden; and
- n. Relocate tram stop and acquire additional tram cars.

(collectively, the "Improvements"). It is estimated that the total cost of designing, constructing, renovating and equipping the Improvements will amount to approximately \$32,000,000. The Improvements consist of renovation and expansion of existing structures, construction of new facilities, and demolition of certain existing facilities to facilitate new construction.

For the payment of the principal of and interest on such bonds as they respectively mature and for the creation of such sinking fund as may be necessary therefor, the full faith, credit and taxing power of the Richland-Lexington Riverbanks Parks District shall be irrevocably pledged, and there shall be levied annually a tax without limit on all taxable property within the area of the District sufficient to pay such principal and interest and to create such sinking fund.

2. No election has been ordered in the Richland-Lexington Riverbanks Parks District upon the question of the issuance of the aforesaid bonds.

Any person affected by the action aforesaid of the County Council of Lexington County may by action de novo instituted in the Court of Common Pleas for Lexington County within twenty (20) days following the last publication of this Notice but not afterwards challenge the action of the County Council of Lexington County.

COUNTY COUNCIL OF LEXINGTON COUNTY

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

I, the undersigned, Clerk of the County Council of Lexington County, South Carolina, DO HEREBY CERTIFY:

That the foregoing constitutes a true, correct and verbatim copy of an Ordinance which was given three readings on three separate days, with an interval of not less than seven days between the second and third readings. The original of this Ordinance is duly entered in the permanent records of minutes of meetings of the County Council, in my custody as such Clerk.

That each of said meetings was duly called, and all members of the County Council were notified of the same; that a majority of the membership were notified of each meeting and remained throughout the proceedings incident to the adoption of this Ordinance.

That each of the meetings were regular meetings of the County Council, for which notice had been previously given pursuant to and in conformity with Chapter 4, Title 30 of the Code of Laws of South Carolina 1976, as amended (the "Freedom of Information Act").

The original of the Ordinance is duly entered in the permanent records of the County in my custody as Clerk.

The Ordinance is now of full force and effect, and has not been modified, amended or repealed.

IN WITNESS WHEREOF, I have hereunto set my Hand and the Seal of the County, this ____ day of _____, 2012.

(SEAL)

Clerk to County Council,
Lexington County, South Carolina

First Reading: _____, 20__

Second Reading: _____, 20__

Public Hearing: _____, 20__

Third Reading: _____, 20__



COMMITTEE REPORT

RE: Green is Good for Business Conference Sponsorship

DATE: July 26, 2012

COMMITTEE: Public Works & Solid Waste Management

MAJORITY REPORT: Yes

The Public Works Committee met on Tuesday, July 24, 2012, to review staff's request to sponsor the Green is Good Business Conference.

Ms. Synithia Williams, Public Works Environmental Coordinator, presented a request to sponsor the Green is Good Business Conference which they have done for the last three years. The sponsorship is \$1,500. Ms. Williams reported that she and Ms. Amanda St. John, Solid Waste Management Recycling Coordinator, are on the planning committee for the conference. The keynote speaker of this year's event will be Mr. Josef Kerscher, President of BMW. The County is partnering with the Greater Columbia Chamber by advertising the conference in the Columbia Regional Business Report for greater exposure. The conference is scheduled for September 18, 2012 at the Metropolitan Convention Center. Staff is requesting \$1,500 for sponsorship of the 2012 CPAC Green is Good for Business Conference. Funds are available in the Air Quality Supplies Account (521215) used to cover air quality projects and sponsorships.

The Public Works Committee voted unanimously in favor to recommend to full Council to approve staff's request to sponsor the Green is Good Business Conference.



COMMITTEE REPORT

RE: Kinley, K-1 and K-2 Creeks Funding Options
DATE: July 26, 2012
COMMITTEE: Public Works & Solid Waste Management
MAJORITY REPORT: Yes

The Public Works Committee met on Tuesday, July 24, 2012, to review four funding options provided by staff for Kinley, K-1 and K-2 Creeks, as outlined:

- 1) FEMA Flood Mitigation Assistance Grant Program (FMA) - with assistance from DNR
 - a. Funding - maximum award is \$150,000
 - b. Match required is 25 percent, according to DNR up to 10% can be in-kind
 - c. C Funds can be used for the local match
 - d. Applications may be submitted June 1 to December 2
- 2) Pre-Disaster Mitigation (PDM) Program – Maximum \$4 million dollar project
 - a. Funding is restricted to a maximum of \$3 million (75%) federal share per project sub-application - must have completed plan
 - b. Match required is 25 percent with source of match of up to \$1 million
 - c. Applications may be submitted June 1 to November 1
 - d. At this time, due to federal budget cuts, funds for PDM grant are on hold
- 3) Repetitive Flood Claims (RFC) Program
 - a. Residential or non-residential (commercial) properties
 - b. Funding - applicant may be eligible for up to 100 percent of the project cost through FEMA
 - c. Match – not listed
 - d. Submission dates – not listed
- 4) U.S. Army Corps of Engineers (USACE) Program - Section 22 - Planning Assistance to States (PAS)
 - a. Funding - spending cap of \$500,000 Federal expenditure per state
 - b. Match is 50/50; sponsor may contribute their share as in-kind services
 - c. Submission dates - not listed
 - d. Studies are subject to availability of Federal appropriations

Staff reported there is approximately \$150,000 in the County's "C" Fund drainage account (2700-121302-5R0088) requested to be carried over from FY11-12.

The Public Works Committee voted in favor to recommend to full Council to approve staff moving forward with the FMA Grant Program.



COMMITTEE REPORT

RE: Sustainable Energy Plan for the Central Midlands Region

DATE: July 26, 2012

COMMITTEE: Public Works & Solid Waste Management

MAJORITY REPORT: Yes

The Public Works Committee met on Tuesday, July 24, 2012, to review proposed recommendations for the Sustainable Energy Plan for the Central Midlands Region.

Mr. David Brandes of Genesis Consulting Group presented recommendations for the Sustainable Energy Plan for the Central Midlands Region. Lexington County has been working with Richland County and the City of Columbia to put together an energy plan as part of funds awarded from the Department of Energy through the Energy Efficiency and Conservation Block Grant (EECBG). Mr. Brandes presented a Power Point overview of the proposed energy plan which included recommended actions for achieving the plan. The plan consisted of decreasing demand through energy efficiency and conservation, indirectly decreasing demand through broader initiatives, increasing supply through renewable energy generation, and economic development and the green economy. Mr. Mergo, County Administrator, said Lexington County is already doing some of the items presented in the plan. Mr. Brandes reported the Green Team, a core team made up of Lexington County, Richland County and the City of Columbia representatives, will meet regularly and report back the initiatives progress.

The Public Works Committee voted unanimously in favor to recommend to full Council to approve the proposed recommendations by adopting a resolution for the Sustainable Energy Plan for the Central Midlands Region.

Attachment: Resolution - Sustainable Energy Plan

RESOLUTION

THE COUNCIL FOR THE COUNTY OF LEXINGTON, SOUTH CAROLINA, MEETING IN GENERAL SESSION THE 28TH DAY OF AUGUST, TWO THOUSAND AND TWELVE, ADOPTED THE FOLLOWING:

WHEREAS, local government policies and the services they provide directly impacts community livability, economic vitality, and preservation of the community's natural resources and they play a major role in influencing how much energy is used and how much waste is generated; and

WHEREAS, in 2009, the Department of Energy awarded Lexington County and Richland County funds to administer the Energy Efficiency and Conservation Block Grant Program of which a portion of the money would be allocated to create a Regional Sustainability Plan; and

WHEREAS, there were three motivators for the development of this plan: improving energy efficiency in the Midlands region, promoting energy independence, and protecting local air quality; and

WHEREAS, a partnership was formed and Lexington County, Richland County, and the City of Columbia contracted the help of the Central Midlands Council of Governments to coordinate the project which resulted in the Sustainability Energy Plan for the Central Midlands Region, South Carolina's first plan to focus on regional sustainability.

NOW THEREFORE, BE IT RESOLVED, that the County of Lexington, South Carolina, approves the recommendations in the Sustainable Energy Plan for the Central Midlands Region.

BE IT FURTHER RESOLVED, that the County of Lexington, South Carolina, will dedicate staff to work on the Regional Green Team along with staff from Richland County and the City of Columbia to implement the recommendations of the Sustainable Energy Plan for the Central Midlands Region and will provide annual updates of the progress of the Sustainable Energy Plan for the Central Midlands Region.

William B. Banning, Sr., Chairman

Johnny W. Jeffcoat, Vice Chairman

James E. Kinard, Jr.

Frank J. Townsend, III

George H. "Smokey" Davis

Debra B. Summers

Bobby C. Keisler

K. Brad Matthews

M. Todd Cullum

ATTEST:

Diana W. Burnett, Clerk



COMMITTEE REPORT

RE: Resolution R12-4 - Approval of Resolution for the Emergency Planning Zone for V.C. Summer Nuclear Station

DATE: July 26, 2012

COMMITTEE: Health and Human Services

MAJORITY REPORT: Yes

The Health and Human Services Committee met on Tuesday, July 24, 2012, to review the proposed Resolution R12-4 - Approval of Resolution for the Emergency Planning Zone for V.C. Summer Nuclear Station.

Mr. Tom Collins, Public Safety/Preparedness Emergency Response Coordinator, presented a resolution for approval of the Emergency Planning Zone (EPZ) for the V.C. Summer Nuclear Station. Mr. Collins reported the facility is bringing on two additional nuclear reactors, Reactor 2 and Reactor 3, at its location in Fairfield County around 2017 and 2018. A Power Point presentation was presented detailing the proposed EPZ. Mr. Collins said under Federal guidelines Code #10CFR50.47, it is recommended that the County's EPZ consist of an area approximately ten-miles in radius around each reactor. The proposed EPZ meets all the NRC regulations and, actually, exceeds the ten-mile radius. Staff and SCANA are in full agreement of the proposed EPZ and satisfied that it meets all requirements.

The Health and Human Services Committee voted unanimously in favor to recommend to full Council to approve Resolution R12-4 for the Emergency Planning Zone for the V.C. Summer Nuclear Station.

Attachment: Resolution 12-4

RESOLUTION

R12-4

THE COUNCIL FOR THE COUNTY OF LEXINGTON, SOUTH CAROLINA, MEETING IN GENERAL SESSION THE 24TH DAY OF JULY, TWO THOUSAND AND TWELVE, ADOPTED THE FOLLOWING:

WHEREAS, South Carolina Electric & Gas Company (SCE&G) and the South Carolina Public Service Authority (SCPSA) jointly own the Virgil C. Summer Nuclear Station (VCSNS), a federally licensed nuclear facility located in Fairfield County, South Carolina, for the purpose of generating electric current; and

WHEREAS, advance planning is necessary to assure that the health and safety of the public will be protected in the unlikely event of a radiological emergency associated with the operation of said nuclear plant; and

WHEREAS, SCE&G has developed a VCSNS Radiation Emergency Plan so that in the unlikely event of an emergency, appropriate federal, state and local government officials are notified and appropriate monitoring and onsite measures are taken to protect the public; and

WHEREAS, Lexington County is responsible for the health, safety, security and welfare of its citizens; and

WHEREAS, Lexington County has the overall responsibility for emergency planning and local response in Lexington County concerning an incident at VCSNS; and

WHEREAS, Lexington County has prepared a Radiation Emergency Plan for radiological emergencies associated with the operation of the VCSNS; and

WHEREAS, federal, state and local governments have established a Plume Exposure Emergency Planning Zone around Unit 1 of the VCSNS; and

WHEREAS, SCE&G and the SCPSA have notified Lexington County of the intent to construct, and operate two Westinghouse AP1000 reactors (“VC Summer Units 2 and 3”) on the existing VCSNS property.

NOW, THEREFORE, BE IT RESOLVED by the County Council for the County of Lexington, South Carolina as follows:

Section 1: Official Action. Lexington County Council continues to support emergency planning efforts for the citizens of Lexington County in support of V.C. Summer Nuclear Station Units 1, 2, and 3. It is the intention of the County Council that the existing Plume Exposure Emergency Planning Zone, identified as Zone “D-2” within the Lexington County Emergency Operations Plan and the South Carolina Operational Radiological Emergency Response Plan, be modified as follows:

- Emergency Planning Zone, D-2, within Lexington County: that area Lexington County bounded on the north, west and east by the Lexington County line. Bounded on the south by US-76 (Chapin Rd.), Sid Bickley Rd., Old Lexington Rd. including Chapin Elementary School, Old Bush River Rd., until it ends, cross the water to Bear Creek Rd., Amicks Ferry Rd., Lester Frick Rd., and St. Peter’s Church Rd., to the Lexington/Newberry County Line.

William B. Banning, Sr., Chairman

Johnny W. Jeffcoat, Vice Chairman

James E. Kinard, Jr.

Frank J. Townsend, III

George H. “Smokey” Davis

Debra B. Summers

Bobby C. Keisler

K. Brad Matthews

M. Todd Cullum

ATTEST:

Diana W. Burnett, Clerk

AN ORDINANCE

No. 12-10

FINDING THAT THE RICHLAND-LEXINGTON RIVERBANKS PARKS DISTRICT MAY ISSUE NOT EXCEEDING \$32,000,000 GENERAL OBLIGATION BONDS; TO AUTHORIZE THE RICHLAND-LEXINGTON RIVERBANKS PARKS DISTRICT TO ISSUE SUCH BONDS AND TO PROVIDE FOR THE PUBLICATION OF NOTICE OF THE SAID FINDING AND AUTHORIZATION.

WHEREAS, by action previously taken, the County Council of Lexington County, the governing body of Lexington County (the "County Council"), ordered that a public hearing on the question of the issuance of not exceeding \$32,000,000 general obligation bonds of the Richland-Lexington Riverbanks Parks District be held in the Lexington County Council Chambers, Lexington County Administration Building, at _____ on _____, 2012, and notice of such hearing has been duly published once a week for three successive weeks in *The State* and in *The Lexington County Chronicle*, newspapers of general circulation in Lexington County; and

WHEREAS, the said hearing has been duly held at the above time, date and place and said public hearing was conducted publicly and both proponents and opponents of the proposed action were given full opportunity to be heard and it is now in order for the County Council to proceed, after due deliberation, in accordance with the provisions of Act No. 1189 enacted at the 1974 Session of the South Carolina General Assembly approved July 9, 1974, now codified as Article 5 of Chapter 11 of Title 6 (Sections 6-11-810 through 6-11-1050, inclusive) (the "Enabling Act") to make a finding as to whether not exceeding \$32,000,000 general obligation bonds of the Richland-Lexington Riverbanks Parks District (the "District") should be issued.

NOW THEREFORE, BE IT ORDAINED, by the County Council of Lexington County in meeting duly assembled:

Section 1. It is found and determined that each statement of fact set forth in the preambles of this Ordinance is in all respects true and correct.

Section 2. On the basis of the facts adduced at the public hearing held on August 28, 2012, it is found and determined that the Riverbanks Parks Commission (the "Commission"), the governing body of the District, should be authorized to issue not exceeding \$32,000,000 general obligation bonds of the District.

Section 3. The County Council finds that the Commission should issue general obligation bonds of the District in an amount not exceeding \$32,000,000 as a single issue or from time to time as several separate issues, as the District shall determine.

Section 4. The County Council hereby authorizes the Commission to issue general obligation bonds of the District in an aggregate principal amount of not exceeding \$32,000,000 as a single issue or from time to time as several separate issues, as the Commission shall determine, for the purpose of defraying the cost of the following improvements to the facilities of the District:

- a. HVAC and energy management system upgrades;
- b. Parking lots and road systems repairs, improvements and extensions;
- c. Roof repairs and replacement;
- d. Refurbishment of gunite structures;
- e. Upgrade IT network;
- f. Emergency communication and video surveillance systems;
- g. Replacement of restrooms, gift shop, and snack bar, and expansion of restaurant;
- h. Replacement of entryway and ticketing facilities;
- i. New children's garden;
- j. Interactive animal demonstration area;
- k. New sea lion exhibit, and repair and replacement of other animal exhibits as necessary;
- l. Acquisition of buildings on Rivermont Drive;
- m. Renovation of canal fountain in the botanical garden; and
- n. Relocate tram stop and acquire additional tram cars.

For the payment of the principal of and interest on such bonds as they respectively mature, and for the creation of such sinking fund as may be necessary therefor, the full faith, credit and taxing power of the District shall be irrevocably pledged, and there shall be levied annually a tax without limit on all taxable property within the area of the District sufficient to pay such principal of and interest on the said bonds as they respectively mature, and to create such sinking fund.

Section 5. Pursuant to Section 6-11-870 of the Enabling Act, notice of the action herewith taken shall be given in the form substantially as set forth in Exhibit A attached hereto. Such notice shall be published once a week for three successive weeks in *The State* and *The Lexington County Chronicle*, newspapers of general circulation in Lexington County.

Section 6. The Chairman and other officers of the County Council are herewith authorized and empowered to take such further action as may be necessary to fully implement the action taken by this Ordinance.

Section 7. A certified copy of this Ordinance shall forthwith be transmitted to the Commission to advise it of the action taken by the County Council, whereby the Commission has been authorized to issue, pursuant to the provisions of the Enabling Act, its general obligation bonds in the aggregate principal amount of not exceeding \$32,000,000.

DONE AT LEXINGTON, SOUTH CAROLINA, this _____ day of _____, 2012.

(SEAL)

Chairman, County Council of Lexington County,
South Carolina

Attest:

Clerk, County Council of
Lexington County

First Reading: _____, 20__

Second Reading: _____, 20__

Public Hearing: _____, 20__

Third Reading: _____, 20__

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

NOTICE PURSUANT TO SECTION 6-11-870
CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED

Notice is hereby given pursuant to the provisions of Section 6-11-870 Code of Laws of South Carolina, 1976 and following a public hearing held on August 28, 2012, that the County Council of Lexington County has found that:

1. The Richland-Lexington Riverbanks Parks District (the "District") created by Act No. 1207 of the Acts and Joint Resolutions of the General Assembly of the State of South Carolina for the year 1970, as amended, has been authorized to issue not exceeding \$32,000,000 general obligation bonds of the District either as a single issue or as several separate issues, for the purpose of defraying the cost of the following improvements to the facilities of the District:

- a. HVAC and energy management system upgrades;
- b. Parking lots and road systems repairs, improvements and extensions;
- c. Roof repairs and replacement;
- d. Refurbishment of gunite structures;
- e. Upgrade IT network;
- f. Emergency communication and video surveillance systems;
- g. Replacement of restrooms, gift shop, and snack bar, and expansion of restaurant;
- h. Replacement of entryway and ticketing facilities;
- i. New children's garden;
- j. Interactive animal demonstration area;
- k. New sea lion exhibit, and repair and replacement of other animal exhibits as necessary;
- l. Acquisition of buildings on Rivermont Drive;
- m. Renovation of canal fountain in the botanical garden; and
- n. Relocate tram stop and acquire additional tram cars.

(collectively, the "Improvements"). It is estimated that the total cost of designing, constructing, renovating and equipping the Improvements will amount to approximately \$32,000,000. The Improvements consist of renovation and expansion of existing structures, construction of new facilities, and demolition of certain existing facilities to facilitate new construction.

For the payment of the principal of and interest on such bonds as they respectively mature and for the creation of such sinking fund as may be necessary therefor, the full faith, credit and taxing power of the Richland-Lexington Riverbanks Parks District shall be irrevocably pledged, and there shall be levied annually a tax without limit on all taxable property within the area of the District sufficient to pay such principal and interest and to create such sinking fund.

2. No election has been ordered in the Richland-Lexington Riverbanks Parks District upon the question of the issuance of the aforesaid bonds.

Any person affected by the action aforesaid of the County Council of Lexington County may by action de novo instituted in the Court of Common Pleas for Lexington County within twenty (20) days following the last publication of this Notice but not afterwards challenge the action of the County Council of Lexington County.

COUNTY COUNCIL OF LEXINGTON COUNTY

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

I, the undersigned, Clerk of the County Council of Lexington County, South Carolina, DO HEREBY CERTIFY:

That the foregoing constitutes a true, correct and verbatim copy of an Ordinance which was given three readings on three separate days, with an interval of not less than seven days between the second and third readings. The original of this Ordinance is duly entered in the permanent records of minutes of meetings of the County Council, in my custody as such Clerk.

That each of said meetings was duly called, and all members of the County Council were notified of the same; that a majority of the membership were notified of each meeting and remained throughout the proceedings incident to the adoption of this Ordinance.

That each of the meetings were regular meetings of the County Council, for which notice had been previously given pursuant to and in conformity with Chapter 4, Title 30 of the Code of Laws of South Carolina 1976, as amended (the "Freedom of Information Act").

The original of the Ordinance is duly entered in the permanent records of the County in my custody as Clerk.

The Ordinance is now of full force and effect, and has not been modified, amended or repealed.

IN WITNESS WHEREOF, I have hereunto set my Hand and the Seal of the County, this ____ day of _____, 2012.

(SEAL)

Clerk to County Council,
Lexington County, South Carolina

First Reading: _____, 20__

Second Reading: _____, 20__

Public Hearing: _____, 20__

Third Reading: _____, 20__