

AGENDA
LEXINGTON COUNTY COUNCIL
Committee Meetings

October 09, 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.**

1:15 p.m. - 2:15 p.m. - Economic Development

- (1) Resolution R12-8 - Approval of A Resolution to Amend the FILOT Agreement on Hahl, Inc.
- Economic Development - Chuck Whipple, Director A
- (2) Industry Update - Economic Development - Chuck Whipple, Director
- (3) Project Yellowstone Discussion - Economic Development - Chuck Whipple, Director
- (4) Overview of SC Certified Work Ready Communities Program - Economic Development -
Chuck Whipple, Director
- (5) Old Business/New Business
- (6) Adjournment

2:15 p.m. - 2:25 p.m. - Justice

- (1) FY 12 Incident Management Team (IMT) Grant Award (Goal 1) - Sheriff's Department -
Col. Allan Paavel B
- (2) FY 12 Law Enforcement Network (LEN) Grant Award (Goal 1) - Sheriff's Department - Col.
Allan Paavel C
- (3) Old Business/New Business
- (4) Adjournment

2:25 p.m. - 2:50 p.m. - Public Works & Solid Waste Management

- (1) Kittal Road Closing - Public Works - Randy Edwards, P.E., County Engineer D
- (2) Chapter 7 - Agreements, Bonds, and Warranties - Public Works - Sheri Armstrong,
Stormwater Manager E
- (3) Ordinance 12-13 - Ordinance Extending the Residential Solid Waste Franchise Contracts - 1st
Reading - Solid Waste Management - Dave Eger, Director F
- (4) Old Business/New Business - New Road/Corley Mill/Riverchase Monthly Update; Flooding
Issues/Kinley Creek Criteria; Stormwater Utility Fee Update; Pine Glen Alternate Exit
(Emergency Access Road Cost); Nursery Road Project Update; List of Outstanding Bonds,
etc ; LPA Process Update; State Dirt Roads; Green is Good List of Lexington & Richland
County Businesses
- (5) Adjournment

2:50 p.m. - 3:00 p.m. - County Transportation

- (1) Annual C-Fund Report for FY 2011-2012 (Goal 1) - Public Works - Jim Starling -
Engineering Associate III G
- (2) Old Business/New Business
- (3) Adjournment

3:00 p.m. - 4:15 p.m. - Committee of the Whole

- (1) Town of Batesburg/Leesville Update on Infrastructure Plans for Batesburg/Leesville Park -
Mayor Wizowaty
- (2) Meeting of June 14, 2012 - Approval of Minutes H
- (3) Meeting of June 14, 2012 Budget Worksession - Approval of Minutes I
- (4) Possible Executive Session if Time Permits
- (5) Old Business/New Business – Local Contractor Procurement
- (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

Justice

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

Public Works & Solid Waste Management

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

County Transportation

B. Banning, Sr., Chairman
J. Jeffcoat, V Chairman
J. Kinard
F. Townsend, III
S. Davis
D. Summers
B. Keisler
B. Matthews
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 AND COUNTY TRANSPORTATION
COMMITTEE (CTC)

October 09, 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

(1) Overview of Marine/EMS Lake Murray Boat Patrol

Employee Recognition - Joe Mergo, County Administrator

November and December Meeting Schedule

(1) November & December Meeting Schedule J

Resolution

(1) Suzanne Clark Hackett K

Appointments

(1) Boards and Commissions L

Bids/Purchases/RFPs

(1) One (1) Excavator (Replacement) - Public Works M

(2) One (1) Unmarked Vehicle with Equipment (Addition) - Sheriff's Department..... N

Approval of Minutes

(1) Minutes of July 24 and August 28, 2012..... O

Ordinance(s)

(1) Ordinance 12-08 - An Ordinance Authorizing the Conveyance of 8.90 Acres, More or Less,
to the Town of Lexington - 3rd & Final Reading P

(2) Ordinance 12-14 - An Ordinance Approving the Conveyance of Real Estate From the County
of Lexington to SCDOT - 1st Reading..... Q

Committee Reports

Economic Development, J. Jeffcoat, Chairman

(1) Resolution R12-8 - Approval of a Resolution to Amend the FILOT Agreement on Hahl, Inc. A

Justice, S. Davis, Chairman

(1) FY 12 Incident Management Team (IMT) Grant Award (Goal 1) B

(2) FY 12 Law Enforcement Network (LEN) Grant Award (Goal 1) C

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

(1) Right-of-Way Acquisition Procedures R

(2) Ordinance 12-13 - Ordinance Extending the Residential Solid Waste Franchise Contracts - 1st
Reading F

County Transportation, B. Banning, Sr., Chairman

(1) Annual C-Fund Report for FY 2011-2012 (Goal 1) G

Budget Amendment Resolutions

OLD BUSINESS/NEW BUSINESS

EXECUTIVE SESSION/LEGAL BRIEFING

MATTERS REQUIRING A VOTE AS A RESULT OF EXECUTIVE SESSION

ADJOURNMENT

NOW, THEREFORE, BE IT RESOLVED by the County Council:

Section 1. The County accepts the Sponsor Affiliate's name change from Lanzing to Hahl USA Holdings Inc.

Section 2. In accordance with Section 12-44-30(13) of the Act and Section 3.1(a), the County hereby consents to an extension of the Investment Period (as defined in the Fee Agreement) by three (3) years to December 31, 2015.

Section 3. The County Council hereby finds that the Project directly and indirectly substantially benefits the County, the taxing entities within the County and the citizens and residents of the County due to the investment created by the Company which contributes to the tax base and economic welfare of the County, and the County Council further finds that the extension of the Investment Period as provided herein will result in substantial public benefits to the County by enhancing the likelihood that additional investments will occur in the Project during the extended investment period.

Section 4. The Council authorizes the Chair of the County Council, the County Administrator, other County staff, and the County Attorney, along with any designees and agents who any of these officials deem necessary and proper, in the name of and on behalf of the County (each an "Authorized Individual"), to take whatever further actions, and enter into whatever further agreements, as any Authorized Individual deems to be reasonably necessary and prudent to effect the intent of this Resolution.

Section 5. The provisions of this Resolution are hereby declared to be severable, and if any section, phrase, or provision shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases, and provisions hereunder.

Section 6. All orders, resolutions, or any parts of either, in conflict with this Resolution are, to the extent of that conflict, repealed. This Resolution is effective and remains in effect as of its adoption by the County Council.

Resolved this ____ day of October 2012.

LEXINGTON COUNTY, SOUTH CAROLINA

William B. "Bill" Banning, Sr., Chairman
Lexington County Council

(SEAL)
ATTEST:

Diana Burnett, Clerk to Council
Lexington County Council

**COUNTY OF LEXINGTON
SHSP INCIDENT MANAGEMENT TEAM
Annual Budget
Fiscal Year - 2012-13**

Object Code	Revenue Account Title	Actual 2010-11	Received Thru Jun 2011-12	Amended Budget Thru Jun 2011-12	Projected Revenues Thru Jun 2011-12	Requested 2012-13	Recommend 2012-13	Awarded 2012-13
*LE - SHSP Incident Management Team 2485:								
Revenues:								
457000	Federal Grant Income	186,991	68,210	168,341	168,341	0	0	55,312
801000	Op Trn from General Fund/LE	0	0	6,638	6,638			
	** Total Revenue	<u>186,991</u>	<u>68,210</u>	<u>174,979</u>	<u>174,979</u>	<u>0</u>	<u>0</u>	<u>55,312</u>
	***Total Appropriation				174,979	0	0	55,312
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>

* Grant funded 100% from SLED.

COUNTY OF LEXINGTON
SHSP INCIDENT MANAGEMENT TEAM
Annual Budget
Fiscal Year - 2012-13

Fund: 2485
Division: Law Enforcement
Organization: 151200 - LE/Operations

		BUDGET					
Object Expenditure Code	Classification	2010-11 Expend	2011-12 Expend (Jun)	2011-12 Amended (Jun)	2012-13 Requested	2012-13 Recommend	2012-13 Awarded
Personnel							
* Total Personnel		0	0	0	0	0	0
Operating Expenses							
520303	Accounting/Auditing Services	0	300	300	0	0	0
521000	Office Supplies	883	0	0	0	0	0
521200	Operating Supplies	73	3,642	3,673	0	0	0
522200	Small Equipment Repairs & Maintenance	0	0	0	0	0	2,000
522300	Vehicle Repairs & Maintenance	44	0	456	0	0	0
524100	Vehicle Insurance	0	657	1,316	0	0	0
525210	Conference, Meeting, & Training Expense	48,516	1,652	49,652	0	0	18,312
525230	Subscription, Dues, & Books	208	0	0	0	0	0
525400	Gas, Fuel, & Oil	96	125	404	0	0	0
525600	Uniforms & Clothing	0	6,242	6,242	0	0	0
529903	Contingency	0	0	0	0	0	0
* Total Operating		49,820	12,618	62,043	0	0	20,312
** Total Personnel & Operating		49,820	12,618	62,043	0	0	20,312
Capital							
540000	Small Tools & Minor Equipment	621	2,342	2,342	0	0	0
	All Other Equipment	39,433	58,431	110,594	0	0	0
5AD376	(2) Ruggedized Laptops w/ Accessories						13,000
5AD377	(14) Tablet Computers w/ Accessories						7,000
5AD378	(1) Utility Truck Lift Gate & Accessories						10,000
5AD379	(1) GIS Mapping System						3,000
5AD380	(4) Stabilizers & Accessories						2,000
** Total Capital		40,054	60,773	112,936	0	0	35,000
*** Total Budget Appropriation		89,874	73,391	174,979	0	0	55,312

SECTION III. – PROGRAM OVERVIEW

This grant will enhance the capabilities of the Midlands Region to respond and manage incidents that may occur. The funds will be used to purchase equipment for incident management and to train personnel in position specific areas of the Incident Command System. The monies will also be used to give personnel first hand experience in management large scale incidents such as wildfires, hurricanes, hazardous materials spills, and other incidents that occur in the US.

SECTION VI. C. – OPERATING LINE ITEM NARRATIVES

522200 – SMALL EQUIPMENT REPAIRS & MAINTENANCE **\$ 2,000**

In order to maintain the equipment, repairs must be performed to keep the equipment in continuous operating condition to allow for immediate deployment in case of an emergency call out situation.

525210 –CONFERENCE, MEETING & TRAINING EXPENSES **\$ 18,312**

The criteria of the Homeland Security grant funds require that all IMT unit members be trained in the specialized field for which they are job tasked. In order to receive this specialized training for Incident Management, out of state training must be received. Also, training in state for exercises which are mandated by the IMT criteria training specifics must be maintained for certification purposes. The National conference will be attended by members at a location to be determined.

SECTION VI. D. –CAPITAL LINE ITEM NARRATIVES

5AD376 – (2) RUGGEDIZED LAPTOP W/ ACCESSORIES \$ 13,000

The ruggedized laptops with sufficient memory that will enable using various software programs that will aide in the field investigation work. This information will be stored and kept for case file preparation.

5AD377 – (14) TABLET COMPUTERS W/ ACCESSORIES \$ 7,000

The tablet computes with sufficient memory that will enable using various software programs that will aide in the field work of emergency personnel are necessary for operation in the dense woods, swamps and any type of terrain that may be encountered by IMT members.

5AD378 – (1) UTILITY TRUCK LIFT GATE AND ACCESSORIES \$ 10,000

A large utility truck lift gate is necessary to load the heavy equipment purchased for the IMT unit. The Western Shelter, generators, air conditioning units and other large equipment items must be easily loaded and unloaded when deployment of the unit to include all equipment is mandated upon emergency.

5AD379 – (1) GIS MAPPING SYSTEM \$ 3,000

The GIS mapping system is necessary to locate addresses, assist in perimeter set up, and allow coordinates to be given to air support unit providing surveillance of the hazardous area. This GIS mapping system will be used in conjunction with the plotting system that is mounted in the IMT Midlands Command trailer.

5AD380 – (4) STABILIZERS AND ACCESSORIES \$ 2,000

A large trailer that is now used for the hauling of equipment items for the IMT unit must be fitted with stabilizers to allow for the stability of the equipment items being carried to the hazardous sight.

SOUTH CAROLINA LAW ENFORCEMENT DIVISION



NIKKI R. HALEY
Governor

MARK A. KEEL
Chief

September 12, 2012

Sheriff James Metts
Lexington County Sheriff's Department
Post Office Box 639
Lexington, South Carolina 29071

RE: Fiscal Year 2012 State Homeland Security Program
Grant Number: 12SHSP27
Project Title: Midlands Regional Incident Management Team Enhancements \$55,312.55

Total Amount of Award: \$55,312.55

Dear Sheriff Metts:

We are pleased to provide you with the original and one copy of the grant award approved by the South Carolina Law Enforcement Division, as the State Administrative Agency, in the amount of \$55,312.55. This award will be effective upon **final approval** of the grant application budget and program narrative to be filled out on the Homeland Security Electronic Grant Management System located on the internet at <https://www.southcarolinadhs.com>. Final approval of the grant application will be sent to you in the form of a Grant Adjustment Notice. **No funds are to be obligated or expended until receipt of the Grant Adjustment Notice.** Additionally, in order to complete this award, it is necessary that the Official Authorized to Sign return the original grant award with an original signature no later than **October 15, 2012**. Also enclosed in this package are the grant terms and conditions and the certification pages. Please fill out, sign and return the certification pages with the signed grant award. The signed originals should be sent to the following address:

South Carolina Law Enforcement Division
Office of Homeland Security
Post Office Box 21398
Columbia, South Carolina 29221-1398

As a reminder, the Request for Payment/Quarterly Fiscal Report is due within 30 days of the end of every calendar quarter. The **final** Request for Payment/Quarterly Fiscal Report and the Program Evaluation are due 45 days after the end of the grant period. Semi-annual Progress Reports are due within 30 days after the end of the reporting period, until the expiration of the grant. Your commitment to addressing the homeland security needs in your community and throughout South Carolina is appreciated.

Sincerely,

Mark A. Keel, Chief
South Carolina Law Enforcement Division



P.O. Box 21398 / Columbia, South Carolina 29221-1398 / (803) 737-9000 / Fax (803) 896-7588

SOUTH CAROLINA LAW ENFORCEMENT DIVISION
OFFICE OF HOMELAND SECURITY
POST OFFICE BOX 21398
COLUMBIA, SOUTH CAROLINA 29221-1398

GRANT AWARD

Subgrantee: Lexington County Sheriff's Department

Project Title(s): Midlands Regional Incident Management Team Enhancements \$55,312.55

Grant Period: 09/01/12 - 10/31/13 Date of Award: 09/12/2012

Total Amount of Award: \$55,312.55 Grant Number: 12SHSP27

In accordance with the provisions of Federal Fiscal Year 2012 State Homeland Security Grant Program, the South Carolina Law Enforcement Division (SLED), as the State Administrative Agency for the Homeland Security Grant Program, hereby awards to the foregoing Subgrantee a grant in the amount shown above. The CFDA number is 97.067 and SLED's federal grant number is EMW-2012-SS-00073-S01.

Payment of Funds: The original signed copy of this Award must be signed by the *Official Authorized to Sign* in the space below and returned to SLED **no later than October 15, 2012**. The grant shall be effective upon return of this form and final approval by SLED of the grant budget and program narrative. Final approval of the grant application will be sent in the form of a Grant Adjustment Notice. **No funds are to be obligated or expended until receipt of the Grant Adjustment Notice.** Grant funds will be disbursed to subgrantees (according to the approved project budget) upon clearance of special conditions and receipt of evidence that funds have been invoiced and products received and/or that funds have been expended (i.e., invoices, contracts, itemized expenses, etc.).

Conditions: I certify that I understand and agree that funds will only be expended for those projects outlined in the funding amounts as individually listed above. I also certify that I understand and agree to comply with the general and fiscal terms and conditions of the grant including special conditions; to comply with provisions of the Act governing these funds and all other federal laws; that all information is correct; that there has been appropriate coordination with affected agencies; that I am duly authorized to commit the applicant to these requirements; that costs incurred prior to grant application approval will result in the expenses being absorbed by the subgrantee; and that all agencies involved with this project understand that all federal funds are limited to the specified performance period.

Supplantation: The Act requires that subgrantees provide assurance that subgrant funds will not be used to supplant or replace local or state funds or other resources that would otherwise have been available for homeland security activities. In compliance with that mandate, I certify that the receipt of federal funds through SLED shall in no way supplant or replace state or local funds or other resources that would have been made available for homeland security activities.

ACCEPTANCE FOR THE SUBGRANTEE

Signature of Official Authorized to Sign



Signature of SLED Chief

GRANT AWARD NOTICE: THIS AWARD IS SUBJECT TO THE GRANT SPECIAL CONDITIONS AND FINAL APPROVAL BY SLED OF THE SUBGRANTEE'S GRANT PROGRAM BUDGET AND NARRATIVE

**COUNTY OF LEXINGTON
11TH CIRCUIT LAW ENFORCEMENT NETWORK
Annual Budget
Fiscal Year - 2012-13**

Object Code	Revenue Account Title	Actual 2010-11	Received Thru Jun 2011-12	Amended Budget Thru Jun 2011-12	Projected Revenues Thru Jun 2011-12	Requested 2012-13	Approved 2012-13	Awarded 2012-13
* LE - 11th Circuit LEN Grant 2416:								
Revenues (Organization: 000000)								
457000	Federal Grant Income	23,640	30,830	34,596	34,596	0	0	28,000
461000	Investment Interest	1	0	0	0	0	0	0
469100	Gifts & Donations	470	0	0	0	0	0	0
** Total Revenue		24,111	30,830	34,596	34,596	0	0	28,000
***Total Appropriation					34,596	0	0	28,000
FUND BALANCE								
Beginning of Year					<u>72</u>	<u>72</u>	<u>72</u>	<u>72</u>
FUND BALANCE - Projected								
End of Year					<u>72</u>	<u>72</u>	<u>72</u>	<u>72</u>

* Grant will be funded 100% from DPS.

Fund: 2416
Division: Law Enforcement
Organization: 151200 - LE/Operations

Object Expenditure Code	Classification	2010-11 Expend	2011-12 Expend (Jun)	2011-12 Amended (Jun)	2012-13 Requested	2012-13 Approved	2012-13 Awarded
BUDGET							
Personnel							
* Total Personnel		0	0	0	0	0	0
Operating Expenses							
521200	Operating Supplies	0	0	0	0	0	0
521208	Police Supplies	2,234	2,068	2,800	0	0	0
525210	Conference, Meeting & Training Expense	520	989	2,312	0	0	0
525230	Subscriptions, Dues, & Books	1,326	0	0	0	0	0
525600	Uniforms & Clothing	0	1,458	1,458	0	0	0
529903	Contingency	0	0	0	0	0	28,000
* Total Operating		4,080	4,515	6,570	0	0	28,000
** Total Personnel & Operating		4,080	4,515	6,570	0	0	28,000
Capital							
540000	Small Tools & Minor Equipment	0	0	0	0	0	0
540010	Minor Software	0	0	0	0	0	0
	All Other Equipment	20,030	27,304	28,026	0	0	0
** Total Capital		20,030	27,304	28,026	0	0	0
*** Total Budget Appropriation		24,110	31,819	34,596	0	0	28,000

SECTION III. – PROGRAM OVERVIEW

The Lexington County Sheriff's Department has been awarded a mini-grant totaling \$28,000 as the Coordinating Host Agency for the 11th Judicial Circuit Law Enforcement Network. The Law Enforcement Network Traffic Support Agencies will be allocated \$21,000 of the awarded funds to increase the efficiency and effectiveness of the traffic enforcement units in all Lexington County law enforcement agencies. The remaining \$7,000 is mandated for use by the Host Agency for the same purpose. The grant does not have a match amount.

SECTION V. B. – OPERATING LINE ITEM NARRATIVES

529903 – CONTINGENCY

\$ 28,000

The total grant award for the Law Enforcement Network agencies is being placed into a contingency account until the 11th Judicial Circuit Host and Support Agencies meet to determine the items that are needed for specific use for the LEN team for respective areas of the county.



South Carolina Department of Public Safety
Office of Highway Safety

September 21, 2012

Sheriff James Metts
Lexington County Sheriff's Office
P.O. Box 639
Lexington, SC 29071

Re: Highway Safety Grant Number: 2JC13011

Dear Sheriff Metts:

I am pleased to provide you, as the Host Agency for the 11th Judicial Circuit Law Enforcement Network, with a grant award approved by this office in the amount of **\$28,000** (\$7,000 for the Host Agency and \$21,000 for LEN Support), with funding beginning October 1, 2012. In order to complete the contract for this award, it is necessary for you, as the Sheriff, to return the original mini-grant award with an original signature within 30 days. The signed original should be sent to:

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

A copy of the Request for Payment form is available online at www.scdps.gov/ohs. This form is to be completed and submitted quarterly. The first Request for Payment for this grant is due February 1, 2013 for the quarter ending December 31, 2012. Timely submission of the request will ensure that reimbursement of eligible claims filed against this grant is not hindered.

Also included are the Special Conditions and the approved budget. Please review them carefully as returning the signed grant award indicates your willingness to accept the Special Conditions placed upon you as the subgrantee and the budget as presented.

Congratulations on your network's funding for FFY 2013. Our staff looks forward to working with you in our joint mission to reduce the incidence and severity of traffic crashes in our state. Please contact your assigned Law Enforcement Liaison, Gill Knox, toll free at 1-877-349-7187, if you have any questions regarding this award.

Sincerely,

Phil Riley
Director

Enclosures

cc: Master Dep. Wilson Matthews
Gill Knox
Patti Reynolds
Grant File

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

MINI-GRANT AWARD

Subgrantee: Lexington County Sheriff's Office

Grant Period: 10/1/2012 – 9/30/2013

Date of Award: October 1, 2012

Amount of Award: \$28,000

Mini-Grant Number: 2JC13011

In accordance with the provisions of the Highway Safety Act of 1966, 72 Stat. 885, as amended, CFDA No. 20.600, the S. C. Department of Public Safety hereby awards to the foregoing Subgrantee, a mini-grant in the amount shown above for the continuation of the 11th Judicial Circuit Law Enforcement Network and within the purposes and categories authorized for the Highway Safety grants.

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

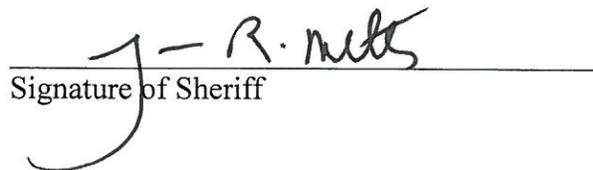


Phil Riley, Director
Office of Highway Safety



Ed Harmon, Assistant Director
Office of Highway Safety

Acceptance of Grant Award:



Signature of Sheriff

Signature – Other Required Official

THIS MINI-GRANT AWARD IS SUBJECT TO SPECIAL CONDITIONS ATTACHED.



COUNTY OF LEXINGTON
PUBLIC WORKS DEPARTMENT
ENGINEERING

M E M O R A N D U M

DATE: September 12, 2012
TO: Joe Mergo, County Administrator
FROM: Randy Edwards, P.E., County Engineer
RE: Kittal Road Closing

Public Works is proposing to close Kittal Road in conjunction with the paving of Jim Spence Road located off of Edmund Highway. There were two objections when we posted the road closing signs but these people do not live on the road. One of the property owners was concerned about a corporate airport being built on the property owned by Twelve Oaks Farms, this was the intent of the previous property owner not the current one. The other property owner who objected uses Kittal Road as a cut-through to reach Edmund Highway.

The attached map indicates in red the section to be closed. The portion of the road is approximately 0.23 mile in length. Individuals can continue on Jim Spence for approximately 0.25 miles and then 0.22 miles on Pat Road for a total alternate route of 0.47 miles. This road is in County Council District 1.

Please place this on the Public Works Committee agenda for October 9, 2012.

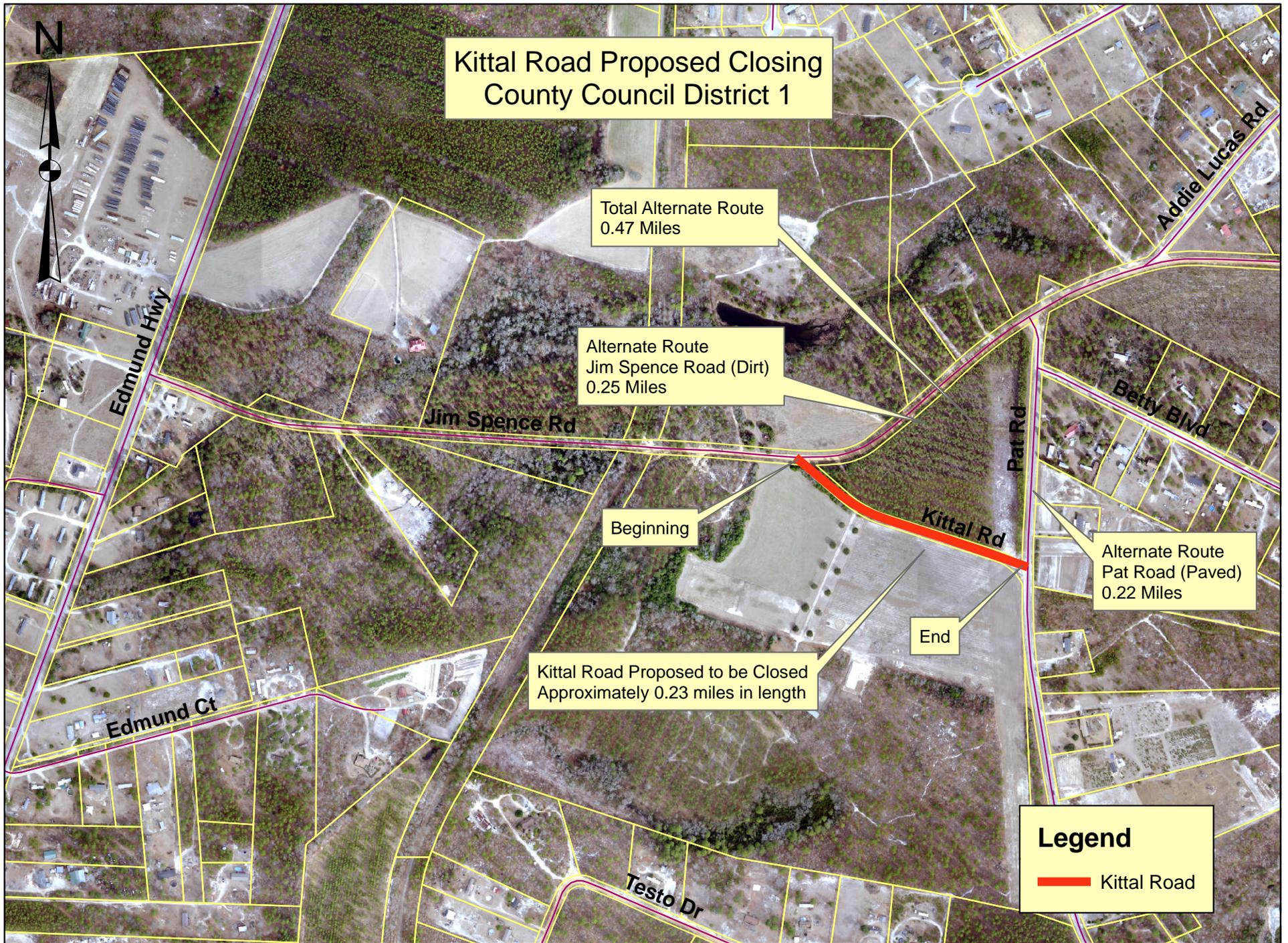


COUNTY OF LEXINGTON
PUBLIC WORKS DEPARTMENT
ENGINEERING

RE: Kittal Road Closing Objections

OBJECTION SUMMARY

Property Owners	TMS #	Objection
William Stratton 163 Macedon Drive	010818-01-018	Property owner objects because he uses the road for a cut through to reach Edmund Highway
Lindy & Eddie Lucas 420 Pat Road	009900-02-009	Objected to corporate airport being built near his house but this was the intent of the previous property owner, not the current one





COUNTY OF LEXINGTON
PUBLIC WORKS DEPARTMENT
ENGINEERING

RECEIVED

AUG 22 2011

LEXINGTON COUNTY
ENGINEERING DEPARTMENT

Twelve Oaks Farm
125 Kittal Road
Lexington, SC 29073

Date: July 19, 2011

Re: Closing Kittal Road

Dear Mr. Thornburg;

Lexington County Department of Public Works would like to pursue the closing of Kittal Road. Our records show that all the land that is bordering Kittal Road is deeded to Twelve Oaks Farm. In the process of closing Kittal Road this will become a private road maintained by the property owner. The road will be closed on one end and the other end will be the excess to your home. This not only will release Lexington County from the maintenance of the road but will return that portion not used as a drive way back to possible farm land.

There would be no cost to you because Lexington County is pursuing the closing. We would like to know if this would be something that you would be interested in.

Yes, I/We Twelve Oaks Farm would like to have the road closed

I/We _____ would not like to have the road closed

Sincerely;

Handwritten signature of Terry Kimley in blue ink.

Terry Kimley
Lexington County Department of Public Works

Handwritten signature of Todd Thornburg in blue ink, with "Board of Directors" and "TOF" written below it.



COUNTY OF LEXINGTON
PUBLIC WORKS DEPARTMENT
STORMWATER

MEMORANDUM

DATE: September 26, 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 of the Land Development Manual was presented to County Council at the August 28, 2012 meeting. Council asked that staff meet with the members of the Home Builders Association (HBA) one last time to finalize this document. The HBA provided an email (Exhibit A) with their concerns to the document as written and presented at the August 28, 2012 Council meeting. A meeting was held on September 17, 2012 with the HBA, local developers, and engineers to address the concerns expressed in the email. Mr. Todd Cullum, Chairman of the Public Works Committee, and Mr. Joe Mergo, County Administrator also attended this meeting.

All concerns were addressed at the meeting and several revisions were incorporated into the draft document (Exhibit B). During the meeting Mr. Mergo requested staff provide the HBA with a final document including a cover letter where Mr. Earl McLeod, Executive Director of the HBA, could sign approving the final document as written. The signed document indicating his concurrence is shown as (Exhibit C).

We are requesting the Public Works Committee to review and approve Chapter 7 (Exhibit D) and recommend for full Council approval.

Exhibit A

From: Earl Mcleod [earl@columbiabuilders.com]
Sent: Monday, September 10, 2012 7:00 AM
To: Fechtel, John
Cc: Armstrong, Sheri; BROOME, CHRISTOPHER; Mergo, Joe; Cullum, Todd
Subject: RE: Meeting on 9-18-2012
Attachments: RCRoadWarranty.pdf

Comments received from stakeholders as of September 10-

- 7.1.2 Bond Estimate – Last time we all met together, we talked about providing for an on-site meeting with PW/SWD personnel and our engineer to verify quantities. I would support having that. (also requested by Todd Cullum)
- **7.1.5 Reductions** – I note that the verbiage requires infrastructure to be completed and as-builts to be approved prior to a bond reduction. I don't like this requirement. If we have a subdivision that close to completion, we should be finalling it. There are circumstances where we would want to reduce the bond amount, but not go to final (or not have as-builts completed and approved). For example - developer bonded a project at the beginning, but at the two year mark - water, sewer, storm and paving are all in, but final coat of asphalt is not on. Final as-builts can't be completed because the final lift of asphalt is not installed. We wouldn't want to hold a bond on the full project cost for another year, but the project still isn't at a point to have final as-builts approved.
- On the one time bond 1 year extension. Even with things in the market picking up, I'm not certain that a 3 year MAX is appropriate. At the least, I'd like to see a 2nd 1 year extension available to the developer.
 - .1.3 Stand Alone needs to be defined. That general language is a license to get abused on the storm drain/water front.
 - 7.1.5 This reduction deal is a non-starter. It basically means you can't bond unless you are 75% done....particularly when you consider how long it has been taking to get a phase turned over. Our running average on something that was done 100% save for punch is over 6 months.

We also recommend that Lexington County consider Richland County's policy on a warranty for roads/stormwater infrastructure (one year with no surety bond required) (see attached)

From: Fechtel, John [mailto:JFechtel@lex-co.com]
Sent: Thursday, September 06, 2012 9:58 AM
To: Earl Mcleod
Cc: Armstrong, Sheri; BROOME, CHRISTOPHER; Mergo, Joe
Subject: Meeting on 9-18-2012

Earl – I am requesting that the HBA provide us comments back on the potential issues you have with Chapter 7 prior to our meeting. I will be unable to make that meeting but I would like to have time to dicuss those issues with staff. Thanks for your assistance.



Exhibit B

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 developer, engineer and the PW/SWD will coordinate an on-site meeting to verify quantities of remaining improvements for the bond estimate. The PW/SWD will review the bond estimate submittal to verify the amount adequately covers associated costs should Lexington County be required to complete the infrastructure. The surety bond shall not be below 25% of the total construction costs of the infrastructure that will be maintained by Lexington County.

~~The bond estimate shall bear the live signature and seal of the Licensed Professional Engineer of Record.~~

The Project Engineer's bond estimate submittal 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. The bond estimate shall bear the live signature and seal of the Licensed Professional Engineer of Record.

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. For the purpose of a Bonded Plat, a stand-alone project is defined as a phase that can function by itself if no future development occurs such as, offsite storm drainage to include detention areas/water quality features, permanent turn-arounds, etc. 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 ~~will~~ may be allowed once within the initial coverage period (24 months). ~~when~~ This reduction will account for the infrastructure ~~that~~ has been installed. As-builts must be approved for these improvements to justify the requested reduction. ~~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.



COUNTY OF LEXINGTON

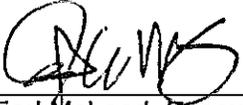
PUBLIC WORKS DEPARTMENT
STORMWATER DIVISION

MEMORANDUM

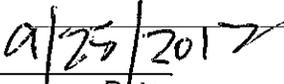
DATE: September 20, 2012
TO: Mr. Earl McLeod, Executive Director of HBA
FROM: Sheri M. Armstrong, Stormwater Manager
RE: Final Form of Chapter 7, Agreements, Bonds and Warranties

Lexington County Public Works Stormwater Department recognizes the South Carolina Home Builder's Association, (HBA) for their time and effort provided during the formation of Chapter 7, Agreements, Bonds and Warranties, of the Land Development Manual. After several years of collaboration with our development community the County is pleased to have Chapter 7 in a final form with the exception of Section 7.2.1 Financial Assurance, which is reserved at this time. Our staff will continue to research options for our development community to obtain financial surety to cover the two year warranty period of completed projects.

Please see the attached document in the final form. Staff will be presenting this final form at the October 9, 2012 County Council meeting for their consideration. We ask that Mr. Earl McLeod, representing the HBA, sign collectively for all parties for their approval of Chapter 7. *



Earl McLeod, Executive Director of HBA



Date

* On behalf of the Home Builders Association I acknowledge that the proposed changes in the attached document represents a consensus of opinions. While the HBA does not agree with all proposed changes, this document does account for many of the concerns expressed by the development community as we understand those issues today.

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



Exhibit D

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 developer, engineer and the PW/SWD will coordinate an on-site meeting to verify quantities of remaining improvements for the bond estimate. The PW/SWD will review the bond estimate submittal to verify the amount adequately covers associated costs should Lexington County be required to complete the infrastructure. The surety bond shall not be below 25% of the total construction costs of the infrastructure that will be maintained by Lexington County.

The Project Engineer's bond estimate submittal 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. The bond estimate shall bear the live signature and seal of the Licensed Professional Engineer of Record.

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. For the purpose of a Bonded Plat, a stand-alone project is defined as a phase that can function by itself if no future development occurs such as, offsite storm drainage to include detention areas/water quality features, permanent turn-arounds, etc. 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 will be allowed once within the initial coverage period (24 months). This reduction will account for the infrastructure that has been installed. As-builts must be approved for these improvements to justify the requested reduction. 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.

COUNTY OF LEXINGTON, SOUTH CAROLINA

ORDINANCE NO. 12-13

AN ORDINANCE EXTENDING THE RESIDENTIAL SOLID WASTE FRANCHISE CONTRACTS.

WHEREAS, The County of Lexington (County) has previously awarded franchises for residential solid waste collection in the unincorporated areas of Lexington County; and

WHEREAS, the County desires to extend the award of the franchised areas to the current solid waste collectors; and

WHEREAS, the County has negotiated a reasonable extension of the contracts upon the terms set forth in the franchise contract; and

WHEREAS, the County Council has determined that it would benefit the residents of the unincorporated areas of Lexington County for the existing franchise collector's contract to be extended pursuant to the terms set forth in the franchise contract extensions.

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

1. The franchise contracts for the residential solid waste collection are hereby extended, pursuant to the terms of the contracts attached hereto and incorporated herein.
2. This Ordinance shall take effect upon its enactment.

Enacted this _____ day of _____, 2012

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

ATTEST:

Diana W. Burnett, Clerk

First Reading: _____

Second Reading: _____

Public Hearing: _____

Third Reading: _____

Filed W/Clerk of Court: _____



COUNTY OF LEXINGTON
PUBLIC WORKS DEPARTMENT
ENGINEERING

Memorandum

To: Joe Mergo, County Administrator
From: Jim Starling, Engineering Associate III
Date: 9/27/2012
Re: FY 2011-2012 Lexington County Transportation Committee (CTC) Annual C Fund Report

The South Carolina C-Fund Program Law (12-28-2740) requires that a general accounting report of C-Fund expenditures be submitted to SCDOT on an annual basis. SCDOT presents the annual C-Fund expenditures report to the General Assembly. The Lexington County FY 2011-2012 Annual C-Fund Report is attached.

Please have this placed on the October 9th, 2012 agenda to be presented to the Lexington County Transportation Committee for review and approval. Pending approval by the Lexington CTC, the report has to be signed by Chairman Banning and then submitted to SCDOT no later than October 30th, 2012 (Attention: Herbert J. Cooper, P.E., PO Box 191, Columbia, SC 29202-0191).

LEXINGTON CTC ANNUAL C FUND REPORT

JULY 1, 2011-JUNE 30, 2012
REPORT DATE: SEPTEMBER 27, 2012

INCOME AND EXPENSES

Balance of Funds as of July 1, 2011 _____ \$ 7,847,451.59

Income:

Funds Received for Period July 1, 2011 through June 30, 2012	\$ 2,657,648.42	
Interest Earned for Period July 1, 2011 through June 30, 2012	\$ 32,766.73	
Donor County Funds Received Period July 1, 2011 through June 30, 2012	\$ 1,269,843.61	
Project Refunds for Period July 1, 2011 through June 30, 2012	\$ -	
Total Income _____		\$ 3,960,258.76

Expenses:

Administrative Expenses	\$ -	
Local Paving Project Expenditures	\$ 2,764,826.00	
State Road Project Expenditures	\$ 128,822.00	
State Road Match Expenditures	\$ -	
Total Expenditures _____		\$ 2,893,648.00

Balance of Funds as of June 30, 2012 _____ \$ 8,914,062.35

FUNDING COMMITMENTS

Local Paving Projects	\$ 5,278,805.00	
State Road Projects	\$ 2,275,353.00	

Total Committed Funds _____ \$ 7,554,158.00

Total Uncommitted Funds Available for New Projects _____ \$ 1,359,904.35

Uncommitted Funds as Percent of Total Income = 34%

LEXINGTON CTC ANNUAL C FUND REPORT

JULY 1, 2011-JUNE 30, 2012
REPORT DATE: SEPTEMBER 27, 2012

LOCAL PAVING PROJECTS

LOCAL ROUTE	PROJECT DESCRIPTION	WORK TYPE	RESPONSIBLE AGENCY	BUDGET	TOTAL EXPENDITURES	CURRENT FISCAL YEAR EXPENDITURES	REMAINING BUDGET
Road Resurfacing	Road Resurfacing	Resurfacing	County	\$ 2,190,144	\$ 1,347,429	\$ 1,347,429	\$ 842,715
Dogwood Road, 1&2	From Pine Street to existing pavement	Paving	County	\$ 935,714	\$ 879,945	\$ 53,004	\$ 55,769
John Kinard Court and Circle	From exist pave near Long Pine Road to dead end	Paving	County	\$ 10,977	\$ 1,608	\$ 1,608	\$ 9,369
Elbert Taylor Road,#1 & 2	From Calks Ferry Road westerly for 1.0 miles	Paving	County	\$ 441,703	\$ 432,088	\$ 402,563	\$ 9,615
Line Striping Program	Painting centerlines, edgelines, and placing RPMs	Line Striping	County	\$ 200,000	\$ 110,497	\$ -	\$ 89,503
Payne Lane	From Hallmark Drive to dead end	Paving	County	\$ 334,077	\$ 323,499	\$ -	\$ 10,578
Martin Neese Road	From Hwy 6 to I.W. Hutto Road	Paving	County	\$ 147,980	\$ 12,036	\$ 480	\$ 135,944
Church Street Stabilization	Gilbert-Stabilization of Church Street	Road Project	County	\$ 10,000	\$ -	\$ -	\$ 10,000
Stonewall Court	Portion of engineering design for paving	Engineering for paving	County	\$ 5,000	\$ -	\$ -	\$ 5,000
Saxe Gotha Drive	Paving a portion of Saxe Gotha Drive for LC Recreation	Paving	County	\$ 100,000	\$ -	\$ -	\$ 100,000
Colonial Drive	Paving a portion of Colonial Drive	Paving	County	\$ 55,061	\$ 53,943	\$ -	\$ 1,118
Windy Wood Road	Paving portion from Ben Franklin Rd to Calks Ferry Rd	Paving	County	\$ 100,153	\$ 53,449	\$ 53,449	\$ 46,704
Fire Tower Road	Paving from Hwy 378 to approximately 300 LF	Paving	County	\$ 37,700	\$ 37,700	\$ 3,770	\$ -
Bitternut Court Utility Reloc.	Utility relocation for paving project	Utility	County	\$ 78,659	\$ 54,077	\$ 5,918	\$ 24,582
Fox Branch Road	From Calks Ferry Rd to Smith Pond Rd	Paving	County	\$ 596,922	\$ 468,864	\$ 459,314	\$ 128,058
Jim Spence Road	From Hwy 302 to Hwy 6	Paving	County	\$ 934,780	\$ 86,892	\$ 58,585	\$ 847,888
Kittal Road	From Jim Spence Road to Pat Road (S32-1912)	Paving	County	\$ 10,260	\$ -	\$ -	\$ 10,260
Nursery Road Bridge	Bridge replacement alternative for Goldstone Drive Bridge	Bridge Design/Constr	County	\$ 1,465,617	\$ 111,066	\$ 100,775	\$ 1,354,551
Ashby Drive	Paving from Ball Park Rd (S32-1136) to Irvin Jumper Rd	Paving	County	\$ 33,447	\$ 1,212	\$ 480	\$ 32,235
South Cove Drive	Paving from Ramblin Rd (S32-103) to dead end	Paving	County	\$ 10,480	\$ 1,105	\$ 480	\$ 9,375
Oak Hill Road	Paving from existing pavement to dead end	Paving	County	\$ 30,480	\$ 696	\$ 480	\$ 29,784
Hyman Road	Paving from existing pavement to approximately 800 LF	Paving	County	\$ 10,000	\$ 732	\$ -	\$ 9,268
Darby Ambrose Road	Paving from existng pavement to Park Place Trail	Paving	County	\$ 30,480	\$ 1,176	\$ 480	\$ 29,304
Green Hills Drive	Stabilization of a portion of the road	Stabilization	County	\$ 768	\$ 768	\$ 768	\$ -
First Creek Road	Paving from Busbee Road to deadend	Paving	County	\$ 30,423	\$ 22,348	\$ 22,348	\$ 8,075
The Reserves at Lake Murray	Storm drainage and road improvements	Road & drain. Improvemnts	County	\$ 19,100	\$ 2,682	\$ 2,682	\$ 16,418
Mission Rd/Trailstream Rd	Storm drainage improvements to Mission Rd	Storm drainage improv	County	\$ 30,272	\$ 30,272	\$ 13,729	\$ -
Quail Hollow Lane Drainage	Repair CMP under roadway	Pipe Repair	County	\$ 201,024	\$ 190,728	\$ 149,662	\$ 10,296
Micala Drive	Geotech Invest on Micala Drive Dam	Road Failure Investigation	County	\$ 31,720	\$ 18,153	\$ 13,553	\$ 13,567
Green Haven Drive	Drainage project along Green Haven Drive	Drainage improvement	County	\$ 11,300	\$ 10,886	\$ -	\$ 414
Sandy Lane	Road improvement/paving project for Pine Ridge Town	Road Improvement	County	\$ 37,500	\$ 732	\$ -	\$ 36,768
Spruce Lane	Road improvement/paving project for Pine Ridge Town	Road Improvement	County	\$ 37,500	\$ 625	\$ -	\$ 36,875
Broken Hill Road	Drainage improvement project along Broken Hill Road	Drainage	County	\$ 84,853	\$ 18,489	\$ 18,489	\$ 66,364
Henry Street	Paving for town of Batesburg-Leesville	Paving	County	\$ 7,000	\$ 6,626	\$ 6,626	\$ 374
Railroad Avenue	Town of Pelion placement of RAP on Railroad Ave	Placement of RAP	County	\$ 7,500	\$ -	\$ -	\$ 7,500
Washington Street	Town of Gilbert road improvement to Washington Street	Road improvement	County	\$ 7,500	\$ -	\$ -	\$ 7,500
Drainage Projects	Unclassified funding for drainage projects	Drainage	County	\$ 153,777	\$ -	\$ -	\$ 153,777
Wood Moor Subdivision	Storm drainage and road improvements	Road & drain. Improvemnts	County	\$ 250,000	\$ -	\$ -	\$ 250,000
Road Maintenance Projects	Unclassified funding for minor paving and maintenance	Paving Funds	County	\$ 355,116	\$ -	\$ -	\$ 355,116
Zion Church Road Extenstion	Extend Zion Church Rd from Amicks Ferry to Lex. Ave.	Construct new road	County	\$ 150,000	\$ -	\$ -	\$ 150,000
DE Clark Road	Paving from Water Tank Rd to Fairview Rd	Paving	County	\$ 100,000	\$ 23,155	\$ 23,155	\$ 76,845
Scarborough Parish Subdivision	Storm drainage and road improvements	Road & drain. Improvemnts	County	\$ 131,882	\$ -	\$ -	\$ 131,882
Cherokee Shores Phase I	Storm drainage and road improvements	Road & drain. Improvemnts	County	\$ 8,719	\$ -	\$ -	\$ 8,719
Kaminar Subdivision	Storm drainage and road improvements	Road & drain. Improvemnts	County	\$ 5,052	\$ -	\$ -	\$ 5,052
Woodland Pond Subdivision	Storm drainage and road improvements	Road & drain. Improvemnts	County	\$ 6,305	\$ -	\$ -	\$ 6,305
Whispering Glen Subdivision	Storm drainage and road improvements	Road & drain. Improvemnts	County	\$ 33,981	\$ -	\$ -	\$ 33,981
Hope Springs Subdivision	Storm drainage and road improvements	Road & drain. Improvemnts	County	\$ 111,356	\$ -	\$ -	\$ 111,356
Lexington Memorial Plaza	Sidewalks for Lexington Memorial Plaza	Sidewalk	County/Lexingtn	\$ 25,000	\$ 25,000	\$ 25,000	\$ -

TOTALS

\$ 9,607,282 \$ 4,328,477 \$ 2,764,826 \$ 5,278,805

EXPENDITURES FOR LOCAL PAVING PROJECTS AS PERCENTAGE OF ANNUAL C-FUND ALLOTMENT INCOME = 104%

LEXINGTON CTC ANNUAL C FUND REPORT

JULY 1, 2011-JUNE 30, 2012
 REPORT DATE: SEPTEMBER 27, 2012

STATE ROAD PROJECTS

LOCAL ROUTE	PROJECT DESCRIPTION	WORK TYPE	RESPONSIBLE AGENCY	BUDGET	TOTAL EXPENDITURES	CURRENT FISCAL YEAR EXPENDITURES	REMAINING BUDGET
A.C. Bouknight Road (S32-1888)	From exist pavemt (S32-1888) to Crout Pond Way	Paving	SCDOT	\$ 2,280,000	\$ 1,080,000	\$ -	\$ 1,200,000
Pine Plain Road (S32-1793)	From Frontage Road to exist. Pvm. (S1930)	Paving	SCDOT	\$ 1,000	\$ -	\$ -	\$ 1,000
Carlisle Street (S32-772)	Town of Irmo Enhancement Grant-sidewalk improvement	Sidewalk Placement	Irmo/County	\$ 57,000	\$ 44,335	\$ 10,940	\$ 12,665
I.W. Hutto Road (S32-248)	School Dist 4 turn lane along I.W. Hutto Rd (S32-248)	Turn Lane	Sci Dst 4/LexCo	\$ 75,000	\$ 54,839	\$ -	\$ 20,161
SC 302 and US 178	Town of Pelion 08 Enhancement Streetscape	Streetscape	Pelion/LexCo	\$ 70,000	\$ 56,941	\$ 6,942	\$ 13,059
I-20 Interstate	SCHP Patrolman Ben W. Strickland Memorial Sign	Dedication Sign	SCDOT	\$ 500	\$ 500	\$ 500	\$ -
Airport Blvd (SC - 302)	Cayce Beautification Enhan Grant for Airport Blvd	Beautification Enh Grant	SCDOT	\$ 30,083	\$ 30,083	\$ 30,083	\$ -
Airport Blvd (SC - 302)	W Cola Beautification Enhan Grant for Airport Blvd	Beautification Enh Grant	SCDOT	\$ 30,083	\$ -	\$ -	\$ 30,083
Airport Blvd (SC - 302)	Springdale Beautification Enhan Grant for Airport Blvd	Beautification Enh Grant	SCDOT	\$ 30,084	\$ 30,084	\$ 30,084	\$ -
US Hwy 1	W Cola. FPA 34-11 Enhan. Grant Hwy 1 Street Lighting	Enhancement Grant	SCDOT	\$ 108,750	\$ 108,750	\$ 108,750	\$ -
Sunset Dr(s1897)RamblinRd(s102)	Sidewalk from school on Ramblin to library on Sunset	Sidewalk Placement	County	\$ 39,908	\$ 39,907	\$ 39,907	\$ 1
Corley Mill Rd/US 378 Project	Intersection improvements	Intersection improvements	SCDOT	\$ 900,000	\$ -	\$ -	\$ 900,000
I-20/Hwy 378 (Sunset Blvd)	Town of Lexington I-20/Hwy 378 Interchange Beautificatn	Beautification Project	SCDOT	\$ 98,384	\$ (98,384)	\$ (98,384)	\$ 98,384
TOTALS				\$ 3,720,792	\$ 1,347,055	\$ 128,822	\$ 2,275,353

STATE ROAD PROJECTS

LOCAL ROUTE	PROJECT DESCRIPTION	WORK TYPE	RESPONSIBLE AGENCY	CTC MATCH FUNDS COMMITTED	EXPENDITURES	CURRENT FISCAL YEAR EXPENDITURES	REMAINING BUDGET	YEAR EXPENDITURES IN EXCESS OF MATCH AMOUNT*
SCDOT Match Program	SCDOT Matching Funds	SCDOT Projects	SCDOT	\$ -	\$ -	\$ -	\$ -	\$ -
TOTALS				\$ -	\$ -	\$ -	\$ -	\$ -

EXPENDITURES FOR STATE ROAD PROJECTS AND MATCH PROJECTS IN EXCESS OF MATCH AMOUNT AS PERCENTAGE OF ANNUAL C-FUND ALLOTMENT TOTAL INCOME = 5%

* Note: Annual C-Fund Allotment Total includes Project Refunds received for report period.

LEXINGTON CTC ANNUAL C FUND REPORT

JULY 1, 2011-JUNE 30, 2012
REPORT DATE: SEPTEMBER 27, 2012

PROJECT MANAGER EXPENDITURES - Note: This section is for information purposes only. These expenditures have been incorporated into the Local and State Projects under Budgets, Total Expenditures, Current Fiscal Year Expenditures and Remaining Balances.

TITLE	DESCRIPTION	POSITION	BUDGET	TOTAL EXPEND.	CURRENT FISCAL YEAR EXPENDITURES	REMAINING BUDGET
Salaries & Wages	Associated Funds for Managing "C"-Fund Projects	"C" Fund Project Mgr.	\$ 61,208	\$ 61,207	\$ 61,207	\$ 1
FICA - Employer Portion	Associated Funds for Managing "C"-Fund Projects	"C" Fund Project Mgr.	\$ 4,682	\$ 4,154	\$ 4,154	\$ 528
SCRS - Employer Portion	Associated Funds for Managing "C"-Fund Projects	"C" Fund Project Mgr.	\$ 5,836	\$ 5,850	\$ 5,850	\$ (14)
Employee Insurance - Employer	Associated Funds for Managing "C"-Fund Projects	"C" Fund Project Mgr.	\$ 7,800	\$ 7,800	\$ 7,800	\$ -
Workers Comp. - Employer	Associated Funds for Managing "C"-Fund Projects	"C" Fund Project Mgr.	\$ 760	\$ 759	\$ 759	\$ 1
Computer Security and Mgmt.	Associated Funds for Managing "C"-Fund Projects	"C" Fund Project Mgr.	\$ 62	\$ 62	\$ 62	\$ -
Office Supplies	Associated Funds for Managing "C"-Fund Projects	"C" Fund Project Mgr.	\$ 50	\$ 17	\$ 17	\$ 33
Duplicating	Associated Funds for Managing "C"-Fund Projects	"C" Fund Project Mgr.	\$ 50	\$ -	\$ -	\$ 50
Operating Supplies	Associated Funds for Managing "C"-Fund Projects	"C" Fund Project Mgr.	\$ 99	\$ 87	\$ 87	\$ 12
General Tort Liability Insurance	Associated Funds for Managing "C"-Fund Projects	"C" Fund Project Mgr.	\$ 77	\$ 75	\$ 75	\$ 2
Surety Bonds	Associated Funds for Managing "C"-Fund Projects	"C" Fund Project Mgr.	\$ 8	\$ 6	\$ 6	\$ 2
Pagers & Cell Phones	Associated Funds for Managing "C"-Fund Projects	"C" Fund Project Mgr.	\$ 300	\$ 260	\$ 260	\$ 40
E-mail Service Charges	Associated Funds for Managing "C"-Fund Projects	"C" Fund Project Mgr.	\$ 81	\$ 76	\$ 76	\$ 5
Gas, Fuel, & Oil	Associated Funds for Managing "C"-Fund Projects	"C" Fund Project Mgr.	\$ 722	\$ -	\$ -	\$ 722
Minor Software	Associated Funds for Managing "C"-Fund Projects	"C" Fund Project Mgr.	\$ 378	\$ 377	\$ 377	\$ 1
TOTALS			\$ 82,113	\$ 80,730	\$ 80,730	\$ 1,383

Project Manager FY 2012 Project Expense Distribution - To be used for information purposes only. The C-Fund Project Manager worked on these projects and all associated expenditures are incorporated into the Local and State Project Budgets, Total Expenditures, Current Fiscal Year Expenditures, and Remaining Budgets.

				C-Proj. Mngr	TOTAL EXPENDITURES PRIOR TO C-PROJ MNGR	FISCAL YEAR EXPENDITURES PRIOR TO C-PROJ MNGR
Road Resurfacing	Road Resurfacing (Includes FY2011,FY2012,&FY2013)	Resurfacing	County	\$ 23,951	\$ 1,323,478	\$ 1,323,478
Dogwood Road, 1&2	From Pine Street to existing pavement	Paving	County	\$ 918	\$ 879,027	\$ 52,086
Elbert Taylor Road,#1 & 2	From Calks Ferry Road westerly for 1.0 miles	Paving	County	\$ 7,576	\$ 424,512	\$ 394,987
Martin Neese Road	From Hwy 6 to I.W. Hutto Road	Paving (Soil Cement)	County	\$ 480	\$ 11,556	\$ -
Windy Wood Road	Paving portion from Ben Franklin Rd to Calks Ferry Rd	Paving	County	\$ 153	\$ 53,296	\$ 53,296
Fox Branch Road	From Calks Ferry Rd to Smith Pond Rd	Paving	County	\$ 30,379	\$ 438,485	\$ 428,935
Jim Spence Road	From Hwy 302 to Hwy 6	Paving	County	\$ 612	\$ 86,280	\$ 57,973
Nursery Road Bridge	Bridge replacement alternative for Goldstone Drive Bridge	Bridge Design/Constr	County	\$ 1,275	\$ 109,791	\$ 99,500
Ashby Drive	Paving from Ball Park Rd (S32-1136) to Irvin Jumper Rd	Paving (Soil Cement)	County	\$ 480	\$ 732	\$ -
South Cove Drive	Paving from Ramblin Rd (S32-103) to dead end	Paving (Soil Cement)	County	\$ 480	\$ 625	\$ -
Oak Hill Road	Paving from existing pavement to dead end	Paving (Soil Cement)	County	\$ 480	\$ 696	\$ -
Darby Ambrose Road	Paving from existng pavement to Park Place Trail	Paving (Soil Cement)	County	\$ 480	\$ 696	\$ -
First Creek Road	Paving from Busbee Road to deadend	Paving	County	\$ 2,423	\$ 19,925	\$ 19,925
Quail Hollow Lane Drainage	Repair CMP under roadway	Pipe Repair	County	\$ 1,734	\$ 188,994	\$ 147,928
Micala Drive	Geotech Invest on Micala Drive Dam	Road Failure Investigation	County	\$ 3,520	\$ 18,153	\$ 10,033
Broken Hill Road	Drainage improvement project along Broken Hill Road	Drainage	County	\$ 153	\$ 18,336	\$ 18,336
Sunset Dr(s1897)RamblinRd(s102)	Sidewalk from school on Ramblin to library on Sunset	Sidewalk Placement	County	\$ 5,637	\$ 34,270	\$ 34,270
				Total	\$ 80,730	

CTC Chairman: _____

Date: _____

****This page intentionally left blank****

****This page intentionally left blank****



County of Lexington County Council

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

MEMORANDUM

TO: County Council
FROM: Diana Burnett
DATE: October 4, 2012
RE: November & December 2012 Schedule

As the holidays are fast approaching, Council may want to review the scheduled meeting dates for the months of November and December. At present Council is scheduled to meet November 13 and 27 and December 11 and 25. County offices will be closed on November 12 (Veteran's Day), November 22 and 23 (Thanksgiving), December 24, 25, and 26 (Christmas).

If Council wishes to make revisions to the November and December meeting schedule, it would be helpful to make a decision as soon as possible so that staff can plan accordingly. Of course, the Chairman can always call a special meeting if needed.

Thank you.

November 2012

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
				1	2	3
4	5	6	7	8	9	10
11	12 <i>VETERANS DAY - Holiday</i>	13 COUNCIL	14	15	16	17
18	19	20	21	22 <i>Thanksgiving Holiday</i>	23 <i>Thanksgiving Holiday</i>	24
25	26	27 COUNCIL	28	29	30	

50

December 2012

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
						1
2	3	4	5	6	7	8
9	10	11 COUNCIL	12	13	14	15
16	17	18	19	20	21	22
23	24 <i>Christmas Holiday</i>	25 COUNCIL <i>Christmas Holiday</i>	26 <i>Christmas Holiday</i>	27	28	29
30	31					

51

RESOLUTION

THE COUNCIL FOR THE COUNTY OF LEXINGTON, SOUTH CAROLINA, MEETING IN GENERAL SESSION THE 9TH DAY OF OCTOBER, TWO THOUSAND AND TWELVE, ADOPTED THE FOLLOWING:

WHEREAS, Suzanne Clark Hackett served with honor on the Board of Trustees of the Nancy K. Perry Children’s Shelter Board of Trustees from January 8, 2002 to August 31, 2012; and

WHEREAS, Mrs. Hackett served as Board Member and faithfully performed the duties of Chair of the Board since 2008; and

WHEREAS, Mrs. Hackett is a passionate supporter of the Children’s Shelter, continually sharing with citizens the significant role it plays in the Lexington community and often serving as an unofficial liaison between them and elected officials and other community leaders; and

WHEREAS, Mrs. Hackett has been a strong advocate for children, especially abused children. Her unique insights into the minds of children and families in crisis were important to the Board in their deliberations; and

WHEREAS, during her tenure on the Board, and as Chair, she guided the Shelter to provide a Title I Afterschool Program and significantly improved mental health services to the children; she proved herself to be a tireless supporter of all staff and childcare workers; and

WHEREAS, she has always been a stabilizing, knowledgeable, and hardworking member of the Children’s Shelter Board; her love for the Shelter and the children was always foremost in her mind which enabled her to make a significant impact on Board proceedings and guide them as Chair for four years.

NOW, THEREFORE, BE IT RESOLVED that we, the members of Lexington County Council, extend to **SUZANNE C. HACKETT** our sincere thanks and gratitude for the excellent job she has done for the Nancy K. Perry Children’s Shelter, the Board of Trustees, the County, and the citizens of Lexington County.

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

October 9, 2012

FRANK TOWNSEND

- **Board of Zoning & Appeals** - J.R. Caughman; term expires 12/31/12; eligible for reappointment; *confirmed desire to serve another term*
- **Museum** - William Keisling, Jr.; term expires 11/01/12; eligible for reappointment; *confirmed desire to serve another term*

SMOKEY DAVIS

- **Museum** - Edie Harmon; term expires 11/01/12; eligible for reappointment; *confirmed desire to serve another term*

BOBBY KEISLER

- **Assessment Appeals Board** - Sabrina Rogers; term expired 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*

BRAD MATTHEWS

- **Accommodations Tax Board** - Kathy Rabune; term expires 12/31/12; eligible for reappointment; *confirmed desire to serve another term*
- **Accommodations Tax Board** - Randi Sullivan; term expires 12/31/12; eligible for reappointment; *confirmed desire to serve another term*
- **Accommodations Tax Board** - William Teague; term expires 12/31/12; not eligible for reappointment
- **Museum** - Jim Harvard; term expires 11/01/12; eligible for reappointment; *confirmed desire to serve another term*

BILL BANNING

- **Accommodations Tax Board** - Pat Johnson; term expires 12/31/12; eligible for reappointment; *confirmed desire to serve another term*
- **Accommodations Tax Board** - Robert Schaeffer; term expires 12/31/12; eligible for reappointment; *confirmed desire to serve another term; nomination form attached for Dwight D. Byrd*
- **Board of Zoning & Appeals** - Morris K. Phillips; term expires 12/31/12; eligible for reappointment

TODD CULLUM

- **Assessment Appeals Board** - William Power; term expired 09/21/12; not eligible for reappointment
- **Museum** - Carol Metts; term expires 11/01/13; resigned effective 06/27/11

AT LARGE:

Building Codes Board of Appeals

- **Plumbing - Ashton Shuler** - term expired 08/13/11; eligible for reappointment; *confirmed desire NOT to serve another term*

Lexington/Richland Alcohol & Drug Abuse Council

- **Adrienne Huffman Bellinger** - term expires 12/31/12; eligible for reappointment
- **L.J. “Chip” Johnson** - term expires 12/31/12; eligible for reappointment

River Alliance

- **Mike Stamps** - term expires 06-26-13 - *nomination form attached for Mike Crapps*

Stormwater Advisory Board

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

Wrecker Rotation Disciplinary Board

- **Steven A. Smith** - term expires 11/10/12; eligible for reappointment; *confirmed desire to serve another term*



LEXINGTON COUNTY COUNCIL

BOARD/COMMISSION NOMINATION FORM

Name of Board/Commission: Accommodations Tax Advisory Board
 Nominee: Dwight D. Byrd
 Address: 100 Bran Ct. Lexington SC 29073
 Employed by: First Mortgage Corporation
 Address: 604 12th. Street West Columbia, SC 29169
 Home Telephone: 803-957-7913 Business Telephone: 803-796-0850
 Mobile Phone: 803-351-7592 Fax Number: 803-746-0906
 Email Address: dwight.byrd@FMCNC.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):

Business Administration + Marketing Since 1981
Member Grace Baptist Church Serve as Deacon 25 yrs.
Serve on Private School Board K-12 For
Grace Christian School for 25 years.
Branch Manager For First Mortgage Corporation
in West Columbia

Thank you.

Dwight Byrd

Office use only

Submitted by: _____

Council District Number: _____

Date: _____

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



LEXINGTON COUNTY COUNCIL

BOARD/COMMISSION NOMINATION FORM

Name of Board/Commission:

Nominee: Mike Crapps

Address: 147 Sterling Lake Drive Lexington S.C. 29072

Employed by: First Community Bank

Address: 5455 Sunset Blvd. Lexington S.C. 29072

Home Telephone: 803.359.0465 Business Telephone: 803.451.0551

Mobile Phone: 803.206.0848 Fax Number: 803.358.6900

Email Address: mcapps@firstcommunitysc.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):

See attached.

Submitted by:
Council District Number:
Date:

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



Biography of Michael C. Crapps

Michael C. “Mike” Crapps is a lifelong resident of Lexington County and a 1976 graduate of Lexington High School. He received a B.S. degree in Economics in 1980 from Clemson University, an MBA degree from the University of South Carolina in 1984, and is a graduate of the LSU Graduate School of Banking of the South.

He began his banking career in 1980 and, from 1985 through 1994; he was with Republic National Bank in Columbia, becoming president, chief executive officer and a director of that bank. He is a founder of First Community Bank and has served as its president and chief executive officer, as well as on its board of directors since opening the bank in 1995.

First Community Bank serves local businesses, entrepreneurs, and professionals with financial solutions in three primary lines of business: commercial banking; residential mortgage banking; and financial planning/investment advisory services. The Bank has \$600 million in total assets with eleven offices in the midlands of South Carolina.

Mr. Crapps also serves the banking industry through his involvement in the South Carolina Bankers Association, having served as its Chairman and on its Board of Directors. He currently represents South Carolina on the American Bankers Association Government Relations Council. The South Carolina Bankers Association selected Mr. Crapps as the 1997 Young Banker of the Year.

He is presently on the Board of Directors of the South Atlantic Division of the American Cancer Society (ACS), having served as Treasurer and then as Chairman from 2006 through 2008. The ACS awarded him the prestigious St. George National Award in 2003.

He currently serves as Chairman of the Navigating from Good to Great Foundation. Additionally, he serves on the Boards of the Lexington School District One Foundation and the Central Carolina Community Foundation. He is also a past chairman of the Greater Lexington Chamber of Commerce as well as the Saluda Shoals Park Foundation.

He is a member of Saxe Gotha Presbyterian Church. He and his wife, Kay, have five children and a granddaughter.

COUNTY OF LEXINGTON

Procurement Services

MEMORANDUM

(O) 785-8319

(F) 785-2240

DATE: September 26, 2012

TO: Joe Mergo, III
County Administrator

THROUGH: Jeffrey A. Hyde
Procurement Manager

FROM: Angela M. Seymour
Procurement Officer

**SUBJECT: One (1) Excavator - Replacement
Public Works**

We are in receipt of a purchase request for one (1) excavator for Public Works. This replacement equipment will be purchased from Blanchard Machinery through South Carolina State Contract number 4400002455. 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 \$118,040.00.

Funds are appropriated in the following account:

<u>Account Number</u>	<u>Account Description</u>	<u>Account Balance</u>	<u>Requisition Amount</u>
1000-121300-5AD074	One (1) Excavator - Replacement	\$150,000.00	\$118,040.00

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 October 9, 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: September 28, 2012

TO: Joe Mergo, III
County Administrator

THROUGH: Jeffrey A. Hyde
Procurement Manager

FROM: Angela M. Seymour
Procurement Officer

**SUBJECT: One (1) Unmarked Vehicle with Equipment - Addition
Sheriff's Department**

We are in receipt of two (2) requisitions for the purchase of an additional unmarked Chevrolet Caprice with equipment including any emergency equipment/installation and accessories for the Sheriff's Department. This vehicle is being purchased from Love Chevrolet through South Carolina state contract number 4400004322. The accessories will be purchased from Dana Safety Supply through South Carolina State Contract number 440001051. 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 this vehicle is \$27,753.95. It is recommended that the awards be made to multiple vendors as follows:

Love Chevrolet	\$26,122.00
Dana Safety Supply	\$1,631.95

The funds are appropriated in the following account:

<u>Account Number</u>	<u>Account Description</u>	<u>Account Balance</u>	<u>Requisition Amount</u>
1000-151200-5AD188	(1) Unmarked Vehicle with Equipment	\$28,368.05	\$27,753.95

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 October 9, 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

****This page intentionally left blank****

COUNTY OF LEXINGTON, SOUTH CAROLINA

ORDINANCE NO. 12-08

**AN ORDINANCE AUTHORIZING THE CONVEYANCE 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 convey 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 provide 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 transfer by quit-claim deed of approximately 8.90 acres of property which is shown on the plat attached hereto and designated as Tract “A” (Shown as 10.09 acres less and except the 1.19 acres which has already previously been conveyed to the Town of Lexington and by deed as recorded in Book 12856, at page 184).

The conveyance shall contain a restriction that the property shall be used solely as a Pet Park and related activities and that the right to use the wetlands located on the subject property for wetlands mitigation purposes shall be reserved for use by the County of Lexington. The conveyance shall also be subject to easement and restrictions of record and any governmental statute, ordinance, and regulations.

2. The Chairman of Lexington County Council is hereby authorized to execute and deliver a Quit-claim Deed for the subject property and to further execute on other appropriate documents for the conveyance of such property

Enacted this ____ day of _____, 2012.

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

ATTEST:

Diana W. Burnett, Clerk

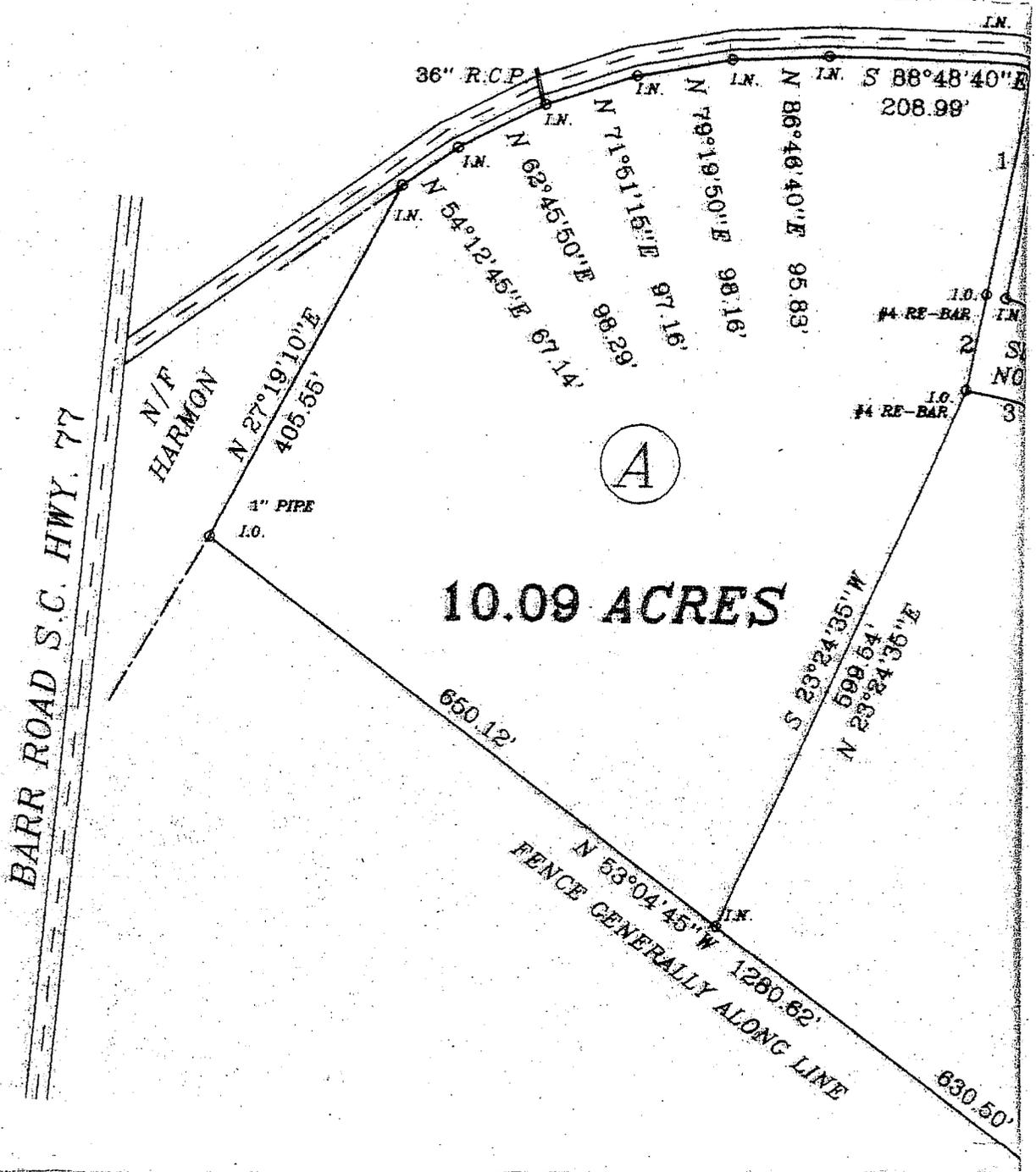
First Reading: _____

Second Reading: _____

Third Reading: _____

Filed W/Clerk of Court: _____.

TRACT "A"



COUNTY OF LEXINGTON, SOUTH CAROLINA

ORDINANCE NO. 12-14

AN ORDINANCE APPROVING THE CONVEYANCE OF REAL ESTATE FROM THE COUNTY OF LEXINGTON TO THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION.

WHEREAS, the County of Lexington (hereinafter “the County”) has been asked by South Carolina Department of Transportation (hereinafter “SCDOT”) to deed certain property (approximately .32 acres) shown as Parcels A (0.29 acres) and B (0.03 acres) on the plat attached hereto to SCDOT in order to widen Columbia Avenue; and

WHEREAS, the County owns certain property located on Columbia Avenue in Lexington; and

WHEREAS, the County and SCDOT have agreed upon the sum of One Hundred Thirty-Five Thousand and no/ 100 (\$135,000.00) Dollars as a reasonable purchase price for the subject property; and

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

Section 1. The Lexington County Council hereby approves the sale, transfer and conveyance of the aforesaid parcel of land, containing 0.29 acres and 0.03 acres, shown as Parcels A and Parcels B on the plat attached hereto, to SCDOT for the consideration of One Hundred Thirty-Five Thousand and no/ 100 (\$135,000.00) Dollars.

Section 2. The Chairman of the Lexington County Council is authorized and directed to execute and deliver to SCDOT all appropriate documents for the conveyance of such property, including but not limited to a Deed to SCDOT upon receipt of the purchase price of

One Hundred Thirty Five Thousand and no/100 (\$135,000.00) Dollars. The conveyance shall be subject to easements and restrictions of record and to any governmental statutes, ordinances and regulations.

Enacted this _____ day of _____, 2012.

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

ATTEST:

Diana Burnett, Clerk

First Reading: _____

Second Reading: _____

Third & Final Reading: _____

Filed w/Clerk of Court: _____



LOCATION MAP
SCALE 1" = 500'

WEST MAIN STREET (US-1) (R/W VARIES)

PARCEL A
0.29 ACRES

PARCEL B
0.03 ACRES

N/F
BTB EQUITIES LP
TMS# 004325-02-030

N/F
COUNTY OF LEXINGTON
TMS# 004325-02-017

N/F
RMJJ S C GENERAL PARTNERSHIP
TMS# 004325-02-026

BLACK AVE. EXTENSION
TOWN OF LEX. (66' R/W)

Curve Table

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	32.65'	30.00'	62.35	N82° 18' 40"W	31.06'
C2	200.22'	2812.81'	4.08	N65° 11' 35"E	200.17'
C3	15.87'	30.00'	30.31	N35° 58' 50"W	15.68'

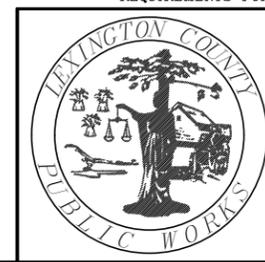
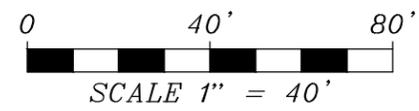
SOUTH CAROLINA
LEXINGTON COUNTY
--SURVEY FOR--
COUNTY OF LEXINGTON

LOCATED IN THE TOWN OF LEXINGTON
THIS TRACT BEING A PORTION OF LEXINGTON COUNTY TMS# 004325-02-017

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS A SURVEY AS SPECIFIED THEREIN.

NOTE:
I.O. = IRON OLD
CAL PT = CALCULATED POINT
I.N. = IRON NEW # 5 REBAR

- REFERENCE PLATS
- BOOK 230 PAGE 161
 - BOOK 221 PAGE 161
 - BOOK 240 PAGE 38
 - SLID 254 PAGE 3B
 - SCDOT (US 378) FILE# 32.255B



DONALD H. RUMBAUGH PLS# 10888
DRAWN BY: PD DATE: 8/14/2012
LEXINGTON COUNTY
PUBLIC WORKS
ENGINEERING DIVISION
440 BALL PARK ROAD
LEXINGTON, SOUTH CAROLINA 29072
(803) 785-8201



COMMITTEE REPORT

RE: Right-of-Way Acquisition Procedures

DATE: September 25, 2012

COMMITTEE: Public Works & Solid Waste Management

MAJORITY REPORT: Yes

The Public Works Committee met on Tuesday, September 25, 2012, to consider the proposed right-of-way acquisition procedures.

Mr. Randy Edwards presented a draft of proposed right-of-way acquisition procedures. The procedures outlined steps to secure right-of-way and storm drainage easement commitments from property owners on dirt roads listed on the C-Fund Paving List (see guidelines and letter attached). Also presented was a draft letter for Council to send to property owners when all attempts to contact property owners fail. Staff listed the expected time frame for resolution at nine months from the date of the original letters mailed to property owners before presenting to Council for consideration to drop the road paving project.

The Public Works Committee voted unanimously in favor to recommend to full Council to approve staff's recommendations.

Attached: Right-of-Way Acquisition Procedures and Letter

C-Fund Right-of-way Acquisition Procedure

The following procedure will be followed to secure right-of-way and storm drainage easement commitments from property owners along roads that are programmed for paving. This procedure keeps projects active and informs the local property owners on the status of various projects and allows Council Members the opportunity to meet with affected property owners and resolve any issues. The expected time period for final resolution to all right-of-way acquisition concerns is 9 months from the date of the original letter. If resolution cannot be had, the project will be presented to County Council with a recommendation to drop the project.

1. First 3 month time period from date of original letter.
 - Right-of-way and storm drainage easement questionnaire letters will be generated and mailed to local property owners.
 - Property owners will be given 30 days to respond to the letter.
 - Staff will tabulate the results.
 - Staff will perform the necessary plat and deed research to determine if Lexington County has existing right-of-way and storm drainage easements in areas where property owners do not respond and in areas where negative responses are received.
 - Staff will contact all property owners that responded negatively and attempt to resolve any issues or concerns.
2. Second 3 month time period from date of original letter.
 - Send certified letters to all property owners that did not respond to the original letter if no right-of-way or storm drainage easements exist based on plat and deed research.
 - Property owners will be given 30 days to respond to the certified letter.
 - Tabulate the results from the certified letters.
 - Evaluate the road and consider alternatives in an effort to continue the project.
 - Contact the affected property owners and attempt to secure reduced right-of-way if reduced right-of-way is optional.
 - Staff will prepare a status package for presentation to County Council pending the inability to secure the necessary right-of-way or storm drainage easements,.
3. Third 3 month time period from date of original letter.
 - Send "Letter from Councilmember" to all property owners along the affected road if all above right-of-way acquisition attempts fail.
 - Coordinate an onsite meeting with property owners and the appropriate Council representative.
 - Provide pertinent information to appropriate property owners as a result of any "Freedom of Information Act" requests.
4. Staff will present final results to County Council upon completion of all attempts to secure the right-of-way for approval to drop the affected project.

County of Lexington

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

James E. Kinard, Jr.
District 1

September 12, 2012

Frank J. Townsend, III
District 2

George H. Davis
District 3
Parliamentarian

Property Owner
123 Dirt Road Way
Lexington, South Carolina 290000

RE: Paving of One Dirt Road

Debra B. Summers
District 4

Dear Property Owner:

Bobby C. Keisler
District 5

It has come to my attention that Lexington County Public Works staff has been unsuccessful in obtaining the right-of-way required for paving "One Dirt Rd". Without consensus from all of the affected property owners, Lexington County will be unable to continue with the design and construction of this roadway.

Johnny W. Jeffcoat
District 6
Vice Chairman

Currently, there are X property owners that have failed to respond to staff's request or have stated in writing their desire not to provide the necessary right-of-way required for paving. Upon request to our Public Works Department, this information can be made available through the Freedom of Information Act.

K. Brad Matthews
District 7

As your Councilmember, I am interested in helping to accomplish the paving of "One Dirt Rd". Therefore, as one last attempt, I will hold a public meeting at 6:00 P.M. on WEEKDAY Month day, 2012 at ADDRESS TO BE DETERMINED for any property owners to express their concerns and interest in the paving on this roadway.

William B. Banning, Sr.
District 8
Chairman

M. Todd Cullum
District 9

If Lexington County has not received the necessary right-of-way within sixty days of the meeting, this roadway will be removed from the ranked list. Any future considerations for paving will require a new petition. Consequently, this will reduce the point value category for "age of petition".

Thank you for your understanding and consideration on this matter.

Sincerely,

Councilman/woman