

MINUTES
LEXINGTON COUNTY COUNCIL
FEBRUARY 08, 2005

Lexington County Council held its regular meeting on Tuesday, February 08, 2005 in Council Chambers, beginning at 4:30 p.m. Chairman Rucker presided; Ms. Summers gave the invocation; Mr. Davis led the Pledge of Allegiance.

Members attending: Bruce E. Rucker William C. Billy Derrick
 George H. Smokey Davis Debra B. Summers
 Bobby C. Keisler Johnny W. Jeffcoat
 John W. Carrigg, Jr. Joseph W. Owens
 M. Todd Cullum

Also attending: Art Brooks, County Administrator; Tim James, Deputy County Administrator, Larry Porth; Finance Director/Deputy County Administrator; Katherine Doucett, Personnel Director/Deputy County Administrator; John Fechtel, Director of Public Works/Deputy County Administrator; Jeff Anderson, County Attorney; other staff members, citizens of the county and representatives of the media.

In accordance with the Freedom of Information Act, a copy of the agenda was sent to radio and TV stations, newspapers, and posted on the bulletin board located in the lobby of the County Administration Building.

Appointment of Parliamentarian - Mr. Rucker will make the appointment at a later date.

Employee Recognition - Art Brooks, County Administrator - Multi-Space Exhibit - Mr. Tim James, Deputy County Administrator, announced that with the collaborative forces of Law Enforcement, EMS, Fire Service, and Communications the County's Homeland Security exhibit was named the outstanding Multi-Space Exhibit for the state at the South Carolina State Fair this past year.

Mr. Derrick praised Law Enforcement and Fire Service on how well they work together. He said within a two-week period there were seven arson fires and noted by these two departments working together, the suspect was apprehended.

Appointments - Health Services District Board of Directors - Mr. Leon Love - A motion was made by Ms. Summers, seconded by Mr. Davis to reappoint Mr. Love to the Health Services District Board of Directors.

Mr. Rucker opened the meeting for discussion; no discussion occurred.

In Favor: Mr. Rucker Ms. Summers
 Mr. Davis Mr. Derrick
 Mr. Keisler Mr. Jeffcoat
 Mr. Carrigg Mr. Owens
 Mr. Cullum

Health Services District Board of Directors - Vasa W. Cate, M.D. and James D. Whitehead, M.D. - Mr. Davis made a motion, seconded by Mr. Cullum to reappoint Dr. Cate and to appoint Dr. Whitehead as an at-large member on the Health Services District Board of Directors.

Mr. Rucker opened the meeting for discussion; no discussion occurred.

In Favor: Mr. Rucker Mr. Davis
 Mr. Cullum Mr. Derrick
 Ms. Summers Mr. Keisler
 Mr. Jeffcoat Mr. Carrigg
 Mr. Owens

Assessment Appeals Board - Ms. Sabrina S. Rogers - A motion was made by Mr. Keisler, seconded by Mr. Jeffcoat to appointment Ms. Sabrina Rogers to the Assessment Appeals Board.

Mr. Rucker opened the meeting for discussion; no discussion occurred.

In Favor: Mr. Rucker Mr. Keisler
 Mr. Jeffcoat Mr. Derrick
 Mr. Davis Ms. Summers
 Mr. Carrigg Mr. Owens
 Mr. Cullum

Accommodations Tax Advisory Board - Mr. Rucker announced he received a letter from the Tourism Expenditure Review Committee in reference to vacancies on the County's Accommodation Tax Advisory Board and asked the respective Council members to make the necessary appointments as soon as possible.

Chairman's Report - Rotary Club of Lexington - Mr. Rucker announced the Rotary Club of Lexington is celebrating 100 years of civic service worldwide and would like to celebrate this event by donating a 12.5-foot Howard Replica/Seth Thomas post clock to the greater Lexington community. The clock will be placed on the Lexington County Judicial Center grounds at the corner of Highway 6 and Highway 1.

Mr. Jeffcoat made a motion, seconded by Mr. Cullum to accept the 12.5-foot Howard Replica/Seth Thomas post clock from the Rotary Club of Lexington.

Mr. Rucker opened the meeting for discussion; no discussion occurred.

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| In Favor: | Mr. Rucker | Mr. Jeffcoat |
| | Mr. Cullum | Mr. Derrick |
| | Mr. Davis | Ms. Summers |
| | Mr. Keisler | Mr. Carrigg |
| | Mr. Owens | |

Clerk to Council and Assistant to Council - Mr. Rucker announced that Ms. Diana Burnett has assumed the role of Clerk to Council and Ms. Dot Black will be the Assistant to Council.

Library Services - Mr. Rucker stated he and Ms. Susie Hendrix, Chairwoman of the Library Board, discussed the proposals the Board made last year to Council and asked Ms. Hendrix to bring back to Council a detailed proposal within the next two weeks of requested library additions and/or renovations.

Fire Departments - Mr. Rucker asked staff to review the areas that are not within the 5-mile Fire Service protection area for possible fire departments.

In addition, Mr. Rucker stated Mr. Stan Shealy, Mayor of Chapin, has requested that Council look at a possible new fire department for the Chapin area and asked staff to bring back to Council possible sites and costs no later than March 22, 2005.

Mr. Rucker reported that Mr. Butch Spires, former Chairman and member of County Council, had been transported to the hospital but had no additional information.

Administrator's Report - Mr. Brooks stated the new 1-cent sales tax for schools might affect the County's FY 05/06 budget by \$90,000 to \$100,000 of additional taxes for procurement purchases.

Approval of Minutes - Meetings of January 11 and January 25, 2005 - A motion was made by Mr. Derrick, seconded by Mr. Cullum to approve the minutes as submitted.

Mr. Rucker opened the meeting for discussion; no discussion occurred.

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| In Favor: | Mr. Rucker | Mr. Derrick |
| | Mr. Cullum | Mr. Davis |
| | Ms. Summers | Mr. Jeffcoat |
| | Mr. Carrigg | Mr. Owens |

Abstaining: Mr. Keisler

Committee Reports - Justice, S. Davis, Chairman - Revised Request for Computers - Magistrate Court Services - Mr. Davis reported his committee met during the afternoon to discuss a request from Magistrate Court Services for seven (7) computers, monitors, software, fifteen (15)

docking stations, and nine (9) laser printers. The seven (7) computers, monitors and software will be purchased through the Law Enforcement Block Grant at a cost of \$7,119.07. The additional docking stations and laser printers in the amount of \$6,872.61 will be purchased from surplus funds (\$12,203) that were allocated to Magistrate Court Services during the construction of the Oak Grove Magistrate's office. The remainder of \$5,330 will be used to complete additional computer purchases deemed necessary by Magistrate Court Services.

Mr. Davis made a motion, seconded by Mr. Cullum to approve the purchase of seven (7) computers, monitors, and software through the Law Enforcement Block Grant. In addition the surplus funds of \$12,203 from the construction of the Oak Grove Magistrate's office is granted for the purchase of fifteen (15) docking stations and nine (9) laser printers and any additional computer purchases deemed necessary by Magistrate Court Services with the proviso that no line item for computer needs are to be included in their FY05/06 budget requests.

Mr. Rucker opened the meeting for discussion; no discussion occurred.

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| In Favor: | Mr. Rucker | Mr. Davis |
| | Mr. Cullum | Mr. Derrick |
| | Ms. Summers | Mr. Keisler |
| | Mr. Jeffcoat | Mr. Carrigg |
| | Mr. Owens | |

Adult Drug Court Grant Application - Solicitor's Office - Mr. Davis reported his committee met during the afternoon to discuss an Adult Drug Court Grant application from the U.S. Department of Health & Human Services, Substance Abuse and Mental Health Services for third year funding for the Solicitor's office. The grant in the amount of \$300,000 will be used for the salary and fringe benefits of the Project Director, training of court personnel, and drug treatment for the participants in the Drug Court Program.

A motion was made by Mr. Davis, seconded by Mr. Cullum to approve staff's request to move forward with the grant application.

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| In Favor: | Mr. Rucker | Mr. Davis |
| | Mr. Cullum | Mr. Derrick |
| | Ms. Summers | Mr. Keisler |
| | Mr. Jeffcoat | Mr. Carrigg |
| | Mr. Owens | |

Solicitor Myers' Request to Transfer Vehicle - Solicitor's Office - Mr. Davis reported his committee met and discussed a request from Solicitor Myers. Solicitor Myers has asked Council to consider approving the transfer of a 2001 Chevrolet pickup truck that is no longer used in the Clerk of Court's office to the Solicitor's office to be utilized by an employee who is responsible for traveling to area Bond Courts in the County to collect General Session Court documents. Solicitor Myers has agreed to reimburse the federal government \$6,400 for the truck, which was purchased

through the Clerk of Court's office with federal funds, and has assured that his office will comply with all vehicle accounting regulation requirements. In addition, it was reiterated that this request did not include the continuation of a vehicle if the truck became disabled.

Mr. Davis made a motion, seconded by Mr. Owens to approve the transfer of the 2001 Chevrolet pickup truck from the Clerk of Court's office to the Solicitor's office. Mr. Davis stated the Solicitor's office will be responsible for reimbursing \$6,400 to the federal government and will comply with all vehicle accounting regulation requirements. In addition, the approval does not include the replacement of the vehicle should it become disabled.

Mr. Rucker opened the meeting for discussion.

Mr. Cullum stated he understood Mr. Davis' motion to indicate that should this vehicle become too costly to operate or inoperable at any time, we have no intentions of replacing this vehicle in the Solicitor's office. Mr. Cullum said he does not believe that to be true. He continued to say from past history the Solicitor's office has failed to comply with information requested by the County on vehicle usage and feels comfortable that when this vehicle becomes inoperable, it will be another replacement, therefore, he would not support this request. In addition, he feels there are ample vehicles assigned to the Solicitor's office that can be used by the employee assigned to collect up documents from the area Bond Courts.

In Favor: Mr. Rucker Mr. Owens
 Ms. Summers Mr. Keisler
 Mr. Jeffcoat Mr. Carrigg

Opposed: Mr. Derrick Mr. Davis
 Mr. Cullum

Health & Human Services, J. Carrigg, Jr., Chairman - DHEC - EMS Grant-in-Aid - Public Safety/EMS - Mr. Carrigg reported his committee met to discuss an EMS Grant-in-Aid for Public Safety/EMS. The grant in the amount of \$3,325.41 is for Gold Cross Ambulance Service to purchase equipment to be used in the enhancement of their new training program. There are no matching funds required by the County. The state will provide \$3,142.51 with Gold Cross Ambulance being responsible for the \$182.90 in matching funds.

Mr. Carrigg made a motion, seconded by Mr. Owens to approve the grant request.

Mr. Rucker opened the meeting for discussion; no discussion occurred.

In Favor: Mr. Rucker Mr. Carrigg
 Mr. Owens Mr. Derrick
 Mr. Davis Ms. Summers
 Mr. Keisler Mr. Jeffcoat
 Mr. Cullum

Public Works, B. Derrick, Chairman - SC Pipeline Easement Request - Public Works - Mr. Derrick reported the Public Works committee met on Tuesday, January 25, 2005 to consider a request from SC Pipeline Corporation for a fifty-foot by fifty-foot (50' x 50') easement on County-owned property, Irmo Fire Station Headquarters.

Mr. Fechtel, Director of Public Works, stated the purpose of the easement is to install a mainline valve and metering station to serve SCE&G with natural gas. He added the twenty-five foot (25') easement already exists, therefore the easement would actually be twenty-five feet by fifty feet (25' x 50').

The Committee voted to recommend to full Council that the easement be approved.

Mr. Derrick made a motion, seconded by Mr. Cullum to approve the SC Pipeline easement request contingent upon the County attorney's approval.

Mr. Rucker opened the meeting for discussion.

Mr. Carrigg asked, where is the easement located?

Mr. Derrick replied, North Lake Fire Station; the power line/gas line easement.

Mr. Carrigg stated he had no problem with the request.

Mr. Derrick noted staff has talked with the Irmo Fire Department to make sure that they did not have any objection to the requested easement.

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| In Favor: | Mr. Rucker | Mr. Derrick |
| | Mr. Cullum | Mr. Davis |
| | Ms. Summers | Mr. Keisler |
| | Mr. Jeffcoat | Mr. Carrigg |
| | Mr. Owens | |

Committee of the Whole, B. Rucker, Chairman - SCDOT Recommendations - Match Program - Public Works - Mr. Rucker stated the Committee of the Whole met on Tuesday, January 25, 2005 to discuss the prioritized SCDOT recommended list of state roads in Lexington County to be resurfaced. Currently the list consists of 15 roads.

Mr. Fechtel, Director of Public Works, stated currently the County has \$576,000 available in "C" Funds and \$576,000 from SCDOT match for a total of \$1,152,000. However, by letter dated January 27, 2005 from SCDOT, an additional \$49,782 in matching funds has been offered to the County to be used for resurfacing. This will increase the County's portion to \$625,782 making the total project worth \$1,251,564.

The committee voted to recommended that Council approve the SCDOT prioritized list and

resurface as many roads as possible until funds have been depleted.

Mr. Rucker asked for a motion.

Mr. Davis made a motion, seconded by Mr. Cullum to approve the committee report.

Mr. Rucker opened the meeting for discussion.

Mr. Cullum asked Mr. Fechtel to come forward to answer questions.

Mr. Cullum asked, if the County is able to complete the first six roads from the 15 roads listed, can Council expect the remainder of the roads to progress in the current rank order.

Mr. Fechtel replied, for normal circumstances that should be true. However, due to unexpected wear and tear of a road due to heavy truck traffic over the next year and depending on the weather, there may be another road that will need to be added. He stated this list was generated by SCDOT and prioritized by them but felt comfortable that Council could expect to see if roads one through six were completed this year, we could expect the remainder of the roads to progress in the current ranking order.

Mr. Cullum stated without any extenuating circumstances, Council can fairly well understand that after the last road has been completed with the current funding, the roads following in rank order will continue as funding is available with any additional roads being added to the end.

Mr. Fechtel replied, it would be at Council's discretion. However, he said should SCDOT make a recommended list next year that included variances to this SCDOT recommended list, Council would have the authority to continue with the present list or make changes if deemed necessary.

Mr. Derrick asked if the motion included the additional \$49,782 in matching funds from SCDOT.

Mr. Rucker replied, yes sir. It was part of the committee report.

Mr. Rucker asked if there was further discussion; none occurred.

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| In Favor: | Mr. Rucker | Mr. Davis |
| | Mr. Cullum | Mr. Derrick |
| | Ms. Summers | Mr. Keisler |
| | Mr. Jeffcoat | Mr. Carrigg |
| | Mr. Owens | |

Delinquent Child Support Update - Clerk of Court - The Honorable Beth Carrigg announced proudly that her office collected \$90,000 in delinquent child support today and said that does not include the fees or fines.

Mr. Carrigg asked what was the prior one day record?

Ms. Carrigg replied, I don't know how much we collected last week, I ruled in 100. This week I ruled in 149. I don't know about you, but I feel real good about that. There are a lot of families out there who got money today.

Council applauded Ms. Carrigg on a job well done.

Executive Session/Legal Briefing - A motion was made by Mr. Owens, seconded by Mr. Cullum to go into Executive Session to receive the legal briefing and to discuss personnel matters.

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| In Favor: | Mr. Rucker | Mr. Owens |
| | Mr. Cullum | Mr. Derrick |
| | Mr. Davis | Ms. Summers |
| | Mr. Keisler | Mr. Jeffcoat |
| | Mr. Carrigg | |

Mr. Rucker reconvened the meeting in open session.

Matters Requiring a Vote as a Result of Executive Session - Chairman Rucker reported Council received the legal briefing, discussed personnel matters during the Executive Session and indicated there were no motions to be considered.

Mr. Rucker announced that Mr. Owens would be excused at 6:30 to attend a prior engagement.

Prior to the public hearings, Chairman Rucker read the guidelines for participation.

6:00 P.M. - Public Hearings - Ordinance 04-11 - Approving the Fee in Lieu of Tax Agreement Between Lexington County and Nucor Corporation - This is an ordinance authorizing the execution and delivery of a lease-purchase agreement by and between Lexington County, South Carolina, as lessor, and Nucor Corporation, as Lessee, with respect to the construction of certain modifications and improvements to Nucor Corporation's manufacturing facility for metal buildings and components, whereby the County will accept title to such modifications and improvements, the modifications and improvements will be subject to certain fee payments in lieu of taxes and the modifications and improvements will be reconveyed to Nucor Corporation under certain conditions; and other matters related thereto.

Mr. Rucker opened the public hearing.

No comments, in favor or against, were received.

Mr. Rucker closed the public hearing.

Zoning Map Amendment M04-07 - 8065 Irmo Dr., SE Corner of Irmo Dr. - Mr. Bruce Hiller,

Development Administrator, Community and Economic Development, presented the information on M04-07. Mr. Hiller stated the request is to change the zoning classification from Development (D) to General Commercial (C2). He stated the reason for the request as per the applicant, Mr. Arnold Roberts, agent for Tom Fleming of Regency Center, is to meet the expanding residential growth and demand; retail development is necessary for the expanding residential growth in the Highway 6 corridor. Mr. Hiller gave a history of prior zoning requests and reviewed the maps and area by using a Power Point presentation.

Mr. Hiller noted the conceptual drawing presented by the applicant with the current buffer and setback from the building to the property line as shown would not meet current zoning requirements for this type of activity, therefore, the applicant would have to appear before the Board of Zoning Appeals to ask for a variance for a decrease in buffers and setbacks.

Mr. Rucker opened the public hearing for comments from those in favor.

Jake Moore, Atty., 116 Nursery Ridge Lane, Columbia, SC 29212 - Mr. Chairman this is my first opportunity to appear before you in the new Chamber and I want to commend Council on just how absolutely beautiful this is.

I am here tonight to speak in favor of the change. I do represent Regency Centers; I am the attorney for Regency. I would note that I own seven pieces of residential property in the general vicinity so I actually have a vested interest and I would assume that my home is about four to five miles from this location.

My clients basically have a contract to purchase the three pieces of property in question which is contingent upon the zoning. The property is currently zoned D, as you know, which is a transitional type zone. There are a large number of uses that could be made of the property right now i.e. mobile homes, high density residential, animal clinics, and nursing homes. So the question is, not if the property is going to be developed, it's a question how is the property going to be developed. And certainly, as we all know, this corridor is having a lot of changes right now with the road and dam changes and as our County continues to grow.

The three parcels will be combined and the structure you saw is contemplated to be and at this time contracted to be a Walgreen's Drug Store. The other parcel behind it, there is not an actual known use for it, but it is expected to be used for commercial but compatible with the area.

I am proud to say that my client has done its homework. My client has had very civil and reasonable discussions with the neighborhood homeowners' association and I believe that we have reached, and actually have reduced to writing, an agreement in principle where the developer has agreed to make various accommodations to the neighborhood which I believe the homeowners' association has found to be acceptable. This would include buffering, landscaping, a financial contribution toward the homeowners' association to help with some of their landscaping, and an agreement as to the type of facility which would be located there. We have agreed to file a set of restrictive covenants to ensure that you won't have a convenience store, 7-Eleven or something of that nature. We agree to

file in those covenants restrictions in regard to the lighting to make sure the lighting does not become a problem with the adjacent landowners. There are a number of items which are already in writing and there has been, like I said, assuming that we are fortunate enough to secure a zoning change, there are a number of agreements that we have entered into which are certainly rational and, I think any reasonable developer would agree to something of this nature. So the restrictive covenants would be placed on record at the same time that we receive the deed.

I am certainly available to answer any questions and I thank you for listening.

Robert Reed, 301 Reed Ave., Lexington, SC 29072 - I just wanted to go on record as being in favor of this project.

Jean Reed, 301 Reed Ave., Lexington, SC 29072 - Mrs. Reed concurred with Mr. Reed's comments.

Tom Fleming, Regency Centers, Jacksonville, Fla. - Thank you. I am Tom Fleming, Vice President of Regency Centers, who are the contract purchasers of two of the three pieces as Jake indicated. The third piece we actually already own.

I want to point out that we realize that we have a unique shaped piece of dirt that is going to be developed and for that reason, we have tried early in the process to get with the folks behind this property because certainly they are critical to something being developed here and certainly being developed successfully that would be an asset for the area.

We were asked by the retailer to pursue this site. Contrary to popular opinion, as a developer, we do not choose unzoned sites only to wish to build on, unfortunately it does seem sometimes that it may come across that way, it is not our objective. We will continue to work with the association and the neighbors. The President of Regency Centers and I spoke before the meeting and I think we will be in the position within the next two or three weeks to have something more formal; we hope certainly within 30 days all the parties including the commissioners could rely on. We would have at least an agreement and look forward to that.

Tom Allen, 8063 Irmo Dr., Columbia, SC 29212 - Good afternoon gentlemen. I own that piece of property and I am in favor of this.

Opposed

Tom Reed, 221 E. Passage, Columbia, SC 29212 - My house sits right behind this piece of property. If you look at the map, it only shows 11 ½ feet from the corner of the building to the buffer and there is a lot of things on the map that just doesn't make a lot of sense. The buffer, the tree, the tree situation, and the tree line. I am really opposed to them putting a big building like that behind my yard.

Gail Reed, 221 E. Passage, Columbia, SC 29212 - We get a lot of road noise now that Publix is there. All the neighbors don't get the road noise that we do. I don't see how they can leave the

existing trees, they are too big and once they start tearing up the land for their parking, it's going to make them fall down and it won't be any real buffer. A six foot fence is not a buffer to a building that is at least 20 feet tall. We have looked at the one in Lexington and we can't imagine having something like that towering over our backyard, something for us to look at. We will have the noise from delivery trucks and people coming off the road. We are opposed to having it developed. We have looked at the buffer situation and we just can't see that tall of a building in our backyard. It is good that they want to do things for the subdivision and help the subdivision but everybody in the subdivision doesn't live with a building that is going to be in their backyard.

Danny Assemany, 8043 Irmo Dr., Columbia, SC 29212 - My property borders the future development and I am against it. However, if it does go through, there are certain things that I would like met and that would be a privacy fence of at least eight feet high to ensure my privacy and the value of my property. A ten-foot buffer zone which they have talked about. A lot of this has been talked about before and I am pretty much going over the same thing. Directional lighting so it is not shining on my property. I just want to be on record as opposing it.

Mr. Owens had to leave due to a prior commitment.

Judith Nevergoll, 124 E. Passage, Columbia, SC 29212 - I live in the Sandhurst subdivision and I am the president of the homeowners' association. I want to say basically that our homeowners are interested in maintaining and increasing their property values. We are interested in maintaining the appeal of our neighborhood. We are concerned that more development will cause traffic congestion, trash along the highway, and people trespassing over private property to get to these establishments. We are concerned about the type of businesses that could be located against these four homes in the vicinity of our subdivision. We are concerned about adequate buffer zones, the lights at night, and the sounds at all times of the day.

On Monday the homeowners' association sent the developer a list of conditions that must be met before we could withhold our objection to this development. Today the developer responded that he found our requests reasonable and he believes that he can accomplish these. He stated that he is willing to work out an enforceable agreement to our satisfaction.

I know there are many homeowners in our subdivision who are opposed to this and it is going to be hard to please everyone, especially the people whose homes back up directly against this development. I do notice that the building is very close to the fence and I believe they want to put a drive-through pharmacy, and the drive-through is on the left side of the building, so there is going to be a lot of traffic coming back close to the fence if they do put it that close. I think the dumpsters are on the back of the building, too, which is going to be noisy when they come to empty those dumpsters so we are very concerned about the noise, the sound, and the lights. We are in discussion with the developer and we do hope to come to some kind of an agreement if this rezoning does come to pass.

Bruce Keating, 137 Copper Ridge Rd., Columbia, SC 29212 - I live in the Sandhurst subdivision. I concur with Judith that I would like to withhold a total opposition to this until there can be a legal

agreement as to what the developer is going to provide.

Lisa Keating, 137 Copper Ridge Rd., Columbia, SC 29212 - I live in the Sandhurst subdivision. I would also like to concur with Judith. I cannot agree with this, I have to stand in opposition until such time as we have a legal binding agreement with the developer.

Mr. Rucker closed the public hearing.

Zoning Map Amendment M04-09 - 5466 Bush River Rd. - Mr. Bruce Hiller, Development Administrator, Community and Economic Development, presented the information on M04-09. Mr. Hiller stated the applicant, Mr. David Smith is requesting the current zoning be changed from Development (D) to General Commercial (C2). He stated Mr. Smith indicated on the application the reason for the request is that all properties that surround the property on Bush River Road are already zoned commercial and this amendment would greatly increase the marketability of my property in the future. It would also allow for additional activities as opposed to the limited allowances of development districts.

Mr. Hiller stated the original application, as staff understood it from the applicant, included approximately 14 ½ acres. However, a letter received from the applicant on February 2, indicated it was not the applicant's intent to include the portion across Wescott Road (the portion between Wescott Road and the railroad right-of-way), which would reduce the amended area to approximately 11 ½ acres. Mr. Hiller reviewed the maps and area by using a Power Point presentation.

Mr. Carrigg asked, what is the current use of the property now?

Mr. Hiller replied, a nursery; Apple Tree Nursery.

Mr. Rucker opened the public hearing for comments from those in favor.

David Smith, 5466 Bush River Rd., Columbia, SC 29212 - When I went to purchase this property behind us, I went to the County and noticed that the zoning on our current property was zoned D and all the neighbors were C2 and I thought it had always been C2 so I applied to have this hearing to have our former property changed to meet with all the other ones. Since the deal went through on the land, I would also like to have, as a second request, the property that adjoins our property at Apple Tree behind us so we can expand our operations.

I talked with Robbie Derrick at the Planning Commission (Zoning office) and he suggested to me that on the other side of the railroad tracks to disqualify that area because it was a residential area and I fully agree with him and at that time I thought he was also including the property on the other side of Wescott, which has some houses in that area. But, I noticed when the signs came out, that it was not included so I called and sent the letter that was shown. I just want to make sure that the area on the other side of Westcott is not included.

The property behind Apple Tree, I want to try to get that rezoned because it is not really accessible. It is a steep hill that goes down to the pond and it's not really conceivable to put houses on that. So the best use would be probably some sort of development, like we are doing now. I am in favor.

Opposed

Lee Williams, 5659 Wescott Rd., Columbia, SC 29212 - My wife and I reside at 5659 Wescott Road, which is just adjacent to one of the tracts that was originally requested to be zoned as C2 and I signed up to be opposed because there was not one that says "middle ground" but originally before the change came through to not rezone the property on the westside of Wescott Road, which borders directly my residence, I was concerned and opposed. In talking with some of the residents around the area, I think word got back to Mr. Smith and then he made the change so everybody is not so much concerned about that now. But, since I am here, I want to point out some things in this process that may not have come to light so far.

Wescott Road, I have lived there for over twelve years and some of the other residents around there over thirty. The important thing here is that Wescott Road has seen a dramatic increase in traffic in the last eight years because of being a back way to Columbiana Mall. My house is well back off the highway. It fronts on Wescott Road and goes all the way back to the railroad and it borders directly with the tracks on the westside of Wescott Road. I have no problem whatsoever with Mr. Smith wanting to change the one on the eastside to commercial and use that for increasing his nursery business, but myself as well as the other residents, would be highly concerned about future use of that being commercial because of the change in the traffic pattern and the noise. Mr. Smith told me personally he was going to use that for residential development now on the eastside which adjoins my property and I have no problem with that. I am not opposed but there would be some concerns later down the road if it would be requested again to be rezoned C2.

Mr. Carrigg stated the request is for a different use other than the nursery because D would accommodate a nursery, correct?

Mr. Hiller replied, yes sir, D does allow that.

Mr. Carrigg asked whether Mr. Smith is operating outside his zoning.

Mr. Hiller replied it is his understanding that it appears that his current activity is limited to the parcel fronting Bush River Road and he has purchased or in the process of purchasing property fronting Wescott Road that would also be allowed with the current activity.

Mr. Carrigg said there was a comment made that Mr. Smith wanted to expand his nursery in the back resulting in this request.

Mr. Hiller replied, he can do that.

Mr. Carrigg asked, can he expand the nursery with it being rezoned?

Mr. Hiller replied, yes sir.

Mr. Rucker closed the public hearing.

Zoning Map Amendment M05-01 - 6172 Bush River Rd. - Mr. Bruce Hiller, Development Administrator, Community and Economic Development, presented the information on M05-01. Mr. Hiller stated the application is to change a portion of 6172 Bush River Road from a High Density (R3) to Low Density Residential (R1) that has been requested by staff. Mr. Hiller stated this amendment was the result of a compromise with the adjoining property owners. The reason for the request is to rezone the portion of Selwood (Rothstein property) as shown on map amendment application M04-06 as R3 to R1 in order to serve as a compromise between the property owner (Rothstein) and adjoining property owners in Brittany Place subdivision and Brittany II subdivision. Mr. Hiller stated the amendment is for approximately 10 acres.

Mr. Hiller stated as a compromise Map Amendment M04-06, which is a request to rezone to C2, is currently in committee waiting for Map Amendment M05-01 to catch up with it with the intent that they should both proceed forward together. The intent of these two map amendments is for the protection of the residents in the subdivisions that surround the rear of the property.

Mr. Hiller gave a history of prior zoning requests and reviewed the maps and area by using a Power Point presentation.

Mr. Rucker opened the public hearing for comments from those in favor.

J. Rothstein, 6172 Bush River Rd., Columbia, SC 29212 - Thank you Mr. Chairman. I've been up here before you folks before, and I will keep my comments brief this time.

There has been an ongoing effort to rezone a compromise between the owners of Selwood, ourselves, and our neighbors in the Brittany subdivisions. This ongoing discussion for a compromise has occurred since a council meeting in December 2003 which Council recommended that the parties involved try to seek a compromise of rezoning.

The present zoning map amendment M05-01 in conjunction with the already pending zoning map amendment M04-06 will finally bring about this compromise. Credit for this compromise and the coordination of the two amendments belong to the County Council and the County Planning and Development Department for their efforts, many folks are appreciative.

I hope this compromise will establish good relationships again between us and our Brittany neighbors. And finally, I would like to thank Councilman Jeffcoat for holding this compromise together and keeping it on track. My family looks forward to accomplishing our vision for Selwood's future and to retain its special charm and historic character. The final product will be a desirably unique and beneficial effort to our community.

C. Rothstein, 6172 Bush River Rd., Columbia, SC 29212 - Mrs. Rothstein concurred with Dr.

Rothstein's comments.

David Parr, 3117 Wilmot Ave., Columbia, SC 29205 - I am the Rothstein's engineer and land planner. I just want to point out the land uses that the Rothsteins are giving up by this rezoning. They are giving up mobile homes; residential attached, two units; nursing homes; child or adult care facilities; and cemeteries.

David Rothstein, 4220 Blossom St., Columbia, SC 29205 - I would like to reiterate my father's words of appreciation to Councilman Jeffcoat and the staff of the Planning Department here at Lexington County for their assistance in moving this compromise forward. I would also like to thank Councilman Carrigg for planting the seed for this idea of down zoning the residential portion to R1 at the previous public hearings. That is really what we intend to do with that development and hopefully will give the residents of the two subdivisions some comfort level with that. And, of course, I would like to thank the residents of Brittany II and Brittany Place who finally agreed to this compromise. We hope that the spirit of cooperation that led to this compromise will continue as we move forward with the development. As we mentioned before, we are committed to working with the neighborhoods to ensure that this project will enhance the value of the area and will be something that everyone could be proud of. Finally, I would like to, this is again our first effort at doing a development, extend an open door policy to the neighbors in Brittany II and Brittany Place as we go through this process. If they have any suggestions, comments, or questions, they are free to contact me at any time. My work telephone number is in the phone book and I will make my business card available after the meeting tonight that has my e-mail address and work number on it. Thank you.

Opposed

Jack Cullipher, 236 Doulton Way, Columbia, SC 29212 - Mr. Chairman and the distinguished members of Council, I guess I'm up here for nothing because I heard that I have already agreed to the changes.

I do welcome the plan and the changes that they have made, although we still have concerns. We have not been informed that an agreement had been met; I'm not the only one. There are several more neighbors back there that probably may not speak. But we can live with what they are proposing except I don't know where this C2 project is going. You've got six acres of land up front, don't know where the lines are on that yet. Would like to know more about where that is.

Also our concern has to do with The last time we met we talked a lot about the pond which I have a fairly good share on my property. That pond is orange in your pictures and that is due to our County engineering and our smart development people here of diverting water from the highway and these projects onto our lands that are privately owned. Seven-tenths of an inch of rain has occurred just before they took that picture last time that turned that pond orange. That's from our engineering department and people who are suppose to be protecting those property owners. Not Dr. Rothstein's responsibility but our responsibility as county government and county residents, and so we are not being protected here.

The other thing is since Brittany II has been developed over 16 or 17 years ago, if we take about a

12- year average of 56 homes, we have \$1,600,000 of taxes we have paid. We have tried for the past two years to get a street paved in there. Our street is crumbling. Although Mr. Jeffcoat, last time I was on your street, ours is not as bad as yours, unless yours has recently been paved. If you can't get yours paved, we are way down the road from you I can see that. But we are developing, gentlemen, more and more property and we are adding more to our traffic congestion and our infrastructure is not meeting the needs. So I am asking you, why do we keep adding developments and adding more houses and more people when we are not taking care of the infrastructure needs. I think this is enough reason to be opposed to any project, not Dr. Rothstein's; he is a good neighbor, I think. I haven't sat on his front porch with him yet and had any tea, but he appears to be a good neighbor. Our problem is with the county government approving these additional residential and commercial developments but not the infrastructure to take care of us. That pond I am talking about, in 1993 when I moved here, you could get in a boat, go into that pond to where the spillways come in, take a boat paddle and stick it up to your armpit and not touch the bottom. Today you can't paddle a boat in there from the sediment that has come in there from our county government and our engineering department. They will not come out and clean it out; will not defend us. They laugh and say it's your problem now. So that's the reason I'm opposed to it.

Mr. Hiller at our last meeting threatened to use eminent domain and running utilities to it. This is a private project. This is not a government project or a public project. I don't see eminent domain fitting into this situation at all. So I'm more opposed to the way we are handling things from our development in this issue than I am from Dr. Rothstein. Thank you for listening to me and keep doing the good work that you are doing.

Betty Cullipher, 236 Doulton Way, Columbia, SC 29212 - Mrs. Cullipher concurred with Mr. Cullipher's comments.

Tom Palmer, 216 Doulton Way, Columbia, SC 29212 - I was also sort of misinformed and I've changed to being in favor of this. My only concern was just where the lines were going to fall. But, I am satisfied with the way things worked out.

Fred Rogers, 320 Sharebrook Lane, Columbia, SC - Mr. Chairman, Council I was misinformed also. So after hearing Dr. Rothstein and some other people speak, I don't oppose it anymore. But, there are some concerns that I object to.

Mr. Rucker closed the public hearing.

Mr. Jeffcoat asked Mr. Jack Cullipher to meet with Dr. Rothstein and work out any questions that he may have. He also assured Mr. Cullipher that he would be available to attend the meeting if needed. Mr. Jeffcoat said if there are any major issues, please contact him as he needs to know about them. He said it appears things are coming together for everyone.

Budget Amendment Resolutions - The following BARs were distributed and signed.

An appropriation transfer of \$31,798 from unclassified to hire a new director of Economic

Development and to fund operating expenses for 9.9 pay periods.

An appropriation transfer of \$72,609 to appropriate funds for new positions in Fire Service as requested in last year's annual budget. Funding for these positions was deferred until this action and is to be taken from the Fire Service salary and Wage adjustment account. The positions were formally approved but frozen until Council decides otherwise.

An appropriation transfer of \$1,709 and an appropriation transfer of (\$7,359) to appropriate funds for the purchase of seven (7) computers in Magistrate Court Services to enable the processing of applications mandated by SC Court Administration.

An appropriation transfer of \$12,203 to appropriate funds for the purchase of nine (9) laser printers and fifteen (15) docking stations for Magistrate Court Services.

A supplemental appropriation increase of \$16,857 as Public Works has a contract agreement with SCDOT to assist in snow removal. Reimbursement is for labor, meals, and use of County equipment.

A supplemental appropriation increase of \$3,143 from an EMS Grant-in-Aid award from SC DHEC to Gold Cross Ambulance Service (GCAS). This will be processed as a pass-thru grant from DHEC to GCAS by the County of Lexington. GCAS will submit copies of their invoices for the purchase of equipment to Lexington County and the County will request the reimbursement from DHEC.

Old Business/New Business - None.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Diana W. Burnett
Clerk

Bruce E. Rucker
Chairman