

M I N U T E S  
LEXINGTON COUNTY COUNCIL  
FEBRUARY 10, 2009

Lexington County Council held its regular meeting on Tuesday, February 10, 2009 in Council Chambers, beginning at 4:30 p.m. Ms. Summers presided.

Reverend Ron Pelfrey, Associate Chaplain at Lexington Medical Center and Interim Pastor of Providence Church in Lexington, gave the invocation.

The Gilbert High School Concert Choir let the Pledge of Allegiance. As a special treat, the Choir performed a spectacular rendition of the Star Spangled Banner.

Members attending:	Debra B. Summers	James E. Kinard, Jr.
	William C. Derrick	George H. Smokey Davis
	Bobby C. Keisler	Johnny W. Jeffcoat
	John W. Carrigg, Jr.	William B. Banning, Sr.
	M. Todd Cullum	

Also attending: Katherine Hubbard, County Administrator; Joe Mergo, III, Deputy County Administrator; Larry Porth, Finance Director/Assistant County Administrator; John Fechtel, Director of Public Works/Assistant 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.

**2008 Safety Achievement Award Presented by John Henderson, SCAC Risk Manager-** Mr. Henderson presented two Safety Achievement Awards that Lexington County received during the South Carolina Counties Workers' Comp Trust annual conference on January 21.

Lexington County received the awards for its documented reduction in strain related injuries in EMS through the purchase and deployment of power-lift stretchers and advanced design stair chairs and for its implementation of an employee wellness and physical fitness program.

**Lexington High School Economic Class** - Ms. Summers recognized students from Lexington High School attending as part of their economic class assignment.

**Chairman's Report** - Ms. Summers reported she recently participated in a video for the Good to Great Program and reminded Council of the West Metro Chamber of Commerce Mayor's breakfast scheduled for Wednesday, February 11.

**Council Members' Activity** - Mr. Derrick reported he and Ms. Summers attended the Lexington County Farm Bureau Legislative Breakfast on Wednesday, February 4 and said the lobbyist from the Farm Bureau wanted Council to know how much they appreciate the way in which Lexington County Council conducts business in its effort to make rural and urban areas work together. He said they use Lexington County as their model in other counties.

Mr. Kinard reported that he participated in the swearing in ceremony of Troy Bivens, the new mayor of Swansea.

Mr. Banning reported he and Chuck Whipple, Sr. Manager of Economic Development, attended the West Metro Development Corporation Board Meeting. He said there are a lot exciting things going on, both on the state level and in Lexington County. Mr. Banning noted that Lexington County had \$265 million in announced projects in 2008, which resulted in nine projects with 981 jobs. He said over half of the jobs and roughly 70 percent of the investment have not even begun and reported that Home Depot is moving forward with its \$25 million investment that will produce 300 jobs.

**Mayor Randy Halfacre** - Ms. Summers recognized Mayor Randy Halfacre, Mayor of the Town of Lexington.

**Administrator's Report - Katherine Hubbard, County Administrator - President's Day** - Ms. Hubbard announced the County Administrative offices will be closed Monday, February 16 in observance of President's Day.

**Controlled Burns** - Ms. Hubbard reported there are a number of controlled burns in Aiken and Orangeburg Counties that is causing a lot of smoke in Lexington County and did not want Lexington County citizens to be alarmed.

**Appointments - Board of Zoning Appeals - J. R. Caughman** - A made a motion was made by Mr. Derrick, seconded by Mr. Jeffcoat to appoint Mr. J. R. Caughman to the Board of Zoning Appeals. Mr. Caughman replaces Mr. Michael Reed.

Ms. Summers opened the meeting for discussion; no discussion occurred.

In Favor:	Ms. Summers	Mr. Derrick
	Mr. Jeffcoat	Mr. Kinard
	Mr. Davis	Mr. Keisler
	Mr. Carrigg	Mr. Banning
	Mr. Cullum	

Mr. Jeffcoat asked the status of the Central Midlands Transit Authority regarding Lexington County having appointments on the Board.

Ms. Summers asked Ms. Hubbard to look into the status of the Transit Authority and report back to Council.

**Bids/Purchases/RFPs** - A motion was made by Mr. Keisler, seconded by Mr. Kinard that the following Bids/Purchases/RFPs (Tabs L - O) be approved.

**Chapin Public Works Office and Shop - Building Services** - Competitive bids were solicited for the Chapin Public Works office and shop. The project will consist of building an approximate 2,000 sq. ft. building, providing a concrete foundation, and cutting the roof penetration for plumbing ventilation. Eight (8) bids and three (3) no bids were received. Staff recommended the award of the bid to the lowest bidder, Lindler Construction Company, Inc. Total cost, including tax, is \$49,226.

**Radio Control Assembly - Sheriff's Department** - Staff recommended the purchase of a radio control assembly for the Sheriff's Department from GSA (General Services Association) through Contract Number GS-07F-0538M. Total cost, including tax, is \$58,682.01.

**Roadway Improvements to Jim Rucker Road - Public Works** - Bids were solicited for roadway improvements to Jim Rucker Road. The project consists of paving and construction of approximately 13,000 LF of Jim Rucker Road and provide storm drainage. Fifteen (15) bids were received. Staff recommended the award of base bid with Option "A" to the lowest bidder, CBG, Inc. Total cost for the project is \$808,153.40.

**Taylor Road Improvements Project - Public Works** - Bids were solicited for roadway improvements to Taylor Road. The project consists of paving and construction of approximately 2,450 LF of Taylor Road and installation of sidewalks. Fourteen (14) bids were received. Staff recommended the award of the bid to Newman Construction, Inc. Total cost of the project is \$504,122.80, which \$267,000 has been appropriated in "C" Funds. The approval of the project is contingent upon receiving the balance (\$237,122.80) from the City of Cayce and/or the developer of the adjacent Concord Park subdivision.

Ms. Summers opened the meeting for discussion; no discussion occurred.

In Favor:	Ms. Summers	Mr. Keisler
	Mr. Kinard	Mr. Derrick
	Mr. Davis	Mr. Jeffcoat
	Mr. Carrigg	Mr. Banning
	Mr. Cullum	

**Approval of Minutes - Meeting of January 13, 2009** - A motion was made by Mr. Banning, seconded by Mr. Davis to approve the January 13, 2009 minutes as submitted.

Ms. Summers opened the meeting for discussion; no discussion occurred.

In Favor:	Ms. Summers	Mr. Banning
	Mr. Davis	Mr. Kinard
	Mr. Derrick	Mr. Keisler
	Mr. Jeffcoat	Mr. Carrigg
	Mr. Cullum	

**Committee Reports - Health & Human Services, J. Jeffcoat, Chairman - Burton Center - Resolution - Designation for Burton Center to Obtain Funds to Transport Persons with Disabilities and Special Needs Through the State Mass Transit Assistance Program** - Mr. Jeffcoat reported the Health & Human Services Committee met on January 27 to consider a request from the Burton Center to approve a resolution to assist them in applying for a FTA grant through the SC Department of Mass Transit. The grant will be used to purchase a bus to transport individuals with disabilities and special needs.

Mr. Jeffcoat made a motion, seconded by Mr. Banning to approve the resolution.

Ms. Summers opened the meeting for discussion; no discussion occurred.

In Favor:	Ms. Summers	Mr. Jeffcoat
	Mr. Banning	Mr. Kinard
	Mr. Derrick	Mr. Davis
	Mr. Keisler	Mr. Carrigg
	Mr. Cullum	

**Ordinance 08-16 - An Ordinance to Amend the Lexington County Code of Ordinances, Chapter 14, Building and Building Regulations; by Adding a New Article Therein for the Purpose of Establishing Regulations and Requirements Related to Smoking in the Retail Food Establishments in the Unincorporated Areas of Lexington County** - Mr. Jeffcoat made a motion, seconded by Mr. Keisler to take off the table Ordinance 08-16 as amended and refer back to Committee.

Vote to take off the table:

Favor:	Ms. Summers	Mr. Jeffcoat
	Mr. Keisler	Mr. Kinard
	Mr. Derrick	Mr. Davis
	Mr. Carrigg	Mr. Banning
	Mr. Cullum	

**Public Works, D. Summers, Chairman - Norfolk Southern Railroad** - Mr. Cullum reported the Public Works Committee met earlier during the day to review and consider approving the Norfolk Southern Railroad Agreement and the expenditure of \$28,567 to cover the cost of work performed by Norfolk Southern to widen and improve the public crossing to enable the paving of Dogwood Road. The committee voted in favor to recommend to full Council for approval.

Mr. Cullum made a motion, seconded by Mr. Keisler to approve the Norfolk Southern Railroad Agreement and the \$28,568 expenditure.

Ms. Summers opened the meeting for discussion; no discussion occurred

In Favor:	Ms. Summers	Mr. Cullum
	Mr. Keisler	Mr. Kinard
	Mr. Derrick	Mr. Davis
	Mr. Jeffcoat	Mr. Carrigg
	Mr. Banning	

**Solid Waste, J. Jeffcoat, Chairman - Palmetto Pride Community Pride Grant Award** - Mr. Jeffcoat reported the Solid Waste Committee met during the afternoon to consider the acceptance of the Palmetto Pride Community Pride Grant in the amount of \$6,000, which required no County match. The grant will be used to purchase tarp for residents when transporting household garbage to the County's Recycling Centers. The Committee voted in favor to recommend to full Council for approval.

Mr. Jeffcoat made a motion, seconded by Mr. Kinard to accept the Palmetto Pride Community Pride Grant award in the amount of \$6,000.

Ms. Summers opened the meeting for discussion; no discussion occurred.

In Favor:	Ms. Summers	Mr. Jeffcoat
	Mr. Kinard	Mr. Derrick
	Mr. Davis	Mr. Keisler
	Mr. Carrigg	Mr. Banning
	Mr. Cullum	

**Tire Disposal Program** - In addition, Mr. Jeffcoat reported the Solid Waste Committee met on Tuesday, January 27, 2009, to discuss the County's Tire Disposal Program. Below is the January 27<sup>th</sup> Committee report.

Mr. Dave Eager, Solid Waste Management Director, reviewed the County's existing tire disposal program and presented staff's recommendations for alternatives. The current program charges residents a fee of \$1.50 per tire which must be delivered to the Edmund Landfill. He presented the following three alternative tire disposal proposals:

**Alternative I** - Continue to receive tires at the Edmund Landfill and eliminate the \$1.50 per tire fee for homeowners only. Commercial delivery of tires would continue to be charged the handling fee. Cost: \$15,200 (plus an additional \$90 per 100 tires collected for disposal fees).

**Alternative II** - Continue the existing program at the Edmund Landfill, but implement a Quarterly Tire Amnesty Day. The Amnesty Day would be scheduled for a Saturday from 7 p.m. to 2 p.m. during each quarter. No commercial tires or disposal from commercial or retail establishments are permitted in the Collection and Recycling Centers nor would the tires be accepted free at the Edmund Landfill. Collection sites would include the Edmund Landfill, Chapin, Ball Park, Summit, and Sand Hills Collection and Recycling Centers. Cost: \$12,600

**Alternative III** - Place roll-off containers for receipt of tires at all Collection and Recycling Centers that have room for the container. Eliminate the \$1.50 per tire handling fee at the Edmund Landfill for homeowners only. Commercial tires would continue to be charged. Cost: \$93,800 – This cost is in addition to the current tire disposal budgeted cost.

Staff recommended Alternative II - the Quarterly Tire Amnesty Day. It was recommended to implement the amnesty day program and establish two quarterly pick-ups then evaluate the program after the two quarters.

The Solid Waste Committee voted unanimously to recommend that Council approve staff's recommendation for a Quarterly Tire Amnesty Day for two quarters and then evaluate the program.

Mr. Jeffcoat made a motion, seconded by Mr. Cullum to approve staff's recommendation for a Quarterly Tire Amnesty Day for two quarters and then evaluate the program.

Ms. Summers opened the meeting for discussion; no discussion occurred.

In Favor:	Ms. Summers	Mr. Jeffcoat
	Mr. Cullum	Mr. Kinard
	Mr. Derrick	Mr. Davis
	Mr. Keisler	Mr. Carrigg
	Mr. Banning	

**Committee of the Whole - D. Summers, Chairman - Saxe Gotha Water Line Agreement** - Ms. Summer reported Council discussed the Saxe Gotha Water Line Agreement in Executive Session and reported no action would be taken at this time.

**Budget Amendment Resolutions** - The following BAR's were distributed and signed:

09-060 – A supplemental appropriation increase in the amount of \$6,000 for funds received from the Palmetto Pride Community Pride grant award.

09-059- A supplemental appropriation increase in the amount of \$1,000,000 for funds received from the State Law Enforcement Division grant for the EOC center.

**Executive Session/Legal Briefing** - A motion was made by Mr. Kinard and seconded by Mr. Jeffcoat to go into Executive Session to discuss two personnel matters, five contractual matters and two legal matters.

In Favor:	Ms. Summers	Mr. Kinard
	Mr. Jeffcoat	Mr. Derrick
	Mr. Davis	Mr. Keisler
	Mr. Carrigg	Mr. Banning
	Mr. Cullum	

**Matters Requiring a Vote as a Result of Executive Session** - Ms. Summers reconvened the meeting in open session and reported Council will have to re-enter Executive Session following the public hearings.

**6:00 P.M. - Public Hearings - Zoning Map Amendment M08-13 - Stagecoach Road** - Ms. Summers reviewed the guidelines for the public hearing. She stated that the purpose of the hearing is to obtain comments from proponents and opponents regarding Zoning Map Amendment M08-13. She asked that each speaker provide their name and mailing address and that comments be limited to three (3) minutes. Ms. Summers asked that if there was anyone present who had signed up to speak but chose not to speak, but wanted to concur with what has been said, it was acceptable to indicate concurrence. Also, Ms. Summers said there will be no disruptions including cheering, clapping, head counts, etc.

Mr. Walt McPherson, Zoning Administrator in Community Development, presented the information for Zoning Map Amendment M08-13. He stated that the applicant, Walter Durney, has requested a change in zoning classification from Residential Local Four (RL4) to Local (L). The reason for the request, as presented by the applicant, is to allow for a salvage yard. In addition, Mr. McPherson reviewed the maps and area by using a Power Point presentation as well as the type of allowable activities in a Residential Local Four (RL4) and Local (L).

Mr. McPherson noted that you can go on one end of Bitternut Court and drive all the way through to Pine Plain Road. He said Stagecoach Road was platted back in 1983 and ends approximately right past the last Stagecoach Acres subdivision lot and said there is some question about the connecting portion (the 1800' portion of road connecting the end of Stagecoach Road and Bitternut Court) not platted. He said after reviewing the aerial photography from 1973 it appears that for Bitternut to come off Irvin Jumper that Bitternut existed then and appeared to have connected to Pine Plain. He said a small portion of Stagecoach Road may have been a one-lane dirt road or easement, but Stagecoach Road was platted a private road subdivision (Stagecoach Acres) with four phases and 64 lots in 1982/1983. Mr. McPherson indicated that Bitternut is a county-maintained road.

Mr. Carrigg asked if there is an on-going operation on Mr. Durney's property.

Mr. McPherson replied it appears that Mr. Durney is storing cars and it is a Code Enforcement issue, which they became aware of during the fall of last year. It was at that time when Code Enforcement began their investigation that they found that there were 50 to 60 cars stored on that property. Mr. McPherson said staff requested Mr. Durney to come into compliance and, therefore, is the reason for the zoning amendment request.

Mr. McPherson said because it is a salvage yard activity and a RD (Restrictive) zoning, Mr. Durney will still have significant buffer, setback, and screening requirements. So it is possible, if the zoning map amendment is approved, he may have to go before the County's Board of Zoning Appeals to get his activity to fit in his 13 acres because setbacks for a salvage yard could be as much as 400 ft. from the

property line.

Ms. Summers opened the public hearing for comments from those in favor to Zoning Map Amendment M08-13.

Mr. Carrigg asked even if Mr. Durney was to get the zoning approved, he still would not be in compliance with the buffers, correct?

Mr. McPherson replied, correct. He said if this is approved, he may not be able to meet those buffer setbacks, but he does have the option to obtain relief from protected property owners and a zoning waiver form. But, if he could not obtain the approval there, then he would have to go before the County's Board of Zoning Appeals.

Mr. Kinard asked Mr. McPherson to describe Stagecoach Road.

Mr. McPherson replied coming from Pine Plain Road, the first half or third of the road is in very poor condition and that he was unable to go over 10 mph while viewing the area. He said the connecting point that is not platted as a road is the best kept part of the road, including the county maintained portion.

Mr. Kinard asked Mr. McPherson if he thought Stagecoach Road could handle a business on that road.

Mr. McPherson replied that it would have to have significant improvement.

Mr. Derrick asked if there is an access to Mr. Durney's 13 acres.

Mr. McPherson replied, yes. He said Stagecoach Road ends near where it is platted but Mr. Durney has an easement, legal access, off Stagecoach Road.

Mr. McPherson said the reason we are here tonight is because the recorded plat and deed in the Register of Deeds' office references Stagecoach Road as his access point. If it had been Bitternut, which is a Local (L), then he would not have to have a map amendment.

Mr. Derrick asked if the remainder of Mr. Durney's 13 acres complies with being a salvage yard, other than the road classification.

Mr. McPherson replied that the allowed use of RD (Restrictive Development) would allow a salvage yard.

Mr. Jeffcoat asked if Mr. Durney was aware that he was not in compliance.

Mr. McPherson replied that Mr. Durney was made aware that he was not in compliance this past fall when he started talking to staff about this property.

Mr. Jeffcoat asked if he was aware of it prior to that.

Mr. McPherson replied, not that I know of. He said Mr. Durney purchased the property in June 2004.

Mr. Jeffcoat asked how long Mr. Durney's operation has been there.

Mr. McPherson replied, I suspect probably since then, because the definition of a salvage yard could be two or more unregistered vehicles. However, as far as the number of cars, that could vary as time goes on.

But, once he started putting two or more out there, then that met the definition of a salvage yard activity.

Mr. Jeffcoat asked if Mr. Durney's other salvage yard is in compliance?

Mr. McPherson replied, no.

Prior to receiving comments from opponents and proponents, Ms. Summers noted that two individuals had signed up in favor and 16 individuals had signed up in opposition. In addition, a petition in opposition of the zoning request was presented to Ms. Summers for the record.

In Favor:

**Walter Durney, 212 Sausage Lane, West Columbia, SC 29170** - Prior to Mr. Durney's comments, his wife, Lisa Durney, related that Mr. Durney had just gotten out of the hospital two weeks ago. Ms. Durney said he had a light stroke and has high diabetes real bad so it has affected his vision so he can't see very good at all right now.

Considering this thing about this salvage yard - this is something that I have always wanted. I have been around cars all my life; I was raised by some prominent men here in South Carolina, Pulliams, and that's all I've ever known. I have caused Lexington County some grief about having cars around my house, in my yard and stuff, and I'm not wanting to cause Lexington County a lot of grief. The magistrates and people at Lexington County have been good to me. I go buy some property, and I go and leave everybody alone and, hopefully, everybody will leave me alone. But, apparently it hasn't worked that way. I bought 13 acres of land in the middle of the woods so I could start this salvage yard and if it's not, I will close it up if they don't want it. Then I will open up a body shop and go back doing repairs if I get my eye sight back. But, I would like to have a salvage yard. I've helped people in my community; I give things to people who didn't have money to do things with. It's not just to make money to feed my family and stay out of trouble but to be able to have something that I've always wanted. That's what I work for. I am 55 years old, and I don't have much longer to live, and I have always wanted one. I have worked for everybody else in the salvage yard and have done things for everybody else in salvage yards so I said it's time for me to have my own and do my own thing instead of making money for everybody else. If I had known the circumstances that I had gone through, I would have gone through it before I bought the property, but when I bought the property from Mr. Carroll, I let him know what was going to be done. I let him know straight up that if there is going to be any problem, to let me know before I sign my life away and make payments on something that I'm not going to be able to use. It was never said, so I continued on, and I do have cars down there. As far as having the cars there, they are stored there, but there is nobody coming to you saying I sold them a part off of it, which is hearsay, and it's not in compliance and that is what I want to do - get into compliance so I can have something that I can leave my son and my grandkids. Other than that, that's all I can say.

**Lisa Durney, 212 Sausage Lane, West Columbia, SC 29170** - I want to say that I don't like junk either, to be honest. I am his wife, and I hate junk. But, we have lived at Sausage Lane for 20 years, and he kept on and on getting in trouble so that is why he bought the land down there, and I'm sorry, but I call it the middle of nowhere, because it is way down. One side is power lines, behind us is 500-600 acres that some people own; they don't have anything on it. On the other side is the man that gave us the approval and in front us is 14 acres with nothing there. Not to say there won't be something, but the way I look at it, if we made it nice in the front and then put a fence up to block it, I personally don't see anything wrong with it. I just think it is bad that people buy something that they can't do what they want as long as it's not committing a crime such as drugs, etc. I just think it is bad, and I'm just an average citizen. Like I said, I don't approve of junk.



### **In Opposition**

**Jason Crocker, 251 Stagecoach Road, Gaston, SC 29053** - I stand before you opposed to this amendment mainly because I am opposed to any business coming to Stagecoach. She says it is in the middle of woods and that's what it is. It's our homes in the middle of the woods where we would like for it to stay. I happened to be the one closest to this junk yard. Some of the cars are visible that I have seen, but I did not realize it was trying to be a junk yard. My lot is the very last lot on Stagecoach at the very back, very close to the lot that they are speaking of. And, I can't think of many businesses that would be less desirable than a junk yard. But, it's not necessarily this plot of land, which I sympathize with Mr. Durney, he purchased this land and wanted it for that use. There are no other businesses anywhere near this land. Stagecoach, Pine Plains, as he showed you, there wasn't a non-residential use for miles. This property right next to his is a half-million dollar house with a pool and a nice property shed. We would like to see more of that come out there. But, a business, be it a junk or whatever, it is just not desirable. It has taken our road from being the almost restrictive road to pretty much allowing anything. And to allow him, with his few years left of putting a business here, opens our road up to countless other issues down the road from somebody else. There is some unimproved property there. It could be used for a chicken plant; they need to relocate. It could be anything. This is for our houses; this is not for businesses and that's why I'm opposed to it. I would ask that you deny the request and leave Stagecoach, along with the surrounding neighborhoods, residential. Thank you.

**Melba King, 231 Stagecoach Road, Gaston, SC 29053** - I have lived there 20 years and it's a quiet, nice neighborhood. I've worked very hard. I am not thrilled about having a junk yard in my area. I am not thrilled about it leaching oil, transmission fluid, or gasoline into my well water. It's just not making me very happy. Thank you.

**Lewis Wahl, 209 Stagecoach Road, Gaston, SC 29053** - I give my three minutes to Jack Redd.

**Jack Redd, 203 Stagecoach Road, Gaston, SC 29053** - I've been in touch with DHEC, DHEC did not know anything about this. I have been in touch with DHEC and the EPA. DHEC came out there today and looked at it and he estimates between 250 cars, maybe 50 cars are fenced in. His concern and everybody elses, Bob Knight, Chuck Hightower, Al Peoples, is the ground pollution. We all have wells. Everybody out there owns their wells. It is very sandy soil, which drains quickly. Once our wells are polluted, there's no taking it back, no fixing it. I am totally against this, and I would like to see all the cars moved and this petition denied and the contaminated soil that is already there from the leak and the wrecked cars be got up and disposed of in a correct manner with DEHC and EPA. I have lived out there for about 24 years and the reason why people moved out there is because we are out of town. We are in the woods. Most of the neighbors, I do not know. We all kind of keep to ourselves. I thought this was a junk yard basically three to four years ago when he put up a fence with 50 cars. I kind of kept to myself and now I'm here. My wife asked why I didn't do something about it then. I wished I had made some calls then. I am pleading with you to deny this and put yourselves in our shoes that our water, when it gets contaminated, that our children, our grandchildren cannot drink it and we cannot drink it anymore. How would you feel? You have an opportunity to really do something for the residents of Stagecoach Acres, and I am pleading with you to deny this. I am about to the point that I am begging you to deny this. Thank you very much.

**James Ballenger, 137 Stagecoach Road, Gaston, SC 29053** - I concur.

**Walter Davis, 245 Stagecoach Road, Gaston, SC 29053** - I concur also.

**Virginia Ballenger, 137 Stagecoach Road, Gaston, SC 29053** - They showed you pictures where that culvert has been put there by SCDOT. We live a little ways up from that. We have been living there for 23 years, and we've always tried to get something done about the road before with previous county

councils, and, of course, we were denied even though they knew that when they sold us those plots out there, that they lied to us and told us that the County was going to take it over once every one of the lots were sold. They told us they were going to pave it so all of us bought lots there. Now we pay mega taxes. We don't have postal service most of the time, we don't have ambulances to come up there, because twice they have got stuck, the fire department don't want to come up there, and the school buses can't be on that road. So, we sure don't need any more traffic going up and down that road to tear it up anymore. That does not make any sense. Now, if he is willing to maintain the road and make sure it's scrapped on a regular basis or something like that, maybe. But, if it's going to be left up to us like it has always been, and we are left out in the cold like always, then I oppose it. And, I suggest that you oppose it and not let it be done. Thank you.

**Dorothy Davis, 245 Stagecoach Road, Gaston, SC 29053** - I agree.

**John Sharpe, 222 Stagecoach Road, Gaston, SC 29053** - I concur.

**Keith & Mary Nunnery, 970 Pine Plain Road, Gaston, SC 29053** - Deferred his three minutes to his neighbor.

**Mary Jean Thrombley, 982 Pine Plain Road, Gaston, SC 29053** - The Nummerys are our neighbor and my husband and I are bordered in the back on property that would be affected by M08-13 should it be changed. I like it known for the record that the Nummerys or we did not receive a letter from the County stating that this public hearing was going to be held. My main concern about the junk yard there is the number of automobiles that he already has and the length of time they have been there. I had an opportunity to go back and see these automobiles and they are not totally fenced in and they have been there for some time. And, as other people have said, we are all on well water out there. I have grandchildren, and I don't want them drinking contaminated well water from anyone. We moved there 14 years ago; the Nummerys have been there going on 20. This is our home and I'm asking that you deny this and leave it the residential area that it is and that he be responsible for cleaning up the damage he has already done. Thank you.

**Gene Frye, 189 Stagecoach Road, Gaston, SC 29053** - I concur.

**Katheryn Frye, 189 Stagecoach Road, Gaston, SC 29053** - I concur.

**Thomas F. Trombley, 982 Pine Plain Road, Gaston, SC 29053** - I concur.

**Rebecca M. Badger, 236 Stagecoach Road, Gaston, SC 29053** - I concur.

**William Isgett, 101 Preston Street, St. Matthews, SC** - I bought four lots out there; I own 8.5 acres on Stagecoach Road in that area, about midways up. We lived out there from 1985 to 2006. I've got a brick home in St. Matthews, and we moved down there. Always had trouble with the road. I concur with about everything that everybody said, especially when I bought the property. We were promised that the road was going to be paved and they took us down to Lawyer's Lake and said this is part of it, you can go fishing anytime you wanted. Then I found out if I went fishing, I would probably get locked up. But, I concur. We had a water situation years ago when we had the industry out across Hwy 321, and we can't stand that. We know district water is back up that way, but we have invested a lot of money in wells, not only myself but everybody else, and we would hate to see those wells go. Thank you.

**Wallace S. Livingston, Jr., 136 Stagecoach Road, Gaston, SC 29053** - I am probably one of the second or third people who moved out there whenever that place was established, so we have been there for a long time. My biggest concern - you talk about a road, you say it's bad - that's a compliment. It is a

terrible road. My concern and my biggest concern is - we have a hard time driving up and down that road; we get stuck. I pull people out of that road all the time; my son's do it. We pulled Meals on Wheels out for the County. You start getting people that come down here to buy parts, going up and down that road, especially that don't drive on a dirt road, they are just going to make it worse for us. Yes, I worry about ground water and that's very important. Yes, we are all on wells, but that road is a problem now and it's not going to get any better. The more people we put on it, you change it and let any business come in there, all I see is a whole lot more headaches for us because we are the ones who eventually have to deal with it. I am just asking, don't do it. Just look out for us for a change. Thank you.

Ms. Summers stated no one else had signed up to speak in opposition and closed the public hearing.

**Ordinance 09-02 - An Ordinance Approving the Conveyance of Real Estate From the County of Lexington to John J. Miller** - Ms. Summers opened the public hearing for Ordinance 09-02.

Ms. Summers stated no one had signed up in favor hearing and closed that portion of the hearing.

Ms. Summers opened the hearing for those in opposition.

**Opposed:**

**Cynthia Mayers, 119 Middlefield Road, Little Mountain, SC 29075-9562-** Currently, the property that Mr. Miller is acquiring - I cannot undermine his intention on purchasing the property, but our property is an inheritance from our family at the time we own over 100 acres and it was passed down from generation to generation over eight decades. We tried to purchase the land ourselves, my father, who is in back with our mother, and we were given the runaround. They said the property was owned by the County; we could not purchase it. We have been to four separate auctions when the property was removed from the paper. Reggie Murphy posted a sign by our home saying that 1.20 acres was available and the TMS Number was 00600-06081. I contacted Mr. Murphy, and he explained the process and told me currently there was a contract in place with Mr. Miller and if I wanted to, in any way, oppose the contract that I should come down here to County Council. I was not informed about this whole situation until the latter part of January 2009. When I asked could I get in a bid, I was told that I would basically have to stand before you ladies and gentlemen and let you make the final decision. For us, this is not about benefiting from obtaining this property, this is our inheritance. The acre, 1.20 acre, my cousin received from my grandparents who raised her because her mother was deceased. She obtained her inheritance, married, lost it and divorced all in one breath to Gerald (?) Sanford in 1991. He obtained it and it was transferred for \$5.00. He bought it from her for \$18,000. She used her land as collateral, lost her land, Lexington purchased it for \$5.00 and we couldn't buy the land. All we wanted was a chance to purchase the land whether at fair market value, for the current proposed contract of \$20,100 or by any means necessary, whether it is a closed bid. We are willing to make an offer. We just want you to give us a chance to make the offer. Thank you.

Ms. Summers told Ms. Mayer that the County's Procurement Office will be contacting her to allow her the opportunity to make one final offer. The offer would have to be at least 5 percent higher than the current bid on record and be submitted in a sealed envelope.

Ms. Summers stated no one else had signed up in opposition and closed the public hearing.

Ms. Derrick asked if the Mayers are given the opportunity to make an offer, will Mr. Miller be afforded the same opportunity.

Mr. Anderson, County Attorney, replied that both individuals would be allowed to submit a final offer.

Mr. Derrick asked if another public hearing would be necessary.

Mr. Anderson replied, no.

Mr. Derrick stated the high bidder would be the winner.

**Ordinance 09-03 - An Ordinance to Amend the Lexington County Wrecker and Towing Services Ordinance** - Ms. Summers opened the public hearing for Ordinance 09-03.

Ms. Summers stated no one had signed up in favor or in opposition and, therefore, closed the public hearing.

**Executive Session/Legal Briefing** - A motion was made by Mr. Jeffcoat, seconded by Mr. Carrigg to re-enter Executive Session to continue discussing a contractual matter.

In Favor:	Ms. Summers	Mr. Jeffcoat
	Mr. Carrigg	Mr. Kinard
	Mr. Derrick	Mr. Davis
	Mr. Keisler	Mr. Banning
	Mr. Cullum	

**Matters Requiring a Vote as a Result of Executive Session** - Ms. Summers reported Council discussed the contractual, legal, and personnel matters during the Executive Session and indicated there was one motion to be considered.

**Solid Waste Franchise Areas 1,4,5,6** - Mr. Davis made a motion, seconded by Mr. Derrick to approve the residential Solid Waste franchise contract extension for franchise areas 1,2,4 and 5.

Ms. Summers opened the meeting for discussion; no discussion occurred.

In Favor:	Ms. Summers	Mr. Davis
	Mr. Derrick	Mr. Kinard
	Mr. Keisler	Mr. Cullum

Not Present:	Mr. Jeffcoat*	Mr. Carrigg*
	Mr. Banning*	

\*Messrs. Jeffcoat, Carrigg, and Banning were not present when the vote was taken.

**Old/New Business** - None.

**Motion to adjourn** - Mr. Derrick made a motion, seconded by Mr. Kinard to adjourn.

In Favor:	Ms. Summers	Mr. Derrick
	Mr. Kinard	Mr. Davis
	Mr. Keisler	Mr. Cullum

Not Present:	Mr. Jeffcoat*	Mr. Carrigg*
	Mr. Banning*	

\*Messrs. Jeffcoat, Carrigg, and Banning were not present when the vote was taken.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Diana W. Burnett  
Clerk

Debra B. Summers  
Chairman