

M I N U T E S
LEXINGTON COUNTY COUNCIL
June 09, 2009

Lexington County Council held its regular meeting on Tuesday, June 9, 2009 in Council Chambers beginning at 4:30 p.m. Chairman Summers, presided.

Reverend Justin Smith, Chaplin with Lexington Medical Center and Pastor at Christian Life Assembly on Bush River Road, gave the invocation. Councilman Kinard led the Pledge of Allegiance.

Members attending:	Debra B. Summers	James E. Kinard, Jr.
	William C. Derrick	George H. 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 Fachtel, 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.

Chairman's Report - Ms. Summers reported she had the privilege of attending and participating in a session at Palmetto Girls' State.

Council Members' Activities and/or Comments - Mr. Derrick reported he had the privilege of attending a send-off ceremony for the 1127 Concrete Company (14-man unit) who were being deployed to Colorado for training.

Administrator's Report - 8th Annual Jeff Chavis Boot Drive - Ms. Hubbard announced that \$45,000 was collected during the 8th Annual Boot Drive for the Jeffrey V. Chavis House in Augusta, Georgia.

Employee Recognition - Ms Hubbard recognized Alison Sengupta and Jack Maguire with Planning & GIS. Mr. Charlie Compton, Director of Planning & GIS, received a letter from Sheriff Metts praising Alison and Jack for providing his department with necessary information during a murder investigation to help them determine the location of the crime scene.

National Association of Counties (NACo.) - Ms. Hubbard was proud to announce that the County received five 2009 Achievement awards from NACo. The five awards received are: Advance Dispute Resolution in Summary Court - Magistrate Court Services; Implementing Stormwater Management Regulations Countywide - Public Works/Stormwater; Intergovernmental Agreement Between Municipalities and County Government to Provide Animal Control Service - Animal Services; Jail Overcrowding Committee; and the Revised Outdoor Burn Ordinance - Public Safety/Fire Service.

Fleet Services - At the request of Council to learn more about staff, Ms. Hubbard introduced Ellis Gammons, Fleet Manager, and Frank Powers, Assistant to Fleet Manager and asked each to give a brief history about themselves and their role with Fleet Services.

Resolution - HHEH - Mr. Kinard made a motion, seconded by Mr. Derrick to approve the resolution.

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

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

Appointments - Central Midlands Transit Authority - George M. Rentz - Mr. Banning made a motion, seconded by Mr. Cullum to appoint Mr. George “Mike” Rentz. Mr. Rentz replaces Mr. Tommy H. Windsor.

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

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

Bids/Purchases/RFPs - A motion was made by Mr. Derrick, seconded by Mr. Kinard to approve the NPDES Phase II Services.

NPDES Phase II Services - Public Works/Stormwater Division - Competitive sealed proposals were solicited to establish a contract with a consulting firm to provide National Pollution Discharge Elimination System (NPDES) Phase II Services for Public Works/Stormwater. The term of the contract shall be in accordance with the proposal and shall go through June 2012. The contract may be extended if it appears to be in the best interest of the County. The extension will be on an annual basis and may be less than, but will not exceed two (2) additional one (1) year periods. Ten (10) proposals were received from responsive firms. The three- (3) year contract is estimated to be \$851,109. The County’s cost for the three (3) years is estimated to be \$521,063 (1st year - \$130,897; 2nd year - \$158,302; 3rd year - \$231,864) with the balance of the contract costs to be reimbursed by the City of West Columbia, City of Cayce, Town of Lexington, Town of Irmo, Town of Springdale, Town of South Congaree, and the Town of Pine Ridge. Staff recommended the award of the contract to MACTEC Engineering and Consulting, Inc.

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

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

Ordinances - Ordinance 09-04 - An Ordinance Approving the Lease of Real Estate from the County of Lexington to the Lexington/Richland Alcohol and Drug Abuse Council - 3rd and Final Reading - Mr. Banning made a motion, seconded by Mr. Cullum to approve third and final reading of Ordinance 09-04.

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

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

Ordinance 09-05 - An Ordinance Adopting an Annual Budget for Fiscal Year 2009-10 - 3rd and Final Reading - Mr. Cullum made a motion, seconded by Mr. Kinard to approve third and final reading of Ordinance 09-05.

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

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

Committee Reports - Justice, J. Kinard, Chairman - Paul Coverdell DNA Grant Application Through SC Department of Public Safety - Mr. Kinard reported the Justice Committee met on Tuesday, May 26, 2009, to review the grant application request from the Sheriff's Department for the Paul Coverdell DNA Grant through the South Carolina Department of Public Safety. Following is the Committee Report:

Colonel Allen Paavel presented a request to apply for the Paul Coverdell DNA Grant in the amount of \$73,765. There is no County match required. The grant funding is for a one-year period and applications must be submitted annually. The Sheriff's Department and Solicitor's office have identified the need to utilize DNA analysis from crime scenes to identify criminal suspects. The grant will be used to purchase capital equipment for a DNA laboratory.

The Justice Committee voted unanimously to recommend that full Council approve staff's request to apply for the grant.

Mr. Kinard made a motion, seconded by Mr. Cullum to approve staff's request to move forward with the submittal of the grant application.

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

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

Justice, J. Kinard, Chairman - Paul Coverdell Grant for Crime Scene Investigation Grant Application Through SC Department of Public Safety - Mr. Kinard reported the Justice Committee met on Tuesday, May 26, 2009, to review the grant application request from the Sheriff's Department for the Paul Coverdell Grant for Crime Scene Investigation Grant through the South Carolina Department of Public Safety. Following is the Committee Report:

Colonel Allen Paavel presented a request to apply for the Paul Coverdell Grant for Crime Scene Investigation Grant in the amount of \$87,562. There is no County match required. The grant funding is

for a one-year period and applications must be submitted annually. The funds will be used to purchase equipment to enhance the existing Crime Scene Investigation Unit.

The Justice Committee voted unanimously to recommend that full Council approve staff's request to apply for the grant.

Mr. Kinard made a motion, seconded by Mr. Davis to approve staff's request to move forward with the submittal of the grant application.

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

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

Coroner's Office Fees - Mr. Kinard reported the Committee met to consider a request from the Coroner's Office to allow implementing a fee for various reports/permits requested by individuals/companies. The fees would be as follows: Coroner's Report - \$20; Autopsy Report - \$150; Toxicology Report - \$50; and Cremation Permit - \$20. (Note: The fees will pertain only to those who stand to make a profit from these services. Immediate family members will not be charged as well as cremation permits for indigent cases and stillborn fetus.) The Committee voted in favor to recommend to full Council for approval.

Mr. Kinard made a motion, seconded by Mr. Davis to approve the new fee schedule.

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

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

Opposed: Mr. Derrick

Health & Human Services, J. Jeffcoat, Chairman - FY2008 Citizen Corps (CERT) - Public Safety/Emergency Management - Mr. Jeffcoat reported the Health and Human Services Committee met to review the request from Public Safety/Emergency Management to submit the FY2008 Citizens Corps Grant application in the amount of \$4,773. The grant requires no County match. If awarded, the funds will be used to purchase manuals, banner, tents, t-shirts, caps, etc. to promote the CERT program. The Committee voted unanimously to recommend to full Council for approval.

Mr. Jeffcoat made a motion, seconded by Mr. Kinard to approve staff's request to move forward with the submittal of the grant application.

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	

Museum's Fees - In addition, Mr. Jeffcoat reported the Committee reviewed the request from the Lexington County Museum to increase the adult admission fee from \$3.00 to \$5.00. The committee voted unanimously to recommend to full Council for approval.

Mr. Jeffcoat made a motion, seconded by Mr. Banning to approve the increase of the adult admission fee.

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	

Fire Inspections/Town of Gaston - Mr. Jeffcoat reported the Health and Human Services Committee met on Tuesday, May 12, 2009, to review the request from the Town of Gaston for Fire Inspections. Following is the Committee Report:

Chief Russell Rawl, Fire Service Coordinator, presented a request from the Town of Gaston for Lexington County to perform fire inspections for commercial and public buildings within the Gaston town limits. Staff recommends implementing the same procedures currently used in the unincorporated areas and other municipalities within the County.

The Health and Human Services Committee voted unanimously to recommend that full Council approve the request from the Town of Gaston contingent on receiving a formal resolution from the Town Council requesting Lexington County Fire Inspections.

Mr. Jeffcoat made a motion, seconded by Mr. Banning to approve the request from the Town of Gaston for Lexington County Fire Service to perform fire inspections for commercial and public buildings within the Gaston town limits contingent on receiving a formal resolution/request from their Town Council.

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	

Public Works, T. Cullum, Chairman - 2008 Ozone Standard Implementation - Letter to EPA Regarding Boundaries - Mr. Cullum reported the Public Works Committee met to review a draft of a proposed letter that will be sent to USEPA in support for SCDHEC non-attainment boundary recommendation for the Central Midlands region of South Carolina and for the Early Action Compact Process. The Committee voted unanimously to recommend to full Council to accept the proposed letter, with revisions, and authorize the Chairman to sign the final version.

Mr. Cullum made a motion, seconded by Mr. Banning to approve the proposed letter, with revisions, and authorize the Chairman to sign the final version.

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

In Favor:	Ms. Summers	Mr. Cullum
	Mr. Banning	Mr. Kinard

Mr. Derrick
Mr. Keisler
Mr. Carrigg

Mr. Davis
Mr. Jeffcoat

Solid Waste, J. Jeffcoat, Chairman - Inspection/Compliance Solid Waste/Processing Facility

Application - Mr. Jeffcoat reported the Solid Waste Committee met to review staff's recommendation for inspecting and compliance monitoring of approved Solid Waste/Processing facilities. The Committee voted unanimously to recommend to full Council for approval.

Mr. Jeffcoat made a motion, seconded by Mr. Cullum to approve staff's recommendation for inspecting and monitoring facilities through the Solid Waste/Processing Facility application.

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	

Solid Waste Processing Facility Amendment - Solid Waste/Processing Facility Application #SW09-01 - EarthCare Recycling, LLC - Final Reading- Mr. Jeffcoat made a motion, seconded by Mr. Keisler to approve third reading of Solid Waste/Processing Facility Application #SW09-01.

Ms. Summers opened the meeting for discussion.

Mr. Banning noted that EarthCare Recycling, LLC is required to fall under the new requirements of the Inspection/Compliance Solid Waste/Processing Facility application guidelines for operation of the facility and will have to complete a Solid Waste Permit.

Ms. Hubbard responded for clarification that the Solid Waste/Processing Facility Application #SW09-01 would go into effect after a permit was received from EarthCare Recycling, LLC.

Ms. Summers replied, correct.

Ms. Summers called for further discussion; none occurred.

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

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

09-081 - An appropriation transfer of \$805,000 and a supplemental appropriation increase of \$12,915 to set up the construction accounts for the Southeast Collection & Recycling Center that will replace the Gwen Bailey Collection & Recycling Center.

09-082 - An appropriation transfer of \$77,842. The County was notified by SCDOT that the County had an uncommitted balance on their books for the Sharpes Hill Road project and this transactions reverts the funds back to the County.

Executive Session/Legal Briefing - A motion was made by Mr. Kinard, seconded by Mr. Derrick to go back into Executive Session to continue discussions of one personnel matter, one contractual matter and one legal matter that were not discussed during Executive Session at the afternoon Committee of the Whole meeting.

In Favor:	Ms. Summers	Mr. Kinard
	Mr. Derrick	Mr. Davis
	Mr. Keisler	Mr. Jeffcoat
	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 no motions are to be considered.

6:00 P.M. - Public Hearing - Ordinance 09-06 - 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 Unincorporated Areas of Lexington County - Prior to opening the public hearing, Ms. Summers reviewed the guidelines for public hearings. She stated that the purpose of the public hearing is to obtain comments from proponents and opponents regarding specific subject matter. 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.

Ms. Summers opened the public hearing for those in favor of Ordinance 09-06.

In Favor:

Thomas H. Howard, 60 Rocky Cove Rd., Lexington, SC 29072 - I have been on the Recreation and Aging Commission for about 28 years. Through the years we have had complaints about coaches smoking, chewing tobacco, etc., and I wanted everyone to know that all of our outdoor fields are tobacco free/smoke free, and we have never had a problem. I am a member of the Lexington Country Club and was a Charter Member in 1996. We had an old clubhouse that you couldn't even go into because there would be ten lined up smoking all afternoon so we decided to build a new one. I went to the board of directors' meeting, and I asked them if they were contemplating whether to allow smoking or no smoking in the bar. I was the one that spoke up and said if one of our waitresses or somebody comes down with cancer from secondary smoke and sue the country club for \$2 million, do we have a policy that would cover that; no one knew. So it was voted that it would be no smoking in the clubhouse. But, they had a little card room where they would allow smoking and put in smoke detectors. The country club is really nice. It is smoke free, and they have never had a problem. I had problems with 75 members to start with and now it's never mentioned. I was in Jaycees with Randy Halfacre, and they passed the smoking ban. I have been in the Main Street Café when they have Brian Conner. You can't even walk in the place as it is so crowded. It hasn't cut any business, if it has the right entertainment. I was in a martini bar and somebody said it is so nice to come in a place where you don't get smoke all over you. It is so nice to go into a restaurant. Workplaces should have come before the bars and restaurants most probably. But, it is so nice. I go to the Vista and very seldom go to places where there is a lot of smoke unless they have something good. My dad lived to 95 and my brother, sister and I never smoked. My mother is 92, and she has never smoked. My favor uncle in Aiken, South Carolina, he was a member of the Palmetto Club, and he smoked. His son said if the doctor had told him not to smoke, he would have lived a long time, but he died at 82. So, I know smoking is not good for you. My dad's brother lived in the 90s, but my favorite uncle died at 82. This is a big decision, but it is nice to go in smoke-free places.

Mr. Cullum asked if he would support tobacco free for all County installations, just like the recreation

commission.

Mr. Howard replied, I would say so. I don't think it should be smoking in this building.

Mr. Cullum interjected, tobacco free like the recreation commission.

Mr. Howard replied, I didn't have anything to do with the tobacco free. Probably Johnny Booser probably did that and he chewed tobacco. I know it shouldn't be any smoking. I would think that I would support tobacco free, everything in the County buildings.

Barbara Charles, 12 Penshore Dr., Irmo, SC - I am the county health supervisor for the Lexington County Health Department. My position here today is really to share with you the position of DHEC, the Department of Health and Environmental Control. I just want to read this statement.

The South Carolina Department of Health and Environmental Control (DHEC) is committed to promoting and protecting the health of the public and the environment in this state. In keeping with our vision of healthy people living in healthy communities, the agency strives to seize opportunities confirmed through science and research that meet the agency's mission. Secondhand smoke exposure has been identified as a leading health hazard by the US Surgeon General, the US Centers of Disease Control and Prevention (CDC) and numerous other leading health and environmental groups. In partnership with CDC, DHEC focuses on the goal of elimination of the public's exposure to secondhand smoke. DHEC supports all efforts to protect the state's citizens from proven danger of secondhand smoke exposure.

Mr. Banning asked if DHEC or anybody on the state level has submitted any legislation to the Legislature to ban smoking in the workplace in South Carolina.

Ms. Charles replied, no. That's not our decision; we are just here to enforce the law.

Mr. Keisler asked if she was here representing DHEC?

Ms. Charles replied, yes; I sure am.

Vicki Whitehead, 213 John Preston Court, Lexington, SC 29072 - I have been before you before and spoke briefly on this subject. I come before you tonight as a mother of a musician that makes his living as a musician. He will become a father in September, my first grandchild, a little boy, and I am real excited about that. I have two sons. My other son is an organic chemist. I'm not going to talk to you about chemistry, and I am not going to talk to you about all the statistics, but I am going to talk to you as a citizen of Lexington. I own a business here in Lexington as well. I also work for an employer here in Lexington; I work for a printer. It is important to me as a mom, and it is important to me as the executive director of the Musicians and Songwriters Guild of South Carolina, that grows every meeting, that we support smoke-free workplaces for all workers in South Carolina. It doesn't matter whether you are a waitress, a bartender, a cook, someone who sweeps the floor, a printer, or a councilman. All workers should be provided the same protection from known carcinogens in their workplace. No one should be exposed to a health hazard, a known health hazard in their workplace. Working in a print shop there are a lot of chemicals and things and we have to measure everyday to reduce those emissions so we can provide the healthiest workplace for our workers. Why is my son, who is a musician and soon to be a young father, any different? My son graduated from the Citadel and chose music as his profession. He is uninsured, as most musicians are, as are most waitresses and bar staff. Therefore, as a citizen of Lexington County, we all pay taxes, and the last time I looked our indigent care was increasing by leaps and bounds. I ask each one of you whether you are for or against or on the fence to please, I beg you, to do the right thing to protect all workers. My son who is a musician is no less worthy of this county's protection as my son who is an organic chemist. Please do the right thing. Thank you. (Ms. Whitehead presented to Council a copy of a CD entitled Rage against the Haze that has a very strong smoke-free

message that is being passed out all over the state to kids trying to get them not to smoke.)

Ernie Bell, 177 St. Andrews Road, Columbia, SC 29210 - I am here this evening to speak as a citizen of Lexington County on behalf of the comprehensive smoke-free workplace ordinance. There are currently 17 states with a comprehensive smoke-free workplace ordinance and two more are scheduled for implementation by October 2009. There are also over 340 municipalities with similar ordinances in the United States and in South Carolina. We have 26 municipalities and counties that have already passed comprehensive smoke-free workplace ordinances. I fully understand that our County is politically conservative and, that as such, we are cautious when it comes to government policies and personal freedoms. Business leaders and citizens are sensitive to additional parameters and there must be a balance between individual freedoms and governmental efforts to protect the public. Health and safety issues, however, have been the purview of government throughout the nation and the world for many years. The first public health laws in the United States were implemented in port cities like Charleston to quarantine ships and their passengers to assure that infectious diseases were not spread to the local citizens. This was certainly a balance between individual freedoms and public safety and health. Infectious diseases were rightly identified as a threat to the health of the citizens, and we now know that secondhand smoke is a threat to health. The scientific evidence is overwhelming. Secondhand smoke is a health risk to employees and customers. Even those who are skeptical of governmental intervention understand and support laws, regulations, and ordinances that protect health and promote safety. Most people understand that we must have traffic laws and speed limits to prevent unnecessary death and injury on our highways. Most people understand that we require businesses and homes to have ground-fault protection outlets in areas of moisture to prevent electrocution of our employees and our families. We require child-safety seats to protect our children from injuries in car crashes. We require businesses and industries to maintain material safety data sheets and eyewash stations and laboratories around caustic chemicals. We require personal protective equipment and respirators around gases and fumes that have proven to be carcinogenic after exposure of minute amounts over long periods of time. And we have yard trash and leaf burning restrictions in residential areas to prevent fire and health hazards. These are all federal, state, and local government requirements aimed at protecting our citizens from injury and acute chronic diseases. Surely, if we see the rationale in MSDS's and eyewashes for caustic chemicals, personal protective equipment and respirators for those working around carcinogens and restrictions on burning leaves to prevent smoke, we can justify a comprehensive workplace ordinance to protect our employees from the over 60 carcinogenic chemicals found in secondhand tobacco smoke. As I said during our last public hearing, South Carolina will eventually have a comprehensive smoke-free workplace law. But, Lexington County now has the opportunity to be a leader in this important public health and safety issue. I encourage your support of the comprehensive workplace ordinance. Thank you.

Amanda Strickland, 525 Wallace Way, Lexington, SC 29072 - I am also a resident of Lexington County, and I work for the American Lung Association. I want to thank you first of all for taking on this important health issue. I know a lot of the argument a lot of times is about decrease revenue for business owners. A comprehensive smoke-free ordinance won't result in decreased revenue or employment for business owners. A study was done by a researcher in the Arnold School of Public Health, and I want to share with you for a second some of the key findings from that study. Aiken County enacted a comprehensive ordinance in June 2007 and has seen no statistically significant drop in bars, restaurants, hotels, or leisure employment. Also, Beaufort County enacted a comprehensive ordinance in January 2007 and has realized a gain in bars, restaurants, and hotel employment since that time. I have an overview of this study if you have any detailed questions. The researcher could not be here tonight, but I have his contact information and will be happy to discuss and answer any questions you may have.

Rhonda DiNovo, 329 Barnevelder Dr., Lexington, SC 29072 - Thank you for giving me the opportunity to speak with you about the importance of a comprehensive smoke-free workplace ordinance. I would first like to speak with you on behalf of Lexington Two Community Coalition. Our community of faith, law enforcement, schools, businesses, and private citizens has united for the purpose of developing local solutions that will improve the quality of life and create safer drug-free counties. Our

goal is to reduce substance abuse among our youth and their families by addressing the factors in the community that increase the risk of substance abuse. As coordinator of this coalition, I represent our members' support for this comprehensive smoke-free workplace ordinance. We believe by passing this ordinance our county is indeed impacting the health, the safety, and the quality of life for our citizens. Secondly, I speak with you tonight on behalf of my own family. I am the mother of three children who live, attend school, work and play in Lexington County. This is for their health, their safety, and their quality of life that I speak out to protect. Their voices are not yet heard and their minds and their hearts are still impressionable. I believe it is our responsibility, as parents and decision makers, to protect not only our current contributors but those we are molding to uphold our community in the future. Recently, our family visited another part of our state and as we sat at the table in a well-established restaurant waiting for our dinner to arrive, my 10-year-old daughter noticed a black round object on the table. She held it up and with her inquisitive nature she asked, Momma, what is this? I responded, an ashtray. To what she then asked, what is an ashtray? My first thought was - how odd that she can identify all the moderate conveniences and technology that our great country has to offer, but she did not know what an ashtray was. My next thought was, how wonderful is that? We have the power to not only impact the health and safety of our current society, but we have the power to make this a better place to live and work for our generations to come. So, please consider your decision carefully because I believe our future depends on it. Thank you.

Lisa Hall, 1152 Water Tank Rd., Pelion, SC 29123 - I am here representing Wings and Ale of Lexington. We have lost some revenue because of the smoking ban but it is because - why come to our place in town and not be able to smoke and have your beer when you can drive two miles down the road and smoke. So, my feeling is - no smoking in the whole county would put everybody on a level playing field and nobody smokes, and we are all level. That is where we are standing on the whole thing. It needs to be a level playing field for everybody. It's not level right now. Everybody in town, we're fighting to just stay above water because our customers are going two miles down the road where they can smoke and have their beer. Our regular customers don't seem to mind because we built a deck out back, and they don't mind going out there and smoking. It's party on the back deck every night, and they are good at that. We just need everybody to come back. Thank you.

Megan McKenzie, 105 W. Sparrowood Run, Lexington, SC 29072 - My interest in a comprehensive smoke-free ordinance in Lexington County is twofold. First, personally as a resident of Lexington County and secondly, professionally working with a group of students at Chapin High School, Project Citizens' Class, in collaboration with the South Carolina March of Dimes. I believe many of you have had the opportunity of meeting this outstanding group of young students. They could not be in attendance at this hearing today, and I am honored to read a letter to you on their behalf.

Dear Lexington County Council, The students of Project Citizens strongly believe that creating smoke-free ordinances in workplaces across Lexington County is needed for the dangerous side effects from smoking, to both the smoker and those of him or her. We understand it is an individual's right to decide to smoke; however, when those individuals are smoking in restaurants and other workplaces, it violates others' rights to not be exposed to cigarette smoke. We know that people may choose to eat at other places or work at other places, but what about a small child who has gone to a restaurant with their parents. That child has no say, no choice, and is unwillingly being exposed to cigarette smoke and all the risks to their health that go along with it. Did you know that babies of women who are regularly exposed to secondhand smoke during pregnancy are at an increased risk of pre-term delivery or that exposure to secondhand smoke has also been linked to sudden infant death syndrome? We know that government cannot regulate everything and that people have rights that need to be protected, but shouldn't the most important right be the right to breathe clean air and to live a long healthy life and shouldn't that be the top priority of all levels of government. We have worked hard on this project during this semester and in our research found that many businesses welcome a comprehensive smoke-free ordinance if done countywide. We know that we are just high school students but may one day be working in businesses throughout Lexington County. We urge the Lexington County Council to stand up for the rights of

workers and patrons alike and implement smoke-free ordinances in all workplaces. Sincerely, the Project Citizens' Class of Chapin High School.

Lynn Tucker, 118 Newmont Dr., Lexington, SC 29072 - I was here at the last meeting, and I am very proud of this. Reading through this you have done a lot of work. You have really gotten all the facts in here; it is very good. I am very proud of this and proud to say that Lexington is going to be on the map. I feel comfortable after going through all this work that you are going to pass this. You know now about secondhand and third-hand smoke of which I talked about when I was here before. The mom comes home, has all the hydrocarbons and carcinogens on her clothing and she has to decontaminate herself before she can even go to her children. So remember that. It is really important to have a clean breathable workplace, and we do appreciate all the hard work. It is so exciting and I am so excited about the progress that has been made in this and hope that we all go through with this. It is really great and it really puts us on the map and it makes me proud to be a Lexington citizen. Thank you.

David Dukes, 2872 Calks Ferry Rd., Lexington, SC 29073 - I am also a small business owner in Lexington County. My business, Palmetto Southern, is located on Glassmaster Road. We are one piece of property away from being in the Town of Lexington. If we had already been annexed, I would not have had the need to be here because we would already be smoke-free. I have a total of 21 employees and four of them are smokers. We fight an ongoing battle between them wanting to smoke in the office and trying to make them go out into the warehouse or go outside. Another one of my employees is a cancer survivor so it is a sensitive matter for us. When I am wearing my human resource hat, I try to be fair to everybody and make sure that we are all treated equally. The smokers are not out to harm anybody. It's just a strong habit that some of them can't quit, even when they want to. From what I had heard about this, a lot of the focus it seems is to be around restaurants and that type of workplace with waitresses, musicians, bartenders, etc. So I wanted to bring it to the forefront, in front of the Council members, that the other small businesses here in town that aren't in the hospitality field are also interested in this and we would appreciate the opportunity for the government to step in and help what some of us as owners can't do on our own and create a smoke-free environment for all of our employees.

Mr. Cullum asked why, as a business owner, he would ask Council to make a policy rather than he not make a smoke-free policy at his own workplace.

Mr. Dukes replied, because my partner is a strong smoker and he and I are at odds about it.

Mr. Cullum replied, one of you needs to make a decision.

Mr. Dukes replied, right now we are riding the fence.

Mr. Cullum replied, so the government is going to make your decision for you.

Mr. Carrigg interjected to say Mr. Cullum was putting Mr. Dukes on the spot.

Mr. Dukes replied, that's my answer. If I can get my partner to stop smoking, he is the only one that I really have the problem with. All the other employees are banned to outside. He and I have had this discussion that we are possibly faced with discrimination from the other employees because we won't let them smoke in the office.

Mr. Davis said, as Parliamentarian, Council is out of order to ask questions as we are here to listen only and asked if a member would like to ask an individual a question, to please obtain their name and contact them later.

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

Ms. Summers opened the public hearing from those in opposition to Ordinance 09-06.

In opposition:

For the record a petition containing 45 signatures opposing Ordinance 09-06 was handed to the Clerk to Council.

Don Mason, 1831 Manley St., Cayce, SC 29039 - I am opposed to this for the simple reason for what happened up in Greenville. They did it in Greenville County in the city and businesses went under and everybody lost their jobs. Now they are concerned with the waitresses and everybody. Well, if you pass a law and then the business goes under, where are they going to work? I have seen it happen. The businesses are going to go under. Thank you.

Kathy Treadway, 1831 Manley St., Cayce, SC 29030 - I own a business in Lexington County. I am opposed to this. I am scared that it is going to hurt my business. My business is struggling now. It is a bar and restaurant. I have no place to put anybody outside. We don't allow children in there at night, and I think that it should be left up to the individual business owner to be able to post a sign to say whether there is smoking in the establishment or no smoking in the establishment. That would give the customers, who come up to the door, a chance to come into the establishment or choose not to come into the establishment.

Michael McClain, 128 Harrison Hill Rd., Lexington, SC 29054 - I am the owner of Goodfellas Grill and Bar. Going back to reiterate what she had said is the fact that the County might be on the right track, then again, you might not be on the right track. With us, in our business and industry, we're open to the public. It's not for me to decide who comes into my restaurant if they are smokers or non-smokers. I'm not here to raise people's children. If they want to eat at a restaurant that is smoke free, there are plenty of them in Harbison, the Town of Lexington, someplace else. Don't hurt my business because you want to be in a nonsmoking environment. That is my choice as a business owner. I am the one that put 13 years of hard work into getting my business where it's at with smokers and without smokers. I have two sides. I have a non-smoking area and a smoking area and that works fine for me. I don't see why someone should come in and say, well I don't want to be in here and eat because of the smoke. That's fine, I understand that. I'm not going to be hurt or offended if you take your child and go to another restaurant. That is your right. You have that right to do that just as I have a right to let people come in and enjoy a cigarette after they get through eating and that shouldn't be taken away from me or from the smokers, plain and simple. It is my business. It is the people's right to come in there. I have heard people say we have enjoyed going to Harbison, we enjoy ... there's a lot of restaurants. Ninety-nine percent of my employees smoke. I went non-smoking, why because every time I turned around, I had an employee out back smoking. So, yes, it's something that is going on. If you choose not to work for me because you are a non-smoker, there are other restaurants. I am not here to raise people's children. I am not here to say that because you chose an industry to get into, if you are a musician, that's fine; play in smoke-free venues. You don't have to come and play in a place that smokes. By the way, I quit smoking after 32 years, but that was my choice. I chose to do it. I have been smoke free now for two weeks. That's my choice, plain and simple. Thank you.

Anthony Keisler, 1121 Calks Ferry Rd., Lexington, SC 29072 - My business is at 1129 Calks Ferry Road. I am going to go pretty much with what Mike just said. We own a business; we have people that work there just like he said. I would have to give my people breaks to go out and smoke, all of them smoke. I have never had a waitress or bartender that never smoked. They always smoke. I am to the point that, like one of them had said, wanted it even. I know I have spoken with some of you and wanted it across the board. You talk with Lisa from Wings and Ale, she wants it to go out. Well, it's not going to go to Irmo, it's not going to go to West Columbia. If you are going to do it, I think it needs to go like some of these others like DHEC said, it needs to be statewide. North Carolina passed a smoking ban in their state. Just like Ms. Summers, you spoke to me one time that there was a country in Ireland. You can take this to a bigger level. You taking one section, and then this section, it's not going to go. You are

just hurting the Town of Lexington, like Lisa said. The Town of Lexington is hurting from that. I really believe that if it's going to go, it needs to go across the board. Go statewide with it; eventually the country. Like I said, it is going to come. Let's do it all at one time. You made the statement when you started this, you went to all the municipalities and wanted to get everything and make it comprehensive across the board. That's the way it should have been done. It shouldn't be going like this just one place, one county, then across the street you are not. It needs to be comprehensive. It needs to be across the board. Thank you.

Tom Shealy, 671 Smith Pond Rd., Lexington, SC 29072 - I have Belly's BBQ. What concerns me a lot is - there is smoke in my restaurant there. You take wood out of barbeque, you take barbeque away. Also, as an owner of Wings and Ale at Outlet Point, the same thing I am afraid will happen is that my business would go to Irmo since it's the only unincorporated. So, I would like to concur with what Anthony said and that is to keep it all a level playing field.

Paul Seidelson, 709 Pine Springs Rd., Columbia, SC 29210 - I am not a bar owner. I am an occasional bar patron, and I enjoy smoking cigars on the weekend. I understand that people don't work around smoke, that's there right. When this lady's son decided to be a musician, he chose a career path where he was going to be around a lot of secondhand smoke, and I wonder how he would like playing to an empty venue, because that is likely to happen. I concur that it should be the bar owners' decision and it's certainly within the rights of the folks who are working there not to work in a smoking environment if they choose so. Thank you.

D. Animal Theivagt - 1914 Airport Blvd., West Columbia, SC 29169 - I run Animals. I agree with what you just heard. If you do it in the County, I run a biker bar, which they will go out of your County to do the drinking, especially on the weekends. It will end up costing you a lot of revenue and me out of business. Thank you.

Glenn Walta, 832 Decatur St., W. Columbia, SC 29169 - I concur.

Thomas McKenzie, 7024 Edmund Hwy., Pelion, SC 29123 - I had no intentions to come down here and speaking today. I'm a non-smoker; never smoked the first cigarette in life, but I reserve that right if I choose to smoke. I work in the bar industry. I am a bouncer, bartender, and have done a little bit of everything and I'm a non-smoker. I choose to do that. I can go do whatever, wherever. I choose to work in that industry. I know the risk. I am an educated man, I know this. Just like drinking. What are you going to do? Are you going to attack McDonalds next for obesity? It each individual's right to go, okay I am going to go in here, they know it is smoking. They have that choice, just like the gentleman said. There are restaurants that have non-smoking. You can choose to go there if you don't like smoke. These bar owners, these restaurant owners they have that right to say this is smoke free or it's not smoke free and that customer has that right to say I'm going or I'm not going. The drummers, the musicians, the waitresses, the bartenders, they all know this. They are all educated people. There are commercials on TV 24/7 that smoking does this, drinking does that. They still choose to do it because that's what they choose to do. You can't take that right from people. You have non-smoking facilities and you have smoking facilities. You have the right to go choose this one or this one. Me, as a non-smoker, I choose to patron these places because that's where I want to go and the people I want to hang out with. I can also go to a non-smoking place and do this, but it is my choice. It is that individual's choice; it's that bar owner's choice. If you don't like it, you don't have to go. It is that plain and that simple. You don't have that right to tell me that I can't go here or I can go here for whatever reason. It is not your responsibility. It is my responsibility to say I will go here or I won't go here. It is not up to you to say that I can or can't. You ban smoking, what are you going to ban next. Are you going to ban barbeque? Are you going to ban McDonalds because of our obesity rate in America? Is that going to be next? Thank you.

Lisa Huppertz, 1598-B Calks Ferry Rd., Lexington, SC 29072 - Just like he said I really didn't plan on speaking a whole lot when I got here, but I find that, as a former marine and a wife of a marine who has

fought for the freedoms of our country, that each time our government comes in and starts telling us something that we can or cannot do, it offends me personally for what I stand for. America is supposed to be the land of the free. We are supposed to have liberty and justice for all. And, when I start seeing discrimination against a certain group, we see it in Myrtle Beach with bikers, we are seeing it now here with smokers. That's not what America was founded for. That is just what I wanted to remind you all of. Thank you.

Howard Rawl, 3232 Augusta Hwy., Gilbert, SC 29054 - I concur with what Anthony said.

Joel Player, 1936 Leavder Dr., West Columbia, SC 29172 - I have known most of you for a long time. Gentlemen, you have a hard job and a lot to decide, but you don't need to decide the destiny for everybody. But, we got people. Are we going to stop serving, as this gentleman said earlier. He is pretty well right on the head. Are we going to stop serving McDonalds, barbeque, or whatever? When are you going to come and tell me I can't smoke in my house? I quit. I smoked for a long time, and I won't tell you for how many. But, a bar and restaurant has always went smoke-in-hand, but you had separate sections. Gentlemen, you depend on taxes to pay our bills. But, gentlemen when you close these other places down, you aren't going to have these kinds of taxes. What are we going to do with property taxes? I've got places that I lease out that serves whatever, legally. I have been there before and it is hard to satisfy everybody. Gentlemen really pray about this and think about this because it is not fair. People from Lexington are going to Irmo now. Some of these restaurants they will be going to are because it is unincorporated. Think about that. I'm thinking about not having to pay so much more real estate taxes for Lexington when you close my businesses down. Think about that. This is getting serious. When are you going to tell me I can't put my billfold in my back pocket in this county? When are you going to tell me I can't drive because of my age. Seriously, let the whole state, like these people say, do the whole thing. You don't be the one to decide what Lexington County does. Lexington County is a progressive, very good county. I'm proud of it, but I am getting to the point where I don't know whether I want to live in Lexington County when they start telling me what you can't do. This man quit smoking, I am proud of him. Let me tell you, when you smoke the first pack of cigarettes, all these people give you all this medical history but my family lived to be old. I am old, and I smoked since I was 12 years old. By the way, I am a tobacco farmer also. Still growing it even though the government took it away from me, but they paid us dearly for it. Please get to the bottom of your heart because once you smoke the first pack of cigarettes, the filters in your nose is gone. And if any tobacco should have hurt somebody, but I might die going to get in my car tonight, because of tobacco. I have pretty good health, but I was born with generics. Read up on genetics. God blessed us, and God will ask us to go. Think about the people in the business. I know smoking is not the best thing for everybody, but some people it's never hard. It is all in your generics. If you have a gallbladder in your family, you are going to have one. Check that out. I am from the old school. But, do think about this, every last one of you. The Bible will tell you a lot to do with it, the Bible. Always remember that. But, if you don't like something, you don't need to be here.

Jimmy Yonce, 128 Oneal Shealy Rd., Gilbert, SC 29054 - I concur.

Jason Foster, 426 Walter Rawl Rd., Lexington, SC 29072 - I hate smoke, I hate cigarettes, and I hate when they line the streets and the sidewalks and they throw their butts down. I don't like cigarettes, but it's not my rights to tell someone they can or cannot smoke. It's not my right to impose this on anybody, even a business owner, especially a business owner. A business owner should be able to make their own decisions as to determine what they want to do with their business. Just like you do in your households, just like you do in your county council buildings, just like we do in every county building we have. You have that right in your buildings. I don't see where you have the right in mine. I heard someone say a little while ago to say that they are proud of you for taking on this issue. I'm just completely the opposite that you are taking on this issue. This is not your issue. This isn't something you should be dealing with. It doesn't belong to you. That is overstepping your bounds. Your job is to protect us from each other, not from ourselves. I have a choice, I am a non-smoker. I have choice as to whether or not I want to go into any one of these businesses and frequent them and have dinner. I can go anywhere in this county and

choose whether or not I like their facility, I like to whether or not they have smoking or they don't. That's your job. Your job is to make sure everyone has those rights. If these people want to have the right to smoke in their facility for their Lexington County patrons, they should be able to provide that particular service. That's what it comes down to. It's not our job. Thank you.

Kathy Foster, 426 Walter Rawl Rd., Lexington, SC 29072 - I am a business owner. I do not own a bar, and I do not own a restaurant. I employ a few people, not a whole lot. What I am up here today for is to ask you to stay out of my business. Let me run my business the way that it should be run. You tell me what taxes and all of that that I need to pay. Don't tell me when to open my doors or when to close my doors. Don't tell me when I can work on Sunday or when I can't work on Sunday. And don't tell me when I can have someone in my shop smoking. I am a non-smoker. I haven't smoke in 23 years. I don't like cigarette smoke, just like my husband who was just up here before me. I don't like the dirty butts that are left laying around, but I don't like you trying to tell me that I cannot smoke in my business or I cannot have an employee that smokes in my business. That's up to me to decide. Stay out of my business, because once you get into my business, when will you come into my home. If smoking is going to be banned from businesses, make smoking illegal. Take it statewide. Don't do it county by county and people, like it was said earlier, go across the street to the next county. Because that is slowly going to put businesses out of business at a time when businesses are already hurting. Restaurants, bars, and my type of business depend on discretionary funds, people having extra money to spend. And if they want to go somewhere and smoke a cigarette and have a relaxing meal or a relaxing drink, make it where we can put signs on our businesses that say, this is a non-smoking business or this is a smoke allowed business. Let people choose whether to come be a client or a customer of mine. Don't make me have to tell my employees that they cannot smoke in my business. Thank you.

Bill Muse, 209 Wisteria Way, Lexington, SC 29072 - I concur.

Tanya Sharpe, 204 Saluda Bluff Rd., Batesburg, SC 29170 - I concur.

Dave Sharpe, 204 Saluda Bluff Rd., Batesburg, SC 29170 - I concur.

Gary Marlow, 4922 Hwy. 321, Gaston, SC 29053 - I concur

George Coburn, 164 Wild Bird Lane, Gaston, SC 29053 - I concur.

Jason Counts, 7024 Edmund Hwy., Pelion, SC 29123 - Mr. Counts had left.

Diane Oliver, 213 Southwood Dr., Lexington, SC 29073 - I concur.

Charlie Freeman, 267 Freida Rd., Lexington, SC 29073 - I go along with what these people are saying. It is not your business to put us out of business because we, as taxpayers, pay our taxes and you are coming in telling us what we can do. I am a business owner. You will close my business if you do this. We are private. We pay a membership to be there. I don't smoke, but why are you going to tell them they can't smoke when they pay a membership to be there. I'll put it in my bylaws, smoking establishment. It is not up to you to tell me what to do. If any of you have anything to do with a bar or a restaurant, I don't even think you should vote. Thank you.

Joe Martinez, 803 Laurel Rd., Lexington, SC 29073 - I concur.

W. M. Scott, 476 Whiteford Way, Lexington, SC 29073 - I concur.

Jeff Threatt, 400 Bradley Dr., West Columbia, SC 29170 - I concur.

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

Ordinance 09-06 – 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 Unincorporated Areas of Lexington County- 2nd Reading - Ms. Summers announced that she had conferred with Council and would be delaying the vote for seconding reading on Ordinance 09-06 until June 23, 2009.

Mr. Cullum asked when she had concurred with Council. He said we have had a public hearing, we have delayed the vote twice, and it seems now that the matter has become completely political, perhaps out of fear of one side of the other that you don't feel like you have the votes to make this pass. He said he has been keeping a tally of the people who have taken their time to come out of their businesses and their homes to come and speak to us and tell us what they think. By my count there are about 22 people who spoke against this and about eight that spoke for it, three special issue people and 11 business owners. To continue to delay this is not doing justice to these people who came tonight to speak on behalf of this, and we have already delayed it twice. How much longer are we going to delay it? Let's vote and move on.

Mr. Derrick said he shared Mr. Cullum's frustration and asked if those of us that are opposed to the ban happen not to be here one meeting, are we going to postpone voting on it then?

Ms. Summers replied, out of respect for Mr. Derrick, she probably would. Ms. Summers said this is a very important issue. We are divided 5-4 on this issue and have been for some time and it's not her place at this time to publicly state why she is delaying it; my fellow councilmen know why. But, it is her prerogative as Chair to do so. She said has conferred with the County attorney of what she can do and realizes there are some that do not agree with her.

Mr. Cullum replied that he respected her prerogative but only wished we could have something before us that we could have a unanimous vote and something that is so decisive. Obviously, it is tremendously decisive and that's what so sad.

Mr. Keisler replied that he, too, agreed with Messrs. Cullum and Derrick because this has gone on for the second and third time and it seems every time that one of the five are absent, we delay and feels it is not fair to the people. Next time it may be that one of the five will be out again and then it will be delayed again.

Old Business/New Business - 1995 and 2009 Retiree Health Insurance Plans - Mr. Davis reported during the afternoon Planning and Administration Committee meeting, the Committee discussed the 1995 and 2009 policy concerning insurance for retirees and voted in favor to recommend to full Council for approval.

Mr. Davis made a motion, seconded by Mr. Derrick to approve the 1995 and 2009 Retiree Health Insurance Plans.

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

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

Not Present: Mr. Jeffcoat *

*Mr. Jeffcoat left following Executive Session and prior to the Public Hearing as he was not feeling well.

Motion to Adjourn - Mr. Davis made a motion, seconded by Mr. Kinard to adjourn.

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

Not Present: Mr. Jeffcoat

There being no further business, the meeting was adjourned.

Respectfully submitted,

Diana W. Burnett
Clerk

Debra B. Summers
Chairman