

M I N U T E S  
LEXINGTON COUNTY COUNCIL  
JANUARY 13, 2009

Lexington County Council held its regular meeting on Tuesday, January 13, 2009 in Council Chambers, beginning at 4:30 p.m. Mr. Derrick presided.

**Matters Requiring a Vote as a Result of Executive Session** - Prior to opening the meeting, Council had entered into Executive Session following the Committee of the Whole meeting earlier during the day to discuss one personnel matter, four contractual matters, and four legal matters. As a result, there were no motions to be considered at this time. However, council will need to go back into Executive Session during the evening to continue discussion of one contractual matter.

Reverend Dave DeDonato, Director of Pastoral Care for Lexington Medical Center, gave the invocation.

The White Knoll High School Virtual Enterprise class led the Pledge of Allegiance. Virtual Enterprise is a course that offers students the opportunity to experience, in a simulated business environment, all facets of being an employee of a firm.

|                    |                          |                         |
|--------------------|--------------------------|-------------------------|
| Members attending: | William C. Billy Derrick | James E. Kinard, Jr.    |
|                    | George H. Smokey Davis   | Debra B. Summers        |
|                    | 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 Perfect Attendance** - Mr. Derrick recognized Council members Jim Kinard, Debbie Summers, Bobby Keisler, and Johnny Jeffcoat for their perfect attendance in 2008. Mr. Derrick presented each member with an engraved Goat Island Treasure box inscribed with the County seal, their name and perfect attendance year. In addition, Mr. Derrick also had perfect attendance.

**Presentation of Appreciation** - Vice Chairman Summers presented Mr. Derrick a miniature engraved gavel and holder for his service as Chairman for 2008 and Chairman presented an engraved pencil set to Ms. Summers for serving as Vice Chairman for 2008.

**Remarks of Outgoing Chairman** - Mr. Derrick thanked Council for their support over the past two years and said he was honored to have had the opportunity to serve as Chairman of this fine Council.

**Elections of Officers - Chairman** - Mr. Derrick opened the floor for the nomination of Chairman.

Mr. Davis nominated Ms. Summers, seconded by Mr. Cullum.

Mr. Derrick called for further nominations; no further nominations were made.

Mr. Kinard moved that the nominations be closed, seconded by Mr. Davis.

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

There being no further nominations for Chairman, Mr. Derrick declared that the Chairman was elected by acclamation.

Mr. Derrick turned the gavel over to Ms. Summers.

**Vice-Chairman** - Ms. Summers opened the floor for nomination for Vice Chairman.

Mr. Keisler nominated Mr. Kinard, seconded by Mr. Jeffcoat.

Ms. Summers called for further nominations; no further nominations were made.

Mr. Banning moved that the nominations be closed, seconded by Mr. Derrick.

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

There being no further nominations for Vice Chairman, Ms. Summers declared that the Vice Chairman was elected by acclamation.

**Parliamentarian** - Ms. Summers delayed the appointment of a Parliamentarian.

**Chairman's Report** - No report.

**Administrator's Report - Martin Luther King, Jr., Day** - Ms. Hubbard announced that the County offices will be closed on Monday, January 19 in observance of Martin Luther King, Jr.

**Shining Stars for the First Quarter of 2009** - Ms. Hubbard recognized Sharon Butler, Data Entry Operator, Auditor's Office; Sarah Weaver, Library Assistant I, and Hannah Norman, Part-time Library Assistant 1, with Library Services; and Mike Spears, Part-time Historical Interpreter with the Museum as the winners of the first quarter for the Customer Service Shining Star award. Each recipient received an engraved acrylic "Shining Star."

**Employee Recognition** - Ms. Hubbard recognized Andrew Bigony, Microfilm/Records Management Supervisor, on receiving the Member of the Year award presented by the SC Public Records Association. Mr. Bigony was recognized for his outstanding leadership of the organization's Mid-State Region in 2008.

Ms. Hubbard said she received a letter from the Lexington County Vietnam Combat Veterans Group

thanking Veteran's Affairs staff for their support and guidance in assisting them with forms, applications, and other general knowledge about the Veteran's Administration system.

Terry Defee, Recording Clerk II with the Register of Deeds Office, was recognized for providing a citizen with quick and accurate information while displaying a positive and friendly attitude. The citizen said she was expecting an unpleasant and stressful experience, but was pleasantly surprised by Terry's assistance.

Valerie Gray, GIS Mapping Technician II, was recognized for resolving a 15-year old problem in just 15 minutes for a citizen. The citizen called to let her supervisor know what a positive experience he received from a true professional.

Sharon Willis, who resigned as the Employee Committee Chairman, was recognized and presented a plaque for her dedication and leadership for the past eight years.

**Appointments - Central Midlands Council of Governments - Councilmen Johnny Jeffcoat and George H. Smokey Davis** - A motion was made by Mr. Banning, seconded by Mr. Cullum to reappoint Councilmen Jeffcoat and Davis.

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

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

**Assessment Appeals Board - Bill Power** - Mr. Cullum made a motion, seconded by Mr. Banning to reappoint Mr. Power.

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

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

Mr. Banning asked staff to send letters to Ms. Juanice Aaron, eligible appointee to the Aiken/Barnwell/Lexington Counties Community Action Commission, Inc., as well as Messrs. Mike Flack and Robert Price, eligible appointees of the Central Midlands Transit Authority, to see if they are willing to serve another term.

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

**Gaston Branch Library Addition - Furniture and Equipment - Library Services** - Staff recommended the purchase of furniture and shelving for the new addition to the Gaston Branch Library from Interior Systems, Inc., who is the sole source provider of Estey shelving. The small amount of furniture that Interior Systems will provide was widely advertised in a bid process with no additional bids received. The total cost, including tax, is \$47,015.90.

**NFPA Standard Flame Resistant Uniform Rentals for Public Safety/Fire Service - Term Contract -** Competitive bids were solicited and advertised for a term contract for NFPA standard flame resistant uniform rentals for Public Safety/Fire Service. The award of the contract will be for the initial period of one (1) year with the option to extend the contract for four (4) additional one (1) year periods, if deemed to be in the best interest of the County. Two (2) bids were received. Staff recommended the award of the bid to the lowest responsible bidder, Unifirst Corporation. Total cost, including tax, is \$89,689.45.

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

Mr. Cullum expressed his appreciation to Mr. Dan MacNeill, Director of Library Services, for his judicious spending in overseeing the renovations and expansion of the libraries. In addition, Mr. Cullum thanked Library Board and staff for a job well done.

**Approval of Minutes - Meeting of November 18, 2008** - A motion was made by Mr. Banning, seconded by Mr. Cullum to approve the November 18, 2008 minutes as submitted.

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

**Zoning Amendments - Zoning Map Amendment M08-07 - White Water Drive, Portion of Rocky Ramp Drive and Launch Court - 3<sup>rd</sup> and Final Reading** - Mr. Jeffcoat made a motion, seconded by Mr. Banning to approve third and final reading of Zoning Map Amendment M08-07.

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

**Zoning Map Amendment M08-08 - Three Oak Lane and Water Oak Trail - 3<sup>rd</sup> and Final Reading** - Mr. Jeffcoat made a motion, seconded by Mr. Carrigg to approve third and final reading.

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

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

Mr. Cullum

**Zoning Map Amendment M08-13 - Stagecoach Road - 1<sup>st</sup> Reading** - Mr. Banning made a motion, seconded by Mr. Cullum to approve first reading.

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

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

**Ordinances - Ordinance 08-19 - An Ordinance to Amend Ordinance No. 95-12 as Amended by Subsequent Ordinances Relating to the Joint County Industrial Park of Lexington and Calhoun Counties so as to Enlarge the Park to Add Certain Property (CMC Steel SC) - 2<sup>nd</sup> Reading** - A motion was made by Mr. Davis, seconded by Mr. Cullum to approve second reading.

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

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

**Ordinance 09-02 - An Ordinance Approving the Conveyance of Real Estate from the County of Lexington to John J. Miller - 1st Reading** - A motion was made by Mr. Cullum, seconded by Mr. Kinard to approve first reading.

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

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

**Committee Reports - Economic Development, S. Davis, Chairman - Solectron Incentive Request** - Mr. Davis reported that the Solectron Incentive request was removed from the agenda and will be rescheduled for a later date.

**Resolution for Hahl, Inc.** - Mr. Davis reported the Economic Development Committee voted in favor to recommend to full Council the approval of the resolution. The resolution is to confirm that Lenzing USA Inc. is an entity affiliated with and related to Hahl, Inc.

Mr. Davis 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. Davis  
                      Mr. Banning                 Mr. Kinard  
                      Mr. Derrick                 Mr. Keisler  
                      Mr. Jeffcoat                Mr. Carrigg  
                      Mr. Cullum

**Justice, B. Banning, Chairman - Violent Crime Task Force Grant Application** - Mr. Banning reported the Justice Committee met during the afternoon to discuss and consider a request by the Solicitor's office to apply for the third and final year of eligible funding of the Violent Crime Task Force Grant. The grant in the amount of \$125,948 requires a 25 percent match of \$31,487. The committee voted to recommended to full Council to move forward only with the grant application but not include approving the positions in next year's budget once funding runs out.

Mr. Banning made a motion, seconded by Mr. Kinard to approve staff's request to move forward only with the submittal of the grant application but not include approving the positions in next year's budget once funding runs out.

Ms. Summers opened the meeting; no discussion occurred.

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

**Committee of the Whole, B, Derrick, Chairman** - Due to the limited amount of time in the Committee of the Whole Committee meeting, the committee's agenda items were delayed until the 4:30 Council meeting.

**Relocation of Two Grave Sites (Drafts)** - Mr. Health Taylor, attorney for NBT of Columbia, Inc., presented a request, which must to be approved by Council pursuant to S.C. Code Ann. § 27-43-10 (2007), to relocate the remains of two individuals found on the property owned by NBT. Mr. Taylor said NBT has agreed to deed .21 acres, which is what the family initially had in the early 1900s, for the relocation of the two graves. In addition, NBT will contribute \$3,264 towards the construction of a fence (which NBT will construct) around the site to make it a true memorial site, if the family cannot raise the additional money to construct a brick fence, which is their desire. Also, there will be access to the site from an alternate route outside the subdivision. Mr. Taylor said he is confident that he and his client, NBT, have done everything they needed to do and that the representatives of the Drafts family have agreed to the agreement.

Mr. Davis made a motion, seconded by Mr. Banning to approve the request of the relocation of the two grave sites.

Mr. Banning asked Mr. Taylor if he had the proper witness signature pages as the information in the agenda were not witnessed.

Mr. Taylor replied that he does have the witness signature pages in his files, but did not have them at the time he had to submit the information for the agenda.

Mr. Derrick asked for clarification if it was .21 acre that would be deeded for the grave site.

Mr. Taylor, replied, yes, sir.

Mr. Derrick noted on page 2 of the Settlement Agreement & Release under Settlement –A. that it states .021 acre.

Mr. Taylor replied that was a typographical error and noted it is reflected correctly on the plat as .21 acre.

Mr. Derrick noted in the agreement that the families would have to make arrangements to pay the taxes and asked if their attorney is making arrangements with the Department of Revenue so they won't have to pay taxes. Mr. Derrick said Council did not want the property sold again and find ourselves in this situation again.

Mr. Taylor said the family is exploring to create a charitable entity that will take it. He said they have been in discussion with the Town of Lexington Historical Society, but are seeking an entity that will take and maintain the site so they are not looking at tax issues and having only one family member responsible for the maintenance.

Mr. Derrick said he understands since it is a cemetery there may be an exemption they can receive without property taxes being applied and urged Mr. Taylor to have someone explore that possibility.

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

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

**Approval of Minutes - Meeting of November 18, 2008** - A motion was made by Mr. Banning, seconded by Mr. Cullum to approve the November 18, 2008 minutes as submitted.

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 |              |

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

09-054 - A supplemental appropriation increase in the amount of \$2,500,000 from contributions received from Richland County (\$1,500,000) and Project Pet (\$1,000,000) for the animal services project.

09-055 - A supplemental appropriation increase in the amount of \$1,000 for a donation received from the Wal-Mart Foundation.

09-056 - A supplemental appropriation increase in the amount of \$309,975 received from Mid-Carolina Electric Co-op and Central Electric Power Co-op to be put toward eligible public infrastructure for any Lexington County owned industrial park.

**Old/New Business - Business Property Taxes** - As an item of new business, Mr. Keisler asked staff to look at the possibility of allowing businesses the option to pay their business taxes in installments, perhaps quarterly, etc. as long as they are paid by January 15.

**Guideline for Minimal Tax Bills** - As an item of new business, Mr. Banning said he was embarrassed that the County is sending citizens property tax bills for .05 cents. He asked that staff and the County attorney meet to see if Council can implement a guideline of a dollar amount that can be waived.

**Wrecker Ordinance (Ordinance 09-03)** - Mr. Kinard reported during the Executive Session during the Committee of the Whole committee meeting, Council discussed simplifying the wrecker ordinance.

Mr. Kinard made a motion, seconded by Mr. Derrick to approve first reading on amending the wrecker ordinance in order to simplify the overall ordinance.

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

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

**Executive Session/Legal Briefing** - A motion was made by Mr. Banning and seconded by Mr. Kinard to re-enter Executive Session to continue discussing one contractual matter.

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

Ms. Summers reconvened the meeting in open session and reported Council will have to re-enter Executive Session following the public hearing.

**6:00 P.M. - Public Hearings - Ordinance 08-18 - An Ordinance Amending Section 46-1 of the Lexington County Ordinance in Regards to Disposal of County-owned Real Property** - 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 Ordinance 08-18. 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 Ordinance 08-18.

Ms. Summers stated no one had signed up in favor or opposition of Ordinance 08-18 and closed the public hearing.

**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 Unincorporated Areas of Lexington County** - Ms. Summers opened the public hearing for those in favor of Ordinance 08-16.

**In Favor:**

**Jim Arnold - 118 Beltrees Drive, Lexington, SC 29072** - Good evening. My partners and myself from the Dam Bar and Grill in Lexington and, as business operators, since there is no uniform law in the state of South Carolina pertaining to whether smoking is allowed or not allowed in a food establishment serving liquor, we all feel that the individual person(s) have the right to decide whether they would like to patronize a bar or any other food or liquor establishment. I would also like to let the Council know that being outside of the town limits, in such a small area from our location, the increase number of patrons that we have seen since the town, itself, has banned the smoking in the establishments, which to us means that there are people willing to travel to places where they do have the option to do that. Not stating whether I am a smoker or non-smoker, I don't think has anything to do with it nor do my partners. We are in total favor and agreement of giving the public the right to make the decision where they want to go and spend their money. Clearly define with non-smoking or smoking sign is what we are in favor of. Thank you.

**Scott Cutting - 345 Farmhouse Loop, Lexington, SC 29072** - I do work at the Dam Bar and Grill, and I am in favor of keeping the sign there, and I am a non-smoker.

**Michael McClain - 128 Harrison Hill Court, Gilbert, SC 29054** - I think last week we had a few moments to speak with some of the Council members and one of them said to keep it real. I am going to keep it as real as I can. I own Goodfellas Bar and Grill in Lexington. I reside in Lexington County. Last year alone, I fed approximately 48,000 people. My restaurant is smoking and non-smoking. I have one side that is non-smoking; one side that is smoking. The average age of my customers are 45 and above. We are not a bar; we are a restaurant. A lot of my guests that come in and eat with me, they come out because they do not smoke in their homes. They don't smoke in their cars, but they can come to my place and eat dinner on a non-smoking side and go to the other side and socialize with their friends. That is the option they have. That is the option we are looking for ya'll to give us. Let them make the choice. I have 23 employees and they live in Lexington County. It is a trickle-down effect. Put me out of business and it puts them out of their homes. They support their school systems. All we ask is to give us a fair chance to let us make a decision that is right for our business. Don't take away our livelihoods. I am good at what I do. I please a lot of people, and I think that should be our choice. Just let us make the decision that is right for our businesses. I want to leave this with you. I am going to show you all my figures that I do at my restaurant because I'm sincere of what I'm saying. And not only as a taxpayer, but as a business person of Lexington County, let us have the option. If our business is going to fold, let it be us to decide it. There are other places that people can go to eat that are non-smoking. I am sorry that my food is so good that you want to put smoking out of my restaurant, but let me make that decision. This ordinance that they are trying to do, or ban smoking, it doesn't work. A friend of mine owns D's Wings in the city of Columbia and he has closed two of his. Now we are looking at the Town of Lexington. I think what they have done is probably going to jeopardize a lot of businesses in the Town of Lexington. But, let us make the decision and let the people make the decision. Once we put those signs up, they've got the option. They know what it is. And if you don't want to come into the restaurant, I'm sorry you feel that way. I'm not saying which way I am going but the thing about it; I've tried the non-smoking at the beginning of 2008. My revenue dropped 32 percent in two months. I'm a smoker. I didn't do it for health reasons. I'm not here to debate whether it's healthy or it's not. But, I did try it and it didn't succeed, not in my business anyway. The industry is taking a big hit now anyway with financial problems and stuff; it is tough. Here we are an industry out here vying for everything that we can get to keep our doors open, and I don't think right now is a good time to ban it. I think that we need to keep the businesses that we've got and keep the guests we have happy. I am keeping it as real and honest as I can. I appreciate your time. Thank you. (Mr. McClain provided Council with his Sales Report for 1/1/08 –

12/31/08 and asked that it be kept confidential).

**David Twitty - 1914 Airport Boulevard, West Columbia, SC 29169** - I concur with what they had to say.

**Anthony Keisler - 1129 Calks Ferry Road, Lexington, SC 29072** - I own a business out on Calks Ferry Road and I'm the third generation there. My grandmother was there, my dad was there, and now I'm there. We've always had a good business there and it has always been a place where people would just come sit down to talk and discuss church. My grandmother ran it, church business was done there. A lot of drinking coca colas went on when she had it. When dad took it over, he took it more to a bar and that is where I am now. I think what we do, we do pretty well. I think we are smart enough and the people who walk in and out of our establishment are smart enough to know what they are walking into when they step in. Signs - we can put signs up, that is not a big thing. I really believe that everybody in Lexington County knows what goes on in this county and they can make decisions. That is the biggest thing. I know before, I was here early, and you had a group here from White Knoll High School, business. They are learning to do business. People take chances, spend their money and do what they do. They don't need an entity to start putting rules or regulations on a business. Let the business owners decide what they need to do and how to do it. Thank you.

**Jonnette Thier - 405 Creek End Circle, Gilbert, SC 29054** - My purpose of being here is because a lot of these people are my friends and they do have businesses. My husband had a business in Lexington County when the used car business went away and he lost his business and it hurt his pride. These people that run these businesses, let them have the right to allow smoking or non-smoking. Most of my friends don't smoke, but they have a choice. They can go in restaurants that allow smoking, but they can also go in restaurants that don't allow smoking. Just give the individual people of Lexington County a choice and help my friends that have businesses.

**Nicole Gantt - 2601 Hwy. 6, Gaston, SC 29053** - I am a small business owner, and I just want to say that we were in favor of the sign, and we do disagree with the smoking ban. Feel like my patrons should have the right to decide if they want to smoke or come into a smoking establishment or a non-smoking establishment. Thank you.

**Joel Player - 1936 Leander Drive, West Columbia, SC 29172** - I concur ..... (Due to Mr. Player not coming to the podium to speak, his comments were not audible.)

**Sidney Hursey, Jr. - 1509 Busbee Road, Gaston, SC 29053** - I will make this real simple. The lady just before me said what needed to be said, but the main thing, I think ya'll are missing is - we are all Americans. We've had too many things against them. The majority of the Americans is, somebody makes up a rule and pass it. I've been in business for 19 years in the same location. This sign will not affect my business whatsoever. But it is getting away from what the freedoms we have in the country are. Everybody should have the right to go where they want to, when they want to. If I've done anything wrong in the last 19 years, all I've done is add on to my building three times. We have had smoking and non-smoking sections in the food establishments, and I don't know how many meals we have, but we would say about 600 meals a week that we sell in our auction barn. And, I believe that we've got to get back to being America and treat all Americans as Americans and let us do what is within the law. Nobody has fooled me yet that secondhand smoking has hurt anybody, and ya'll can't find it. All the politicians may want to, it's no reports yet that nobody has had cancer from secondhand smoking. My wife smoked, before she got murdered here about five or six years ago. Smoked two to three packs a day her whole life and when they did an autopsy on her, her lungs were perfect. Think about the cars, you are inhaling this fuel. That may be where all your cancer is coming from. They haven't found where all the cancer is coming from yet, is it paper mills or whatever. Thank you.

**Barbie Sirico - 124 Front Street, Gilbert, SC 29054 - I concur.**

**Brandy Crocker - 363 Farming Creek Way, Lexington, SC 29072 -** I have been working for Mike McClain at Goodfella's, through Peter Paul's, for the past ten years. And with that, at the age of 21, I was able to purchase a home in Lexington County. Here recently I actually left the business, the restaurant business, and tried something different and discovered that if I remained in that business that I soon would have to sell my home. So with that being said, I returned to the restaurant business, which I love, and do not mind working in a smoking establishment as well as the other employees that work there. They also have a choice of working there as well in that environment. They make good money doing what they do and if they didn't like the smoking environment, they would seek something else to work in as well as the clientele that come in to have that choice. So I wanted to say that I do concur with having the choice to have the sign posted. Thank you.

**Duncan Crowe - Lexington Arms Restaurant - 316 West Main Street, Lexington, SC 29072 -** I am one of those that has lost business to the Dam Bar and Grill because of the Lexington ordinance. And, I concur that with the ordinance that you gentlemen and ladies are putting on because I think that we need to have a choice. The public is not as dumb as we seem to think they are. We have been now going on smoking for, I suppose for two to three months, and I haven't seen the increase that I was promised from the non-smokers of our community. Now you are going to hear from them later on and they promised us at the Town Hall meeting that they were going to come out in full force and support our restaurants that were going non-smoking. It is a serious time for us, I can assure you. We have lost revenue, and I think, although standing here I'm shooting myself in the foot perhaps to concur with the ordinance that is now on the books, and I hope that you don't change it, that you will think of the businesses out in the country. We sort of think of restaurants, and I think we should think of bars and bars. There are certain areas that we know people are smoking; we know that's what they do, they go out and have a drink and a have a smoke. To stop that might be healthy for them but that's not our job to tell them how to run their lives and I appreciate it. Thank you.

**Bob Peeler - 123 Cabot Bay Drive, Lexington, SC 29072 - I concur.**

**Glenn Walter - 832 Decatur Street, West Columbia, SC 29169 - I concur.**

**Danny Hunter - 125 Candy Cane Lane, Lexington, SC 29072 - I concur.**

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

**Mike Muse - 102 \_\_\_ Drive, West Columbia, SC 29169 - I concur.**

**Matt Going - 100 Riverbend Drive, Apt. I-9 West Columbia, SC 29169 -** I am coming from a different perspective. I am a customer. I have been a customer of some friends of mine that own businesses around the area. I am also a non-smoker and an asthmatic. I concur that a sign be placed on establishments but oppose a smoking ban. Living in free America with a free enterprise system, I think we should let it stay free, giving the business owners the option to make decisions for their business. If you cut the business by posting a ban on smoking, we all lose. You guys lose tax money, and they lose income for their families. It is a lose, lose situation. Thank you.

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

Ms. Summers opened up the public hearing for those in opposition.

### **In Opposition**

**Mike Watford - 101 Mansfield Circle, Lexington, SC 29073** - My former profession was a chemist so I'm going to be stating you facts, not opinion. One of the fundamentals of chemistry is that a gas travels from a place of high concentration to low concentration. For example - If I were to open a bottle of ammonia and put some of it into a cup and put it in the far corner of this room, within a half-hour to an hour, this whole room would smell of ammonia. The same is true for a restaurant that has a so-called smoking and non-smoking section. Unless there are hoods and vents to ventilate the smoking section to have the smoke go out and draw out the smoke immediately, the smoke is going to drift over into the non-smoking section and thus, we smokers are going to have to smell it. To have the perfect kind of vents and hoods it is going to cost, I have talked with my former chief chemist, around \$500,000 per restaurant or more. The AMA has written several articles that state secondhand smoke will cause cancer just as much as a person that inhales a cigarette. Unless you are prepared to rule in favor of a hood and vent system, which are noisy and expensive, then I suggest that all restaurants should have a smoking ban. It only takes thirty minutes to an hour to eat, talk, shoot bull, and eat a meal. If a smoker can't wait until they can finish a meal and get outside to light up, then maybe they should eat at home. The Flight Deck bans smoking long before it became law in the city of Lexington and its business has tripled. Also, it should be noted that no person should be allowed to light up 50 feet from the entrance. Now I would like to address what the perimeters should be as to what a bar is. A bar is a place where people go to drink a beer and bitch about their wife or employer, get drinks, or dance and pick up a date and where the only food served is pretzels or goldfish or nuts. But, a bar with a restaurant, do they have a kid's menu? If they are encouraging kids, then it is a family restaurant and no smoking should be allowed. Do they serve 51 percent booze versus food? Then it is a bar. Then they have a right to say they should have smoking. If they have 51 percent more food, food sales then booze, then they should be banned from smoking, and that's my comment.

**Douglas Adam - 414 Creek Branch Court, Lexington, SC 29072** - I live in Lexington and also own a business in Lexington. I frequently take clients to restaurants to either do business or entertain. I would like to say that my business here, I actually started to take clients to downtown Columbia's smoke-free restaurants. I'm not sure where these other non-smokers that talks about them not showing up at restaurants that are not smoke free. But, I just wanted to say that I am opposed to just putting up a sign and where the health risks involved and just do not want to subject my clients or my family or my seven-month-old to that as well.

**Ernie Bell - 177 St. Andrews Road, Columbia, SC 29210** - My entire career has been in medical research, teaching healthcare professionals and healthcare administration. Three leading causes of deaths in America today are heart attack, cancer, and stroke. Those are coded that way on the death certificates. The Schools of Public Health all across America have agreed that the leading causes behind the primary causes of death in America, primary leading cause of death is tobacco use in the United States. When we think about what the role of government is, the role of government is to protect the entire public and not individuals. We have laws that say that we don't allow people to drink and drive. Yes, they have a right to drink. They do not a right to drink and drive because they jeopardize other people's health. We need to protect all the citizens and all the employees. Not just the patrons, but employees as well. We don't put signs in windows of businesses saying we don't use ground fault protectors in our organization here, be careful, or we don't put signs in windows that say we don't have a vent over our food preparation area and that could cause a fire hazard but you can come on in if you like. Bottom line is – you have to have those vents over your food preparation area and you must have ground fault protectors. So, OSHA requirements are a part of doing business in all business communities. We have to protect our employees as well as the people who enter our facilities. What we need is a comprehensive smoking ordinance in Lexington County to get in compliance with what is happening, not only in our state, but in our nation and the global world in which we operate. I am proud to be a citizen of Lexington County. We have

always been a progressive county. As I think about the other counties in the State of South Carolina that have already passed comprehensive smoking ordinances to protect all the employees in those communities, it is encouraging to me to think we could do the same thing here. Rock Hill passed their ordinance yesterday; York County is looking at doing theirs. We know the list of other counties in South Carolina that have moved in that direction. But, the other thing we need to realize is – this is going to happen. It may not happen now, but it's going to happen. It's going to happen in the United States and it will happen in South Carolina. We will pass an ordinance in South Carolina. We will do it kicking and screaming, dragged into the twenty-first century, but sooner or later, we'll get there. About 20 states have already passed that at a statewide level. The City of New York is smoke free. How many times have you gone to New York and said where there are no bars still open in New York, people aren't drinking in New York City anymore because it is smoke free. They are very successful up there. I eat out many, many times, maybe three to four times a week, and I am delighted to get to Harbison Boulevard. I was one of the folks who fought like tigers when Harbison Boulevard was annexed by the City of Columbia. I was righteously indignant about that entire process. But, I can tell you I am happy that it is a part of the City of Columbia now and I go to restaurants that are owned by people that are in this room tonight, and I thank them for building in that area, and I enjoy going to Columbia and being able to go into a restaurant and eat without having to worry about that. We will eventually get there, and I think that we will be better served with a comprehensive smoking ordinance.

**Kristy Stoneburner - 826 Burnwell Lane, Columbia, SC 29205** - I am a resident of the City of Columbia. But, I am here as the Program Coordinator for the Lexington One Community Coalition, in particular on behalf, of Kay Coker, who is our founder and chair, a former trustee of the Lexington One School District and, also a resident of Gilbert, SC. So on her behalf, I would like to read her statement. There is in my maternal family health history a propensity for cancer. I am sure there are many who work in the restaurant/bar businesses that also carry this genetic tendency. The reason I am passion about our efforts to prevent underage substance abuse is because I believe in this generation and their abilities and creativity for the good of us all. So it is on this premise that I ask each of you to consider what physical affects might fall upon our young people who work in these businesses. We all know the dangers of secondhand smoke. Many of you know personally those who have been stricken with cancer and have dealt firsthand with the horrific pain and suffering it brings. Are you not willing to do whatever it takes to ensure that those who must work in such establishments be protected? Are you willing to be held accountable for your actions should even one of these develop some type of cancer as a result of such exposure. I apologize that I am unable to personally share these concerns with you, and I thank you for this opportunity to address this matter of great importance. Thank you.

**Suzanne Sanders - 3450 Coleman Street, Columbia, SC 29205** - Good evening Council members. Like Ms. Stoneburner, I, too, am a Columbia resident, but I am here tonight in a professional capacity as a representative of the South Carolina Department of Health and Environmental Control Region 3. I am the Chronic Disease Program Manager for our region, which serves seven counties including Lexington. If you would, I would like to just read, on behalf our agency, our position statement on this issue. The South Carolina Department of Health and Environmental Control is committed to promoting and protecting the health of the public and environment in our state. In keeping with our vision of healthy people living and 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 U.S. Surgeon General, the U.S. Center for Disease Control and Prevention and numerous other leading health and environmental groups. In partnership with the CDC, DHEC focuses on the goal of elimination of the public's exposure to secondhand smoke. DHEC supports efforts to protect the state's citizens from the proven dangers of secondhand smoke exposure. Thank you.

Mr. Derrick asked why the state has not taken position on this particular issue and why hasn't OSHA, as the guardian of our environment, taken a position to protect the workers in these establishments?

Ms. Sanders replied, that is a very good question.

Mr. Derrick said from a DHEC standpoint, why don't they put it on our legislature to make it even across the board. Let's do something about it throughout the state.

Ms. Sanders replied, it is my understanding that the state of South Carolina is looking at this issue, but no legislation has passed as yet.

**H.L. Allen - 376, Spruce Glen Road, Lexington, SC 29072** - I confer my time to my wife.

**Gina Lane - 9 Canterbury Court, Columbia, SC 29210** - I am here as a resident of Lexington County, but I am also the State Program Coordinator for the South Carolina Tobacco Collaborative, and I would like to read this statement on their behalf. The South Carolina Tobacco Collaborative supports a 100 percent comprehensive smoke free workplace ordinance. In a comprehensive ordinance, there are no exemptions of restaurants or bars. No one should have to choose between their health and a paycheck and that includes service industry workers and musicians. The June 2006 report from the Surgeon General clearly states that secondhand smoke is a health hazard. All workers should be able to breathe clean air at work, no matter what industry they work in. Hospitality workers and musicians breathe more secondhand smoke on the job than any other employee. Food service workers have a 50 percent greater risk of dying from lung cancer than the general population. A smoke free ordinance in the work place brings many more benefits including a reduction in the number of days an employee is out sick and the reduction of liability to business owners if a non-smoking employee files a health related lawsuit. Sullivan's Island was the first municipality in the state to pass an ordinance in May of 2006. Since the State Supreme Court ruling in March 2008, which upheld the right of local governments to pass smoke free workplace ordinances, many more municipalities have passed ordinances of their own, bringing the total to 23, two of those in the past week, Edisto Beach and Rock Hill. At this time York County and also the City of Sumter are also considering smoke free workplace ordinances. As Dr. Bell said, I urge all council members to see that it is only a matter of time. Please do everything in your power to protect all employees in their place of work. Thank you.

**Sharon Biggers - 200 Teesdale Court, Lexington, SC 29072** - Good evening. I am a life-long resident of Lexington County. I want to thank Council for addressing this important issue tonight, and I also appreciated the opportunity to speak with Councilman Davis this morning to express my interest in stronger regulations that are currently proposed. The U.S. Surgeon General's report on the consequences of involuntary exposure to secondhand smoke, in my mind, puts to bed any questions about the dangers of secondhand smoke. I and my family spend a great deal of money in the county businesses and look forward to doing so all the way across the county in some smoke free establishments. My guess is that our state legislature realizes that local solutions are better for local problems and rather than waiting for them to act, I encourage you to do so tonight. In Section 1 of the ordinance that you have proposed, it states that it "is appropriate in the furtherance of the Council's duty to protect the health of its citizens in retail food establishments and therefore are enacting the Article." So I encourage the council to adopt comprehensive ordinances for smoke free environments to do that. Thank you very much.

**Cindy Wilkerson - 131 Old Barnwell Road, West Columbia, SC 29170** - I am here on behalf of the children of Lexington County. I am not here to discuss the ordinance of smoking signs versus non-smoking signs in public facilities. I am here to ask that you consider a comprehensive smoking ban on all public facilities in Lexington County. I have a tremendous passion for children and for health. I have two daughters, ages 15 and 19. I have taught approximately 130,000 students over the past 26 years the importance of healthy bodies and healthy minds and healthy lifestyles. This is the first generation in 100 years that is predicted that children will not live as long as their parents. Twenty-five percent of children

in the state of South Carolina, between the ages of five and ten, have warning signs of coronary heart disease that is directly correlated to an activity and secondhand smoke. Children don't make choices to enter or not to enter public facilities. As leaders of Lexington County, I urge you to consider a futuristic ban on smoking in all public facilities. Children's lives are worth saving. Thank you.

**Jacob Wilkerson - 131 Old Barnwell Road, West Columbia, SC 29170** - Thank you very much for giving me the opportunity to be here tonight to speak to you. First of all, I know each and every one of you here have a lot of tough decisions to make. I do feel like the proposal that you have now is really not making a decision at all. It is leaving the decision up to someone else, and I think all of you are elected to make decisions to help the citizens of Lexington County. Sometimes no matter what decision you make, people are affected on both sides. It's no way to make a decision sometimes and it's not an easy thing to do. You are going to affect people on both sides. I think you have to look at both sides; I think you have to listen to the facts, and then I think you have to make your decision based on the knowledge that you have. First of all, you've heard all of these things before – Is smoking bad for you? Can smoking cause cancer? Is secondhand smoke harmful? Do people die from secondhand smoke? And, I think all of us know the answer to those questions. And, I know there is another hand to that, too. Some of the people here earlier, I know some of you have friends that own restaurants and bars and you have talked with them and they say they will lose business if a comprehensive smoking ban is proposed. I ask you to look no further than the City of Columbia, Richland County, and the Town of Lexington. I don't see a lot of places closing up. Also, states like Massachusetts, Vermont, New Hampshire, and I think it was stated earlier, the City of New York, all of those places have comprehensive smoking bans and, like it was stated earlier, they are still doing a lot of business in those states, also. I agree people have a right to decide, people having the right to decide if they want to smoke. I don't think people have a right if it affects other people and harms other people. We have tons of laws already on the books, and I know you are saying this is something else we are going to propose on somebody else or ban against someone else. We have DUI laws now, why? Because it is harmful to the person; it is harmful to other people. You don't want people getting hurt because someone has been drinking and driving. You have speed limits. You just don't let people drive whatever speed they want to. You have speed limits because people get killed if you don't have a speed limit. It is estimated this year somewhere between 30- and 40,000 people will die of secondhand smoke related illness. And, I am not talking about people who choose to smoke. These are people that don't smoke, and I think that they should be protected just like those other people that are innocent that laws that we have to protect the innocent people. This is a ban that would protect innocent people in Lexington County. I have heard a lot of you in the past talk about the quality of life in Lexington County and improving the quality of life in Lexington County. You talk about better jobs and better communities and this is something that, definitely in my opinion, would help the quality of life in Lexington County. In closing, I would like to ask one hypothetical question – If someone comes to you while you are here on County Council and you are serving the people of Lexington County and they come to you with a proposal and they ask you this question – Do you have the opportunity to help save someone's life while you are on County Council or you have the opportunity while you are on County Council to take someone's life. And, to take that a little bit further, the person's life in question could be your wife, your husband, could be your daughter, son, grandson, or granddaughter. What choice would you make if someone asked you that question? What kind of quality life do you want your children and grandchildren to have in Lexington County? Thank you for the opportunity to speak. Again, I know you have tough decisions to make and hope that each and every one of you think about it long and hard and you make the right decision.

Mr. Banning asked Mr. Wilkerson, who is on the Town of Springdale's Town Council, what the town's position is on this subject.

Mr. Wilkerson said they have talked about it over and over again and he has brought up and proposed to Council that we have a comprehensive smoking ban in the Town of Springdale, and we are bringing it up

at our next meeting and, hopefully, we can get the votes to pass it and move forward with that. So, it is on our agenda for the February meeting.

**Tommy Howard - 60 Rocky Cove Road, Lexington, SC 29072** - I've lived in Lexington County 65 years, and I've been on the recreation commission for about 26 to 28 years. Ms. Wilkerson said something about the kids. I coached Little League Baseball for eight years, and I was president of the Football League in Lexington and played all over the county. We had coaches that smoked and chewed tobacco, etc. and we heard so many complaints and everything about the kids being involved in it. I just want you to know, I don't know about Irmo-Chapin Recreation but, all the Lexington County recreation fields – the ball fields and soccer fields, are smoke free, tobacco free, and drug free. We have signs posted everywhere. So we want all to you know it as some of you might not know it. I've got a place in Hilton Head and, I was just down for the polar bear plunge at Sullivan's Island, where thousands of people went into the water, and thousands of people on the beach watching them and all came back and all the smoking was outside and it was no problem. I mean it was all the businesses down there. It was just a heck of a New Year's day. I sympathize, you have a tough decision to make, I have a lot of friends that have places, businesses out in the country and whatever, but all the places I have been, if you go into a smoky place and everything you come out in ten minutes and all your clothes smells and everything and you take it home and your whole house smells. I've never smoked. I just think that most restaurants, especially the big restaurants with bars, they definitely ought to be smoke free. You have a tough decision on some of the smaller places outside, but as a citizen I want to try to answer a question about why the state hadn't tackled this and this is just my personal opinion. They haven't really raised the cigarette tax way up because this was supposed to be a tobacco state and I heard that we are only sixth in the biggest tobacco now. We were probably at one time first or second. But, you know, I think the whole thing, the lobbyist, the tobacco people and everything, I think, that's why they are scared to tackle the problem. It is one thing about your council, I read in the paper, that you were wanting the municipalities to go first then you would make the decision. I take my hat off to Lexington because Halfacre and them, it wasn't him that brought it up, but at least you can go into the restaurants now and they are smoke free. I tell you it is nice to go to Harbison and it is nice to go down to the Vista. You make go to the Vista; you may not go to the Vista. Go down there and it is no smoking. All the smoking is outside and the people that smoke don't mind going outside. Thank you.

**Steven Burritt - 440 Ivey Green, Lexington, SC 29072** - I wanted to try to make my comments towards the fact that I did take the opportunity to be at the December subcommittee hearing so I got to hear some of the original discussion and I have had about a month of so to reflect on some of those comments so I wanted to point out a couple of things that struck me coming out of that discussion. First of all, I want to just direct comments to Ms. Summers directly and thank you for what you said at that meeting about realizing that you should had stood up for a stronger ordinance and not compromise. To tell you the truth, I haven't been as proud of an elected official anytime I can remember when you did that. I hope some others will take the opportunity to consider that it is okay to say maybe this wasn't fully thought through in the first place and that there can be an opportunity to change a mind and make a better decision. Also, I want to thank, at least some of the members of Council at that meeting, to address this as an employee health issue, because that is what this is. And, if you do look at it as an employee health issue, then this idea of signs doesn't make sense. That is really about customers being able to choose where they can eat or drink. If this was just about the rights of customers, I would be at home right now eating dinner. But, it's not. It is about employee health and as Ms. Bigger said, you shouldn't have to choose between a paycheck and your health. Also, at that meeting there were comments about the rights of businesses. But, again, let's consider the other side, which is the right to employees. There may be no way to meet the needs of both groups, but the rights of employees, there are many, many more employees than there are business owners and they may not make as much money or pay as much taxes, but they are very important and, by and large, the people of Lexington County are for this idea of a comprehensive ban. Also, the issue came up about, once again, about whether the state should this. I think there could be a

great philosophical discussion about whether the state should do this but the reality is as yet, they have not. Local communities have and the Supreme Court has backed them up and said that is just okay and perfect and within their rights to do so. So any action not doing so is just simply passing the buck to someone else. This group can do this. Another comment Mr. Derrick made and, I don't mean to sound flippant when I say this, but you made a comment about the ancestors of Lexington County rolling in their graves if we did this about businesses and the choice of word about graves, I got to tell you, it's been staying with me for weeks about the fact that this issue is about graves. A lot of people in Lexington County have died because of secondhand smoke. So, that is an important consideration here. I was going to make a similar comment that the gentleman earlier said. On council you have the opportunity to make a life saving decision. I've never had that opportunity to make a decision where I can say this decision will save people's lives and you have that opportunity. I hope that you don't take that likely. It's an exciting opportunity, and I hope that you don't pass it up.

**Janie Allen - 376 Spruce Glen Road, Lexington, SC 29072** - I appreciate you in what you do, and I appreciate your taking the time to hear us tonight. Most of you are looking at us, some of you are not. But, I hope that you will all hear us. We appreciate what you do, the hard work you have, and the question that was asked earlier, I think we are all asking, why has something not been done before now. Bottom line – you have a great opportunity to make a decision to stand for what is right in Lexington County. I am an educator of many years and as was spoken earlier about little children, the children that I have taught have been taught all of the facts that we know that support the evidence that secondhand smoke is a killer. My husband is a victim of that. I would say to you that for you to think about what we are teaching our kids in school and how proud we are of the education system that we have in Lexington County, and yet we are not backing up politically what we say is true to our children. It's a hard decision that we have to make, but I just trust that each of you will have courage within yourself to stop and think about what's at hand and not do it later but do it sooner. Do what's right now. I've heard comments earlier about the economic impact of a decision like that, and we all read what's in the paper. Think medically what it costs when a person is affected by smoke and then the medical bills come in that we either all pay directly or we subsidize for those who cannot pay themselves. I hope you will stop and think about that. Certainly, there are considerations of businesses and that sort of thing, and I don't want to be insensitive to anyone or anything, but I would just encourage you to stop and think of the full picture of what we are looking at here. It is a big decision. Hopefully, we can come up with ways to work together and understand that it's not us against them, it is all of us. It's all of our health, and I hope people can begin to stop and say, just because something has always been does not mean that it always needs to be. Again, I trust that each one of you will have the courage to do what is right for all the citizens of Lexington County. Think of your families, your children, your grandchildren, and the generations to come. Thank you so much for your time.

**Lynn Tucker - 118 Newmont Drive, Lexington, SC 29072** - I am a physician and a mother. I'm not going to talk about the U.S. Surgeon General's report, but I did want to give some information that I have learned the past year. There is now a discussion about third-hand smoking. Third-hand smoking comes from the hydrocarbons that get on your clothing and hair and on your skin from being exposed to secondhand smoke or being a smoker yourself. With this has been taken into the household and children, especially, and older individuals who respiratory problems, then inhaled as hydrocarbons. We have already linked that to sudden infant death syndrome. So you have a worker who is a waitress, say in a restaurant, she goes home and if she doesn't completely decontaminant herself by taking a shower, putting her clothes in the washer before she steps in her house, if she has an infant at home, she has already increased that infant's risk of sudden infant death. With that, to me, it is just mandatory - it is a public issue just like drunk driving. The more information we get on this, it's now a public health issue. I'm sorry it affects businesses, and I'm sorry it affects people's choices when they leave their own home. But, with it being a public health, it's a discrimination against the employees who don't want to come in and work in that environment. They either lose their job or lose their children. So, with that information now,

I think again, it is a public health issue and it's not a gallop opinion. It is just what's right or wrong. Thank you.

**Margaret Feagin - 900 Gregg Street, Columbia, SC 29212** - I am a former resident of Lexington. But, I am here this evening because I feel compelled that I need to say something personal. First of all, I work for the American Cancer Society, but I grew up in Horry County, on a tobacco farm. My father grew tobacco, and I worked in the tobacco fields. Fortunately, he never let me smoke, but he smoked. He died from lung cancer. I have two other family members that died from lung cancer. While I am fortunate enough to work for the American Cancer Society, it is unfortunate that I have the opportunity everyday to see what smoking does to the body. It causes pain; it causes suffering. You have the opportunity to make a decision that would change the lives of those people you serve. When they get to the American Cancer Society, it's too late to make a decision because they have already made it and there's nothing else that we can do. So, I leave that decision up to you. I understand the businesses, but from a personal point of view, I do not want to see anymore suffering and dying from lung cancer. Thank you.

**Ian Hamilton - 1325 Fairview Drive, Columbia, SC 29205** - First of all, thank you for your public service and listening to all of us tonight at the public hearing. Secondly, I work with the South Carolina Cancer Alliance, and I think that combined with my sicker, I think it makes it clear about what our position is, but I would like to briefly read the following: The South Carolina Cancer Alliance believes that all workers should be protected from the known dangers of cancer causing secondhand smoke, and therefore, support smoke free workplace laws, and comprehensive smoke free workplace laws in communities across South Carolina. And, what may end up becoming a paperweight as large piles of booklets sometimes do, I do have, Ms. Chairman, a copy of the Health Consequences of Involuntary Exposure to Tobacco Smoke. But, briefly a couple of compelling stats that come out of the report, the Surgeon General's report of June 2006 – Non-smokers who are exposed to secondhand smoke at home and work increase their heart disease risk by 25 to 30 percent and their lung cancer risk by 20 to 30 percent. It is estimated that 3,400 cancer deaths a year can be attributed to adult non-smokers are attributed to secondhand smoke. I was at the Richland County debate and the most, you read stats all the time and so they have a way of not being personal because they are numbers. There was a lady Ms. Slade (?) and she was at the Richland County public hearing and she wheeled up and had an oxygen tube on and she said after 20 plus years of working in an office that allowed smoking, the doctor asked how long have you been smoking? She said I've never smoked. He said your lung capacity, etc. look like you have been a two-pack a day smoker. You could hear a pin drop in the room, it was very compelling. You have the report and our position from the South Carolina Cancer Alliance. Thank you very much for considering this issue.

**Vicki Whitehead - 213 John Preston Court, Lexington, SC 29072** - I am a business owner in the town of Lexington, and I'm the executive director of the Musicians and Songwriters Guild, and I serve on the board of the Chris Conner Foundation. With that being said, I have spent the last many, many years working to earn a living in Lexington County and as an employer, we are charged with protecting the rights of our workers, whether it is in equipment safety or safety in our factories and from a smoking issue, I don't see it any other way except as to protect the workers. Lead, arsenic, carbon monoxide, ammonia – those aren't all just factory chemicals. Those chemicals along with 4,000 other hazards/chemicals are components of secondhand smoke. I am also the mom of a musician who earns his living gigging four, five, six night a week. With the staggering statistics of the health risk to my son along with hundreds of other musicians that I represent, it's alarming at best. I can tell you out of our guild that there is one working musician who has health insurance. The cost alone of health care for indigent care with restaurant works, service industry workers, musicians who do not have health care, who can't afford health care, alone compels me to ask you, to beg you, to support a comprehensive smoking ban. I have been in Austin, Texas where I waited 45 minutes to get into a bar; Austin, Texas is smoke free. I go 12 to 14 nights a month to bars and restaurants to hear local musicians. The bars and

establishments I have been in that are smoke free, they are thriving. Alone at Headliners, New Year's Eve, 900 people packed Headliners, it was a smoke free event. Brian Connor played with Villanova. When we did a benefit for Chris Connor, over a little of a year ago, 900 people paced Headliners again for a smoke free event. We turned away over 300, all smoke free. I walked out that night and said, "nobody complained about stepping outside." If we don't pass it now, we will pass it eventually. I wear this bracelet every day, "Never said it was Easy." That's Chris Connor's song. Chris Connor died at the ripe old age of 37. Thank you.

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

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

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

Ms. Summers reconvened the meeting in open session.

**Matters Requiring a Vote as a Result of Executive Session** - Ms. Summers reported Council discussed the contractual matter during the Executive Session and indicated there were no motions to be considered.

**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