

**MINUTES**  
**LEXINGTON COUNTY COUNCIL**  
**OCTOBER 14, 2003**

Lexington County Council held its regular meeting on Tuesday, October 14, 2003 in Council Chambers, beginning at 4:30 p.m. Chairman Davis presided; Mr. Cullum gave the invocation; Mr. Owens led the Pledge of Allegiance.

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

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

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

**Employee Recognition - Art Brooks, County Administrator** - Capt. John Edrington, Firefighters Brent Shumpert and Blake Day, and Volunteer Firefighter Justin Thames were recognized for their prompt response and action to a 9-1-1 call by a citizen whose car had caught on fire. They were commended for their professionalism while exposing themselves to possible danger.

Building Services' Staff, Ray Disher, Building Services Manager, and Bob Horne, Lead Carpenter were recognized for all their efforts in completing the North Lake Service Center for Judge Adams.

Ann Walker, Custodian in Building Services, was recognized for her excellent housekeeping of the Irmo Library.

Charles Garren, Sonny Craven, Terry Glass, and Alvin Harmon, Solid Waste Management employees; Keith Fulmer, Scott Rawl, Jody Riddle, Mark Porter, John Keisler, Tommie Price, Dwight Havird, and Wade Spivey, Public Works employees were all recognized for their excellent job in how they handled the recent franchise collector changeover. Mr. Brooks stated all the employees worked as a team to provide the needed service until the new franchise collector was put into place.

Jack Maguire, Planning/GIS Manager; Steve Pierce, GIS/Technician II; and Ralph Ford, Senior Cartographer in Planning/GIS Mapping Department were recognized for their hard work in updating the franchise collection maps on the internet for Solid Waste so the citizens of Lexington County could check on the new collection days.

Charles Garren, Franchise Coordinator with Solid Waste, was recognized for receiving the South Carolina Recreation and Parks Association Citizen/Lay Volunteer Award as Top Volunteer in the state at the SCRPA annual meeting in September 2003.

Mike Smith, Programmer Analyst with Information Services, was recognized for his work with the Sheriff's Department's in-house system to modify ticket searches and printouts which made locating information easier.

Several Public Works employees were recognized for a job "well done" on the Little Creek Subdivision paving project. The employees were: Don Rumbaugh, Richard Strange, Jason Jones, Michael Spires, Chris Stone, and Jim Starling in Engineering; Tommy Frost, Jeff Goegeline, Doug Shealy, Dan Jennings, and Freddie Miller in Transportation; Steve Jowers, Mark Porter, Elrod Frick, Richard Williamson, and John Keisler with the Asphalt Crew; Keith Fulmer, Nelson Riddle, Bryan Oswald, Jody Riddler, and Scott Rawl with the Shoulder Crew; Kenneth Bickley, Bem Rivers, Donnie Reiber, Bob Lewis, and Paul Blethen, Truck Drivers; and Tommie Price, Wade Spivey, Dwight Havird, Earl Price, and Glenn Jeffcoat with the Drainage Crew.

**Presentation of Resolutions - Columbia Inferno Hockey Team presented by Councilman Johnny Jeffcoat** - Mr. Jeffcoat presented a resolution to Mr. Woodward, General Manager of the Columbia Inferno Hockey Team for their achievements since their expansion in the Southern Conference of the East Coast Hockey League and their contributions to various organizations in Lexington County.

**Chief Eddie Turner presented by Councilman Smokey Davis** - Mr. Davis presented a resolution to Chief Eddie Turner for being named the recipient of the James B. Murphy South Carolina Firefighter of the Year Award at the South Carolina State Firemen's Association Annual Conference in Myrtle Beach on July 19, 2003.

**Roy J. Frick presented by Councilman Billy Derrick** - Mr. Derrick presented a resolution to Mr. Frick honoring him for his many years of service as a Councilman for Lexington County, as well as, being instrumental in seeing the Samaria Fire Station become a reality.

Mr. Frick thanked everyone and reminisced from his years on County Council.

**Resolutions - SMI Steel South Carolina - Manufacturer of the Year for Mid-Size Employer** - A motion was made by Mr. Wilkerson, seconded by Mr. Jeffcoat that the resolution be adopted.

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

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

**Appointments - Accommodations Tax Board - Richard Walker and William Unthank, Jr. -**

A motion was made by Mr. Owens, seconded by Mr. Cullum to appoint Mr. Richard Walker and Mr. William Unthank to the Accommodations Tax Board.

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

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

**Bids/Purchases/RFPs** - A motion was made by Mr. Rucker and seconded by Mr. Jeffcoat that the following bids be approved:

**Professional Engineering Services Road Design Projects - Public Works** - Resumes were solicited from qualified engineering firms for the design, construction and administration of various road projects in Lexington County on an "on-call" basis. The term of the contract is for three (3) years. Thirteen (13) resumes were received. Staff recommended to award the contract to American Engineering Consultants, Inc. and Power Engineering Co., Inc.

**Oakey Springs Drive - Public Works** - Bids were advertised and solicited from qualified contractors for Roadway Improvements for Oakey Springs Drive. The project includes grading, drainage, and paving of approximately 0.47 miles of roadway. Five (5) bids were received. Staff recommended to award the contract to J.C. Wilkie Construction, LLC in the amount of \$176,464.19.

**Thermo Electron Fourier Transform Infrared (FT-1R) System - Sheriff's Department** - Bids were advertised and solicited from qualified vendors for a Thermo Electron Fourier Transform Infrared (FT-1R) System for the Lexington County Sheriff's Department. Two (2) bids were received, which one (1) was a no bid. Staff recommended to award the contract to Thermo Electron Corporation in the amount of \$44,454.64 including shipping and sales tax.

**Progress Software - Sole Source - Sheriff's Department** - Staff recommended the purchase of

professional services for the Sheriff's Department to the sole source provider, Progress Software, as the County has a master services agreement with Progress Software that provides the County with the existing software. The total cost of the project is \$36,000.00 including sales tax and shipping.

**Motorola MHZ Radios and Supplies - Solicitor's Office/Sheriff's Department - Staff** recommended the purchase of five (5) Motorola 800 MHZ Radios and Supplies for the Solicitor's Office/Sheriff's Department through State Contract Number OIR2002.07. The cost including tax is \$28,089.21.

**Sole Source Procurement/MSA Equipment - Public Safety/Fire Service - Staff** recommended the purchase of Mine Safety Appliance (MSA) Breathing Air Cylinders and replacement cylinder kits for Public Safety/Fire Service to the sole source provider, Newton's Fire & Safety Equipment, Inc. as they are the only authorized dealer in South Carolina. The cost of the equipment is \$34,020.00 including sales tax.

\*\*\*\* **(1) 1500 GPM Pumper and (2) 750 GPM Tankers - Public Safety/Fire Service** - Due to a prior purchase order issued to Slagle's Fire Equipment Company in March 2003, no formal bids were requested. In the current fiscal year's budget (1) pumper and two (2) tankers were approved. Specifications for this purchase are exactly as previously ordered in March 2003. Slagle's has notified the County there would be a \$4,500.00 increase per truck in the very near future, but agreed to offer the same unit cost of the units purchased in March if the County placed their order by October 15, 2003. This would be a cost savings to the County of approximately \$14,000.00. Staff requested Council's guidance whether to bid the equipment or purchase through Slagle's.

\*\*\*\* After receiving legal advice from Mr. Anderson, County Attorney, a motion was made and approved to bid the (1) 1500 GPM Pumper and (2) 750 GPM Tankers.

**Communications Consolidation - Public Safety/Communications - Staff** recommended the request from Public Safety/Communications for Communications Consolidation of the Sheriff's 9-1-1 equipment to the Administration Building through various suppliers. Motorola - \$38,925.00 through State Contract Number OIR2002.07; Bell South - not to exceed \$25,000.00; Electronic Business Equipment - \$960.00; ESI - \$11,892.50 under County Contract Number P99010-06/09/99H and Alltel - \$603.00 for a total cost of \$77,380.50 including sales tax.

**Four (4) Ambulance Remounts - Public Safety/EMS - Staff** recommended to award the contract to Unlimited Mobility/Taylor Made Ambulances as they have agreed to a trade-in amount of \$5,000.00 for each chassis and an additional 1% discount if the invoice is paid within 10 days after acceptance. The total cost of the Four (4) Ambulance Remounts after trade-in and discount is \$238,528.60 including sales tax.

**CAD 9-1-1 Hardware/Software/Monitor Replacements - State Contract/Sole Source - Public**

**Safety/Communications** - Staff recommended the purchase of CAD 9-1-1 Hardware/Software/Monitor Replacements for Public Safety/Communications directly from Dell Computer, through State Contract Number 03-S5869-A9659. ESI will provide the necessary installation and technical service under County Contract Number P99010-06/09/99H as they are currently providing the existing CAD 9-1-1 System in place. The total cost of the system is \$85,426.21 including shipping and sales tax.

**Fiber Cable Link - 24-Strand - Public Safety/Communications/Information Services** - Staff recommended the purchase of Fiber Cable Link - 24-Strand for Public Safety/Communications/Information Services through the South Carolina Budget and Control Board under State Contract Number 2000.10.12. The cost of the project is \$95,431.55 including sales tax.

Mr. Davis opened the meeting for discussion.

Mr. Cullum: There was one item that we brought up last time (September 9, 2003) about these radio purchases. Have we gotten that resolved yet? Mr. Derrick asked last time (September 9, 2003) that we postpone this until we get the inventory of those radios straightened out.

Mr. Wilkerson: Is this the Motorola Tab O? Is that it?

Mr. Rucker: Yes.

Mr. Rucker: I think this one is on a grant.

Mr. Brooks: Yes sir, Mr. Chairman and Council, this was a grant, part of a grant to the Solicitor's Office and the Sheriff's Department. Four (4) 800 MHZ radios for the Solicitor's Office and one (1) for the Sheriff's Department. The question was whether we had spares that we could use, and I have surveyed the Sheriff's Department, I believe Chief James is here, and also Neil Ellis who looks after our 800 MHZ that are non-Sheriff's Department and basically, what we have, is a few that are used as loaners when one breaks and an officer needs one to use while the other radio is being repaired, so I didn't really find a surplus of 800 MHZ radios in our fleet.

Mr. Cullum: I only had one other question too in reviewing these requisitions. One that was requisitioned by Dillon was a \$4,815.00 unit, and we are buying four others for \$3,384.00, not that that is a huge problem, but I am just concerned why one is \$1,500.00 more when the description of them are exactly the same radio.

Mr. Brooks: Which one was that?

Mr. Cullum: Your first one there for \$5,056.00 is one radio for \$4,815.00. Your next page indicates there are four (4) to be purchased at a rate of \$3,384.00. I just felt like there is some issue there where .....

Mr. Brooks: Chief James would you ....

Mr. Rucker: Actually Mr. Cullum, the one for the Sheriff's Department was cheaper.

Mr. Cullum: It tells me Mr. Rucker XTS5000, Model III Smartzone and on your adjacent page in your booklet will show it is a XTS5000, Model III Smartzone.

Mr. Rucker: Yes, I'm looking at it.

Mr. Cullum: XST5000 Model III Smartzone.

Mr. Rucker: What I'm saying is - one radio is cheaper than the four, I would think .....

Mr. Cullum: But one radio is more expensive than the other four and if we are going to buy five, why don't we just buy all of them at the same rate.

Mr. Davis: Chief James would you like to address that question?

Asst. Chief Tim James: Yes sir, Mr. Councilman. I believe what you are seeing is that one radio is more expensive than the others, the one ....., I'm guessing, I'm trying to look back. I know that normally our radios cost more money at the Sheriff's Department and the reason why is because our radios are digitally encrypted, which means that nobody can tune in on a scanner and listen to what's going on in a narcotics scheme or undercover operations and things of that nature. Ours normally are more expensive, and I was trying to look quickly to see if that was what you were....

Mr. Rucker: The one from the Sheriff's Department is cheaper. That's what I am trying to tell Mr. Cullum. I mean, four into \$24,000.00 is \$6,000.00, and one radio is \$5,000.00.

Mr. Derrick: It's all the bells and whistles that add it up, the more money.

Mr. Rucker: I think that is it.

Asst. Chief Tim James: I'm sorry I thought I was answering your question pretty quickly there with that but if not .....

Mr. Cullum: I don't know Mr. Rucker, I'm just looking at a requisition that says \$5,056.00 for one radio, and I look at another requisition it says \$3,384.00.

Mr. Wilkerson: No, you add the total up at the bottom of \$24, 290.00 and if you actually divide four into that, they are more expensive. At the bottom.

Mr. Davis: We have an officer from the Solicitor's office. If you will give your name and address...

Mr. Martin: I'm Matt Martin, Senior Investigator for the Solicitor's Office. This grant that we got also includes the air time and all that we are going to need for this first year so that is thrown into our grant as well, so that's going to throw our numbers higher if that is what you are saying Councilman Rucker, that ours are higher. We are going to get that service agreement and all thrown in into our package that's why our's will be higher than the Sheriff's.

Mr. Rucker: I think Mr. Cullum was asking the question why .....

Mr. Davis: Does that explain it Mr. Cullum?

Mr. Cullum: Sure, I guess.

Mr. Cullum: I don't see it, but yes.

Mr. Davis: I think it is near the bottom ....

Mr. Rucker: It says here ....

Mr. Cullum: You got to include service in that, there's no service in this other agreement. So when you deduct \$2,400.00 away from that - I mean it doesn't make a difference.

Mr. Davis: If it is a question, we will get it resolved.

Mr. Cullum: No, I just noticed the difference in the price, no big deal.

Mr. Davis: Is everyone resolved with that discussion?

Mr. Cullum: I'm satisfied with your explanation.

In Favor:	Mr. Davis	Mr. Rucker
	Mr. Jeffcoat	Mr. Derrick
	Mr. Wilkerson	Mr. Keisler
	Mr. Carrigg	Mr. Owens

Opposed: Mr. Cullum

Mr. Brooks presented a BAR for an appropriation transfer of \$59,633.00 to purchase one ambulance out of the EMS-Healthcare delivery system funds.

**Chairman's Report - Workforce Investment Act Agreement - Ms. Richelynn Douglas and**

**Mr. Gene Rountree** - Mr. Archie Maddox and Board Members Ms. Richelynn Douglas, Mr. Gene Rountree, Mr. Russell Knight, as well as members of the administrative staff, appeared before Council to ask for Council's approval of moving the administrative operations of the Workforce Investment Act from the South Carolina Employment Security Commission in Columbia to the Central Midlands Council of Governments.

Mr. Maddox stated the Midland's Workforce Development Board oversees the work of the Workforce Investment Act Employment and Training programs in Fairfield, Lexington, and Richland Counties. Historically, our administrative operations have been at the South Carolina Employment Security Commission in Columbia, but under the Workforce Investment Act, it emphasizes streamlining services, increased flexibility, and most importantly, local decision making all on a more timely basis. Eight of the 12 local Workforce Investment Areas in South Carolina have already moved to the Central Midlands Council of Governments.

Mr. Wilkerson asked if all counties or most counties have already done this (moved to the Council of Governments).

Mr. Maddox replied, eight of the 12 local areas that we have in the state have already moved to a Council of Governments. All of them have moved out of a state agency, we are the only one that is left.

Mr. Wilkerson made a motion, seconded by Mr. Carrigg to approve the request of moving the Workforce Investment Act administrative operations from the South Carolina Employment Security Commission to the Central Midlands Council of Governments.

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

In Favor:	Mr. Davis	Mr. Wilkerson
	Mr. Carrigg	Mr. Derrick
	Mr. Jeffcoat	Mr. Owens
	Mr. Cullum	Mr. Keisler

Mr. Rucker was not present when the vote was taken.

**Lexington Chamber of Commerce - Taste of Lexington Event** - Mr. Mike Till with the Lexington Chamber of Commerce requested \$2,500.00 to help fund the first Taste of Lexington which is scheduled for November 1, 2003.

**Judge Marc Westbrook - Update - Judicial Center Dedication Committee** - Judge Westbrook provided Council with an update of the Judicial Center Dedication Committee and thanked Mr. Brooks for his support in this project.

Judge Westbrook also enlightened Council on some new technology advances for the courtrooms in the Judicial Center which will be the most technologically advanced courthouse in the state when completed. Judge Westbrook stated the Lexington BAR Association is raising the funds for this part of the project.

Mr. Jeffcoat stated he wanted to thank Mr. Brooks and Judge Westbrook for the many hours and hard work they have spent on this project.

**Introduction of John O'Connor, Reporter - *The State*** - Mr. Davis introduced Mr. John O'Connor with *The State*.

Mr. Davis recognized Senator Jake Knotts and Representative Mac Toole who were present.

**Administrator's Report - Art Brooks, Administrator** - Mr. Brooks stated he wanted to thank Judge Westbrook and others who have worked so hard with the Judicial Center Dedication Committee. Mr. Brooks also stated that the contractor has assured the County that they will have a Certificate of Occupancy on December 1, 2003.

**Budget Amendment Resolutions** - The following BAR was distributed and signed:

Supplemental appropriation increase of \$20,000.00 to appropriate the Federal Mapping Grants awarded to the Lexington County Assessor's office towards the purchase of the Aerial Photography project. The County was awarded an additional \$10,000.00 as a number of other counties did not qualify for the award.

**Approval of Minutes - Meeting of September 09, 2003** - A motion was made by Mr. Wilkerson, seconded by Mr. Rucker that the September 09, 2003 minutes be approved as submitted.

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

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

**Ordinances - Ordinance 03-5 - Lexington County Council Rules of Parliamentary Procedures - 1<sup>st</sup> Reading** - A motion was made by Mr. Rucker, seconded by Mr. Owens that Ordinance 03-5 be given first reading.

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

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

**Isle of Pines Special Tax District - Margaret Pope - Haynsworth Sinkler Boyd, P.A.**

**(A) Adoption of Resolution Certifying the Petition for Referendum -**

**(B) Ordinance - 03-11 - Isle of Pines Special Tax District - 1<sup>st</sup> Reading -**

Ms. Pope, an attorney with Haynsworth Sinkler Boyd, P.A., discussed both the Adoption of Resolution Certifying the Petition for Referendum and Ordinance 03-11 - Isle of Pines Special Tax District - 1<sup>st</sup> Reading.

Ms. Pope stated the Isle of Pines, an area outside the town limits of the Town of Chapin, has a private water system that has fallen into quite disrepair. The residents are willing to raise their taxes in order to pay the debt service on a loan to install new water distribution lines, and perhaps, a sewer collection system.

Ms. Pope stated according to the Home Rule Act, Chapter 9, Title IV reads if a certain number of people petition Council who are registered voters in that area, the law says you are to have a referendum and let the residents vote as to whether or not they want this to be established as a tax district for this particular purpose.

Ms. Pope stated the residents in the Isle of Pines are hoping to go through the State Revolving Fund for the loan.

Mr. Carrigg asked what system they (Isle of Pines) would tie onto.

Ms. Pope relied, Chapin. She stated she has contacted the Town of Chapin and has asked them if they will operate and maintain this system on behalf of Lexington County because it would be tied into the Chapin system. She stated when the debt is paid, we would then transfer the system to the Town of Chapin.

Mr. Carrigg asked about the maintenance in the meantime.

Ms. Pope stated Chapin would agree and has passed a resolution, but no agreement has been reached with them. Ms. Pope said before going forward to borrow the money or set up the system a written agreement with the Town of Chapin would be necessary so that the town would operate and maintain the system and agree to incorporate it within their system upon payment of the bond.

Mr. Wilkerson asked if the debt is for fifteen years.

Ms. Pope stated the petition has to say, with very particular detail, what you are doing, the amount, what is the largest amount of millage that would be imposed, what is the amount of the debt, etc. It is a very precise part of our code. State law allows you to go longer than 15 years, but in working with the people who live in that area, they said they would like for it to not go longer than 15. When we originally did the petition, I was thinking we were going to have to go to a bank for a loan. Since that date DHEC thinks we are high enough on the priority list that the Isle of Pines' residents can borrow funds from the state at a rate of 1% for the water and 3% for the sewer systems.

Mr. Carrigg asked, there would be no cost? How many residents are in Isle of Pines?

Ms. Pope replied, there are 37 parcels.

Mr. Carrigg asked, you have to have what percentage?

Ms. Pope stated there are 37 parcels. She said you have to have 15 percent of the registered voters. There are 14 registered voters in this area.

Mr. Jeffcoat stated this is an emergency situation. He said the water quality is not near what it should be and the present owner has done the very best she could to keep it up. He stated it is costing her to have it in the condition it is in today, which is not near where it should be. Mr. Jeffcoat commended the residents of the Isle of Pines for coming together in attempting to find a workable program to this major situation.

Mr. Jeffcoat made a motion, seconded by Mr. Cullum that the Resolution Certifying the Petition for Referendum be adopted and Ordinance 03-11 be given first reading.

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

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

Later, Ms. Pope asked that Council vote on the Adoption of Resolution Certifying the Petition for Referendum and Ordinance 03-11 as separate items.

**Irmo-Chapin Recreation District - Adoption of Resolution Ordering a Public Hearing and an Election - Proposed Issuance of \$19,500,000 General Obligation Bonds - Margaret Pope - Haynsworth Sinkler Boyd, P.A. - Mr. Dan Wells, Executive Director, of the Irmo-Chapin**

Recreation Commission asked that this item be removed from the agenda.

**Committee Reports - Planning & Administration, B. Rucker, Chairman - Zoning Text Amendment T03-04 - Driveway and Street Restrictions - 2<sup>nd</sup> Reading** - Mr. Rucker reported that his committee met on Tuesday, September 9, 2003 and discussed Zoning Text Amendment T03-04.

T03-04 proposes a text change in section 22.13 (c) which deals with turn lanes and driveways. The proposed amendment would further limit the number and location of driveways accessing commercial development, increase the opportunities for sharing access, and improve the alignment and location of driveways.

A public hearing was held on August 12, 2003, there were no comments in favor or against the proposed amendment.

The Planning Commission met on 08/21/03 and recommended approval with minor changes in language. Preferred “turn lanes, additional driveways” instead of “multiple access points” in section 22.13 (c).

Mr. Rucker made a motion, seconded by Mr. Jeffcoat that the Committee Report be adopted and Zoning Text Amendment T03-04 receive second reading.

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

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

**Justice, J. Carrigg, Chairman - Oak Grove Magistrate’s Office** - Mr. Carrigg reported that during the afternoon meeting, his committee met and discussed the costs of the Oak Grove Magistrate’s Office.

The Justice Committee met on Tuesday, September 9, 2003, to consider a request from Judge Rutland, Chief Magistrate, regarding the Oak Grove Magistrate’s Office.

Judge Rutland discussed the additional cost involved with the construction of the Oak Grove Magistrate’s Office. In April 2003, Council approved \$270,750 for this project (\$20,750 for engineering and design costs plus \$250,000 for estimated building construction.) Lexington County Recreation will provide three (3) acres to locate this building in exchange for paving 70,000 sq. ft. at their ball field estimated at \$75,000. Other costs for clearing, grading, water, sewer, landscaping,

exterior lighting, paving, and retention pond are estimated at \$118,000.

Mr. Carrigg made a motion, seconded by Mr. Wilkerson that the Committee Report be adopted and that staff be allowed to move forward with the construction of the Oak Grove Magistrate's Office with the exception that staff determine the most efficient and cost effective way to accomplish the paving of the Lexington County Recreation Commission parking lot.

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

In Favor:        Mr. Davis                      Mr. Carrigg  
                      Mr. Wilkerson Mr. Cullum  
                      Mr. Keisler                      Mr. Owens  
                      Mr. Jeffcoat                     Mr. Derrick

Abstaining:     Mr. Rucker \*

\* Mr. Rucker abstained from voting because he has been asked to bid on this project.

Mr. Brooks presented a BAR to appropriate the transfer of \$250,000.00 to prepare the site and construct the new Magistrate facility in Oak Grove.

**Public Works, B. Derrick, Chairman - SCDOT "RISE" Match - 2003/04** - Mr. Derrick reported that during the afternoon meeting, his committee met to discuss SCDOT "RISE" Match 2003/04.

A motion was made by Mr. Derrick and seconded by Mr. Rucker to approve the SCDOT "RISE" Match 2003/04, which is up to \$100,000.00 for the Woodrow St./St. Andrews road project, several other roads have been identified for a one-to-one match from the state, and ask staff to contact SCDOT to request additional time so the County can identify additional projects in order to use SCDOT money as a match.

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

In Favor:        Mr. Davis                      Mr. Derrick  
                      Mr. Rucker                      Mr. Cullum  
                      Mr. Keisler                      Mr. Owens  
                      Mr. Jeffcoat                     Mr. Wilkerson

Mr. Carrigg was not present when the vote was taken.

**"C" Match for Municipal SCDOT Enhancement Grants** - Mr. Derrick reported that during the afternoon, his committee met and discussed the "C" Match for Municipal SCDOT Enhancement Grants.

A motion was made by Mr. Derrick, seconded by Mr. Rucker to approve the "C" Match for Municipal SCDOT Enhancement Grants in the amount of \$80,997.80 to fund the 20% match for the Towns of Gilbert (\$26,200.00), Pelion (\$28,597.80), and Swansea (\$26,200.00).

Mr. Davis opened the meeting for discussion.

Mr. Rucker stated these were huge amounts that were granted and given by SCDOT and it is being well used in these smaller towns.

Mr. Derrick stated those who live in larger towns that the County has not received those requests, as they are not yet due, but will be forth coming.

In Favor:      Mr. Davis                      Mr. Derrick  
                    Mr. Rucker                      Mr. Keisler  
                    Mr. Owens                      Mr. Jeffcoat  
                    Mr. Wilkerson Mr. Cullum

Mr. Carrigg was not present when the vote was taken.

**Health & Human Services, J. Wilkerson, Chairman - Communications Consolidation/EOC Relocation - Interim Public Safety Director/Asst. Sheriff Tim James** - Mr. Wilkerson reported during the afternoon, his committee met and discussed the Communications Consolidation/EOC Relocation.

Mr. Wilkerson made a motion, seconded by Mr. Derrick that staff be allowed to move forward with the Consolidation/EOC Relocation to Ball Park Road for a cost of \$77,380.50 and \$31,000.00 for the installation cost of a generator.

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

In Favor:      Mr. Davis                      Mr. Wilkerson  
                    Mr. Derrick                      Mr. Rucker  
                    Mr. Keisler                      Mr. Jeffcoat  
                    Mr. Owens

Opposed:      Mr. Cullum

Mr. Carrigg was not present when the vote was taken.

**EMS Operations Center (Headquarters) - Tom Gross** - Mr. Wilkerson stated his committee met this afternoon and discussed the EMS Operations Center (Headquarters). The total cost for the building, landscaping, generator, etc. would be \$708,000.00.

A motion was made by Mr. Wilkerson, seconded by Mr. Jeffcoat allowing staff to move forward with the construction of the new EMS Operations Center (Headquarters) at Ball Park Road.

Mr. Davis opened the meeting for discussion.

A motion was made by Mr. Cullum and seconded by Mr. Owens to table the motion until a later date as there are some other issues that may relate to the Hospital Services Board that possibly could contribute some of these monies to this project.

Mr. Davis called for vote on the motion to table.

Vote on motion to table:

In Favor:	Mr. Cullum	Mr. Owens
	Mr. Keisler	
Opposed:	Mr. Davis	Mr. Rucker
	Mr. Derrick	Mr. Wilkerson
	Mr. Jeffcoat	

Mr. Carrigg was not present when the vote was taken.

Motion will not be tabled.

Mr. Davis opened the meeting for discussion.

Mr. Derrick: This may help clear this up. This is an accumulated amount of money which will be spent that the Hospital Board has already given to the County; this is all Hospital Board money for that purpose.

Mr. Owens: I'm aware of that.

Mr. Wilkerson: Also to further, maybe help clarify that, I don't know if we can clarify that or not, but maybe it will help clarify it. This is something that has been ongoing for a number of years now. This is not something that just came up in the last two or three months, and again, it is no cost to taxpayers. The money is there and it's been given by the hospital to us to use at our discretion. They didn't tell us to use this for this, but we see a need with the EMS and so that is where we kind of decided to use part of this money. Hopefully, this will help clarify it a little bit. I know some people are looking at maybe down the road not needing, I don't know whether it is because of the generator or because of the building that is being built, but anyway they can help clarify maybe why they feel this way.

Mr. Cullum: I would be glad to Mr. Chairman if given the opportunity.

Mr. Davis: Yes sir, speak right up.

Mr. Cullum: First and foremost, I want to make it known that I fully support the EMS Service and Public Safety. Those folks do a fine job, and I don't think they should be given anything short of a nice new facility; something like this would enhance their services. I agree with it 100 percent. However, I do disagree that this is a cost to the taxpayers. This money directly came from the profits which were generated at the Lexington Medical Center, which is a County- owned facility. Taxpayers of this County use that facility and these are profits extracted from what they have paid to that facility in which we have been given this money. Also, there are some ongoing, I don't want to call it negotiations, but some ongoing directives that we are looking in a way to try to work with the hospital itself in a way of contributing more profits to this County, and I would hate to see us prematurely build this building and then turn around and possibly have this Hospital Board agree to take over this ambulance service and locate it at another location whereas we have a \$700,000.00 building sitting on Ball Park Road; we don't know what to do with at that point. I don't disagree with building this building at all. I don't disagree with the EMS Service getting it, but I do think it may be somewhat premature on us building this building at this point with not knowing exactly what's going to go or happen between this Council and the Hospital Board Services Board. That's all I've got to say about it.

Mr. Davis: Other comments.

Mr. Owens: While we are clarifying things, and I think it is great that the hospital ponied up this amount of money, far less than what we were promised as a County some two or three years ago, falls way short by really several million, and that is why I agree with Mr. Cullum. If there is any feeling toward moving and discussing what the Hospital Board will or will not do or if they want to continue to operating as they operate, if they don't want to fulfill the promises they made to this Council two, three years ago so be it. But this pittance that they doled out to us, is far removed from what they said they would supply for the County. That is a County entity, in fact, it costs you more as a resident of Lexington County to go to that hospital as people from Richland, Saluda, anyplace else. Their generosity, I'm not overwhelmed.

Mr. Jeffcoat: I really don't know where to start here, but I am going to try to break this down a little bit if I can. I don't think most of us disagree with either one of you, Mr. Cullum, Mr. Owens. I happened to be one of three Councilmen who was in a meeting when they agreed to give us the money to build this building. It was their wishes, and also I heard this comment that the law is somewhat restrictive as when they give money that it should be used for medical services, which is what this money is being used for. I don't know if there is a law that protects them from giving money for certain things like that or not, but that's what we were told that night. You are right, we were promised that we would receive a certain amount of money, and we haven't received that money, and it is an ongoing feeling with this Council, I think, that we should meet back with the hospital and let them know our feelings, and some of us that have a couple of appointments, most of us do on that board, I made both my appointees know how I feel about it and, surprisingly enough, they are very receptive to us coming and having a meeting and see if we can't work out something that either we are going to turn this EMS Service over

to the hospital or even they can help support it financially since they are doing so well. I personally feel like it would be a great idea to turn it over to them, but that's my personal feeling. They are in the medical business, and they are making a lot of money, they are very progressive and have done a very, very good job, and I am extremely proud of them. I think just by a matter of sitting down with those folks we probably can work out some of these things that you have some feelings on. Both of you, Councilmen, and I think the rest of this Council, have the same feeling, but the money was given the night I was there. It was told to me and two other Councilmen sitting on this stand that they would be happy to give us the money to build that building. We went down three years ago, two years ago at a retreat and gave a slide presentation showing how badly we needed a facility for EMS, so that's why this money is being earmarked for that building, I think. Maybe that will help some and maybe it won't, but I wanted to share that with you.

Mr. Wilkerson: I just need to make a couple more comments after Mr. Jeffcoat and everyone said a couple of things. As Mr. Jeffcoat said, we have talked with Lexington Medical Center over and over again about taking EMS over. We haven't been successful with that. That is something a lot of us up here would like to see, along with you two on the end down there, so that is not something that we haven't tried to work out in the past and would like to see happen. But, also EMS needs a new building and until we can work through that, and the reason I feel like we need to move forward now rather than keep waiting, is because of the shape of the facilities that they are in right now and the disarray the building is in. I just don't think it is fair for EMS and the citizens of our County to continue to suffer because we have a disagreement with Lexington Medical Center, and do we have a good EMS, yes. Can it be better with some better facilities and some other things that we are capable of doing, yes. I think we are making the wrong people suffer by not moving forward at this time.

Mr. Owens: To this notion that they are restricted by some law to me is pure "poppycock." I will ask this Council to instruct Mr. Anderson to research that. They are a County entity. They have certain rules they are governed by. We appoint the people obviously. They cannot set themselves apart from County government because they are a County entity. You look at the tags on their vehicles, they say "CG." It's County Government. Again, we don't make the decisions for the Board, but we certainly appoint the Board and there is the strength of this Council. To continue to say that we, you appoint us and you have no control over the monies that we procure. Two things are happening, either they are overcharging the people of Lexington County too much for their services to have the profits they are making or they should return some of it to the people of Lexington County. It is just that simple.

Mr. Davis: Mr. Cullum I will call on you for one more comment. We do have a Public Hearing at 6:00.

Mr. Cullum: In the issue of time I will be as brief as I possibly can. Again, let me say, I totally agree Mr. Wilkerson these people need a building, and I would be the last one to try to defeat that from them. But the point here I am trying to make is far greater than the point of them getting a building now that we couldn't postpone it 14 days to when this body meets again to have the opportunity to go back to the Hospital Board one last time and say, look we are at the point where we are going to spend \$708,000.00 of taxpayers' money and, possibly you may end up taking this service over, and we will

end up with a building there. What are we going to do with a \$700,000.00 building? Secondly, it is taxpayers' money. I sat in also a meeting with the Hospital Board where they indicated to me they were only collecting .29 cents on the dollar from Medicare and Medicaid and collecting somewhere around .68 cents on the dollar from private insurance. That is roughly one-third and two-thirds collected from two of their largest accounts in which they are paid from, but yet, they can make \$20 plus million dollars a year profit and the taxpayers of this County get no redeeming value from that other than possibly, and I don't know that to be true Mr. Owens, that they are paying a higher rate than any other person, but the point well-being is this - this is a County-run entity. It is generating profits that possibly could be excessive and all I am asking is to have the opportunity to sit down with them again and say look, we are going to work something out here that you are going to give back to this general fund, give back to the very Council that established you and gives you the right to serve the people of this County and see where we can go from there. It is a 14 day time.

Mr. Wilkerson: Mr. Chairman, I'm sorry, I should probably just be quiet, if I thought 14 days would fix this, we have been negotiating with them how long Mr. Jeffcoat .....

Mr. Jeffcoat: Years.

Mr. Wilkerson: Two and half, three years. So if you can get it done in 14 days - go for it.

Mr. Owens: Would you consider that you haven't told the proper language or spoken to them in the right terms.

Mr. Wilkerson: All I got to say, if you can do it in 14 days ....

Mr. Rucker called for the question.

Favor:	Mr. Davis	Mr. Wilkerson
	Mr. Rucker	Mr. Carrigg
	Mr. Derrick	Mr. Jeffcoat

Opposed:	Mr. Cullum	Mr. Owens
	Mr. Keisler	

Mr. Owens: May we ask Mr. Anderson to research that (the law regarding when the Hospital Board gives money, it should be used for medical services).

**Isle of Pines Special Tax District - Margaret Pope - Haynsworth Sinkler Boyd, P.A. -**

Mr. Davis advised that the Adoption of Resolution Certifying the Petition for Referendum and Ordinance - 03-11 - Isle of Pines Special Tax District - 1<sup>st</sup> Reading need to be voted on separately.

**Adoption of Resolution Certifying the Petition for Referendum** - A motion was made by Mr.

Owens, seconded by Mr. Jeffcoat to adopt the Resolution Certifying the Petition for Referendum.

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

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

**Ordinance - 03-11 - Isle of Pines Special Tax District - 1<sup>st</sup> Reading** - A motion was made by Mr. Owens and seconded by Mr. Carrigg that Ordinance 03-11 receive first reading.

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

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

**Comments - Mr. Davis** - Mr. Davis stated there were two announcements he wanted to make for the record. First, there is no additional 2-cent tax on prepared food in Lexington County other than those areas in the City of Columbia and the Town of Lexington. I want to make that clear. Secondly, the County of Lexington is not in the water and sewer business. We have no authority over any rates concerning water and sewer.

**Budget Amendment Resolutions** - Mr. Brooks presented the two following BARs for Council's approval.

Appropriation transfer of \$77,381.00 to relocate the communications division from Gibson Road to the basement of the Administration Building and to install a generator on the site of the EOC facility.

Supplemental appropriation transfer of \$708,000.00 to construct the new Emergency Medical Service building at 415 Ball Park Road and to replace the Building Services storage building.

**6:00 P.M. - Public Hearings - Ordinance 03-8 - Landscape Ordinance - Text Change** - This is an ordinance to amend the Lexington County Landscape Ordinance to revise Section 7, Scenic Corridor Protection. The provisions are established in order to preserve and protect the natural vistas of certain thoroughfares and byways within the County.

Mr. Davis opened the Public Hearing.

No comments, in favor or against, were received.

Mr. Davis closed the public hearing.

**Ordinance 03-10 - Conveyance of Real Estate from Lexington County to SCDOT (Hwy. 6 & Hwy. 1)** - This is an ordinance to deed 0.0931 acres to SCDOT in order to widen Highway 6 at the intersection of Highway 1 in the Town of Lexington.

Mr. Davis opened the Public Hearing.

No comments, in favor or against, were received.

Mr. Davis closed the public hearing.

**Zoning Map Amendment M03-05 - Portions of Counts Ferry Road, Rocky Cove Road, and Quail Trail** - Mr. Bruce Hiller, Development Administrator, Community and Economic Development presented the information on M03-05. Mr. Hiller stated that the applicant Ms. Cindy Ouzts has requested that Counts Ferry Road, a distance of 8,055 feet from the intersection of Hwy. 378 northward; a portion of Rocky Cove Road for a distance of 523 feet; Hendrix Landing Road; a distance of 1,498 and Quail Trail a distance of 1,450 feet be changed from Local (L) to Residential Local Four (RL4). He stated that Ms. Ouzts indicated on the application that the reason for the request is to preserve the residential character of the neighborhood and keep the roads safe for pedestrians to enjoy. The neighborhood is currently all residential and agricultural and the change is necessary to exclude commercial development that would bring commercial traffic. Mr. Hiller reviewed the maps and area by using a power point presentation.

Mr. Davis opened the Public Hearing.

**Bert Dooley, 1522 Counts Ferry Road, Lexington, SC** - I live on Counts Ferry Road. After forty-five years living in Dooleyville, my wife and I decided to move out to the country because the Town of Lexington was encroaching on Dooleyville, and having grown up on the other side of Rocky Cove, we chose this area out of anywhere in Lexington County partially because I have friends and family out there, not much family anymore, but a lot of friends. When I first got involved with this thing, I heard a rumor, I don't know where it came from frankly, but I have had four people, I checked out four people saying yes there was some intention or at least some expression that there was going to be a warehouse. I frankly don't care what somebody does on their property. You know, I am a property rights guy. I like people to do that. My concern stems from the fact that that road is not wide enough for me to take my boat down without getting off the road when I pass somebody. I think everybody in here would agree with that; you actually have to get off the road. It's very narrow. It's a winding road, a lot of vegetation across it, it is a 45 mile-an-hour speed limit, which we do intend to take up with the highway department. There are a lot of folks, a lot of folks, who walk that property with children and dogs an awful lot. My sole concern was any business that would have 18-wheelers coming in and out

of there on a regular basis, and I understand people move in, there has been some logging in there, it's not on a regular every day basis. My concern was the safety issue. In no way when I got involved in this that I intend to inhibit anybody, and I told Judge Rawl this the other night. That was not the intention. I would love to see some things go in there. Some people would probably disagree with me, but I would like to see a nice upscale restaurant down there. I would walk to it. And that way, I would not get in trouble coming back if I had a drink or two. But, that was not the intention, and I don't know that is the intention of anybody else here. My concern is the fact that it is an awful narrow road. That is a 45 mile-an-hour speed limit. If you look back at those pictures, if we allow something in there that will have on a regular basis big trucks, moving vans, whatever coming in and out of there, somebody is going to get hurt and that is my only reason. If there was some compromise, if there was some way to say to allow Tommy, Jerry and some of the other larger property owners in there to do with what they want to with their property, I am all in favor of that. They've been great stewards of the property. They have kept it beautiful long before I was here, and I have been around almost fifty years in this area, so they have done a great job with it. I trust them to do whatever is right, and they will do what is right for the community. They will do what is right for themselves. But, please look at the safety issue. That is my only point. Thank you.

**Cindy Hall Ouzts, 1243 Counts Ferry Road, Lexington, SC** - My husband, Steve, and I live at 1234 Counts Ferry Road, and we have lived there since August 1990. I lived in Kershaw County the rest of my life so I feel like I am sort of like a Lexingtonian because the issues are very similar. You have before you blue file folders with copies of letters from 36 property owners in this affected area supporting our petition to change the roads from L to RL4. Many of those people are here tonight. We have some people here who didn't get the letters in, and we want you to see how we feel both in writing and in our physical presence here.

Our neighborhood, as you can tell from the pictures that Mr. Hiller presented, is a very gorgeous rural residential area. The roads were lined with so many trees that he really couldn't give you good pictures without going in an airplane overhead to show you from up there. It is a very curvy, narrow road, and it is a wonderful place. I'm a big walker. I walk out there with my black lab, my children ride the bicycles, it is just a wonderful place to live, and we heard a rumor that someone might be putting a warehouse out there. A lot of people called me, and I called a lot of people just to find out what we could do. And regardless if this rumor was correct or not, I think this is an appropriate time to bring this issue before you because if it is not one property owner now wanting to put a warehouse there, a year from now it may be somebody else. So we are here today to present this petition and hope that you will make the change for us.

Now, we have been using some terms here that maybe some of the audience is not familiar with. Currently, the road is L and the definition of L is a street which primarily provides access to non-residential land uses and connects residential streets to the arterials and collectors. Land uses should be compatible with higher traffic volumes. The pictures that you were shown today don't show a non-residential area. What we want to change it to is something called RL4. That is defined as a street with frontage over 50 percent residentially developed at the time of the enactment of this ordinance or

platted as a residential subdivision. This type street is intended to accommodate some residential activities at four dwelling units per acre. Now, Mr. Hiller said he thought it was less than 50 percent residential out in this area, but I beg to differ. It is hard to tell of an aerial view with as many trees that we have. If it is not 50 percent, it is doggone close, and that's why we feel like it is more appropriate for RL4. Now some of the uses. When he showed you on the screen what RL4 means, it really does restrict what the property can be used for. Well, we think that is a good thing because we live out there. The RL4 limits it to four houses per unit and that's basically all you can do out there. Right now the way it is, is currently L. Here is a list of some things that can go out there. General repair and maintenance services, retail, landfills, manufacturing, salvage wrecking yard, scrap operations, towing and impoundment lot. There is a lot of stuff that can go on out there that can adversely affect the value of our property which would mean the tax base would go down. We want to keep our values high. We like to pay taxes. We like you guys.

Now let's look at the difference between RL6, RL5, and RL4 because there was some concern by some of the property owners that they might want to put some cluster homes out there and RL4 would only allow four per unit. While the RL6, of course, allows more units per acre. But in addition, it would allow mobile home parks. Does that look like a nice neighborhood for a mobile home park? We don't want a mobile home park out there. We don't want RL6. It could also allow community residences out there like a group home. We don't think it is an appropriate way to use the property out there.

We hope that you all will consider this petition and look at all the people here in support of that. We understand that people want to do with their property what they want to do, but this is a residential neighborhood, and over the past thirteen years we have lived out there, more and more nice houses have been built out there. People move out there from inside the city in downtown Lexington or from Columbia like us. They like this rural neighborhood, and we hope that you will change it to RL4. Thank you.

**Alice Duncan, 22 Rocky Cove Rd., Lexington, SC** - When I first bought my property, I understood what the zoning was. I see no reason for it to be changed; it seems like one large family. I think that people were there long before I came there, and who am I to tell them what they can do with their land. Thank you.

**Phil Martin, 141 Quail Trail, Lexington, SC** - I recently moved into the neighborhood and, of course, I fully understood what the zoning was when I moved in there and also there is a landscaping company right behind my house which doesn't bother me at all, and I just don't think it is right for me to move into a neighborhood and tell people that own land out there for years what they can or can't do with their property. I mean Lexington County is growing and it is inevitable that they are going to do, develop it in some way, but I don't think just moving into a neighborhood that I should tell them what to do. Thank you.

**Wayne Williams, 6114 Cedar Ridge Road, Columbia, SC** - We don't live up on the property

exactly but maybe half the time. Kristi owns undeveloped property on Counts Ferry Road, as well as, Hendrix Landing. Hendrix Landing - I will say, we have no immediate plans or future plans at this point to do anything with that property but that property has been in her family since well before Lake Murray, and she just doesn't want any restrictions to be placed on that property, the development of that property that aren't there now. In that regard, we have also garnered some support and gotten a statement of opposition that we would like to share with Council tonight. The notice that went out regarding this rezoning said it directly impacted 263 acres. I actually think it's a little more than that, but we got signatures from folks representing about 257 acres that are opposed to the rezoning. The main opposition I think that we feel here and I can understand why the proponents of this are wanting to do something of this nature, the problem is that it is affecting larger vacant tracts of land which have been owned by these folks and their families for generations, and we can't predict the future or what might want to come down there. For instance, to limit zoning from what is now eight units per acre of attached housing to four units per acre of detached housing would, of course, more than decrease the value of their property by 50 percent. Beyond that it precludes some uses of the proposed zoning like boat docks. Well, Hendrix Landing certainly wants boat docks down there. We have boat docks, and I would think that anybody who develops on the waterfront would want some boat docks. The last thing in opposition is that in reading the ordinance, it appears that this matter should not even be under consideration unless the street was fronted by property that was 50 percent residentially developed at the time the ordinance was enacted in 1986, and if you will see in our handout, we don't feel that is the case. That is basically it. Thank you.

**Tommy Howard, 60 Rocky Cove Road, Lexington, SC** - I would just like to say that I have been living in that area for 30 something years. First of all, we used to love to go to Hendrix Landing and, you know one day, we were just talking out there that I would like very much to see a real nice restaurant or something that we could go to instead of having to get into our boats and go 20 minutes across the lake. It would be real nice to have something. We don't know what is going to be developed, or whatever. But most of our land, my dad bought it 30 something years ago and today it is owned by mostly Jerry and the grandchildren of his, which is nine, and most of it is kind of equally divided and everything and changing the road classification if ten years from now if Publix wanted to put a big shopping center out on 378 changing the road you, would have to come back and get it rezoned back to even run the cars back on Counts Ferry Road so they could go to a light. Like the Piggly Wiggly Center down there, you come out and then you come out to a light on 378. Also, I would like to say if one thing that was brought up, I don't think anybody can afford any of the land that the Rawls or the Hendrixes or the Howards own that they can put some kind of junk business or whatever. I mean, you know, the land is very valuable. Tommy Rawl just said out in the hall that they haven't sold a lot in, I think, since 1986 or something like that. Way long ago. Most of the land is not for sale, and you know, we think we are intelligent people. We are not going to put anything that is going to distract. I mean, we love the horses up there; we love the area. I mean, we have been living up there 30 something years, and we just don't think that some of the neighbors should come in and tell us what we can or can't do 15 years from now. Like I said, I don't own very much of it but my kids do. I am speaking on their behalf mostly. But, I do own some of it. Thank you.

**Bill Bodnark, 133 Rocky Cove Road, Lexington, SC** - Mr. Bodnark signed up; however, did not speak.

**Jessica Bodnark, 131 Rocky Cove Road, Lexington, SC** - Ms. Bodnark signed up; however, did not speak.

**Mark Keisler, 710 Woodcreek Court, Columbia, SC** - I do not live on this road. I don't have a dog in this fight, but I think the outcome of this discussion will affect me and every property owner in Lexington County. I feel for both sides. I have friends on both sides. I have been involved in difficult times similar in the Town of Lexington. I bought a piece of property to build an office building; one week later the residents had a yellow zoning sign to change it to single family housing to keep me from building my building, fortunately, that was in the City Council, and I won that. The second was the one that this County Council got a little bruised up with and that was the Loveless and Loveless land dump in Lexington County. We came here with 1400 registered Lexington County voters and asked you to help protect us. We were concerned about property values, we were concerned about big trucks, we were concerned about the loss of the community area, needless to say, we have a dump there now. There were bitter feelings about that, and I have thought about it an awful lot. Since September 11, I have gone back and revisited that decision, and I've come to the conclusion that this County Council made the right decision. That was a decision not against me, not against those 1400 registered voters, but it was a decision for freedom. It was the freedom of a man who bought land rightfully, paid his taxes, wanted to develop his property, make a living and this County Council put that dump there. In retrospect you made the right decision. Did my property values drop a little? I think so. Am I unhappy with the big trucks. Yes. But, they have been reasonable residents. They have been reasonable neighbors. They pick the trash up. We haven't had tremendous problems with them so this boils down tonight to discussion of freedom, and we think we lose our freedom in Washington, DC, we think we lose our freedom at the State House, but this is a very, very delicate situation where you people are elected officials can take away our freedom too. We can lose just as much freedom in this room as we can in Washington, DC so we elect you to make decisions for us, to govern us, you tax us, you spend our money, we are not happy about that, nobody is. But, occasionally you have to make tough decisions regarding freedom and that's what we are about tonight. We have one group of citizens who are asking you to take away the freedom of another group of citizens. That is a very slippery slope. There are so many beautiful little country roads in Lexington County that may wake up tomorrow with a yellow sign on them to say we are going to change the zoning on your property. It might be mine; it may be yours. So I want you to give very careful consideration of this. This is a very, very important decision. I for one vote for freedom, and I will live with that dump beside me any day. I'm not richer for it, but I'm freer for it, and I thank you all for letting me speak.

**Jerry Howard, 1016 Counts Ferry Road, Lexington, SC** - My baby brother has very eloquently expressed our concerns. I moved up there in 1971 and shortly thereafter, I was appointed squire of the neighborhood. I was appointed squire by Mr. Horry Wessinger who was the squire on the other end of the road. He said it was necessary to have squires on both ends so we served as squires. Then we appointed Mr. T. H. Rawl as the squire in the middle. Both of those gentlemen are gone now and

Tommy Rawl has been appointed to replace Mr. T. H. and Jack Hendrix has been appointed to replace Mr. Horry, so we are still in good hands. We are very concerned about our neighborhood.

On the other hand, I was sitting up there in 1986 when we enacted this zoning and what we have there is a compromise. There was the initial analysis of that road called for it to be a collector, I believe. Bruce mentioned that earlier. The people who had moved into the residences on the land and out on the end of the road were concerned about that and we compromised to make the parts that had already built up RL4 and the main part of Counts Ferry Road a Local road. It could be argued still that it is a Collector even though it is narrow, the right-of-way is not narrow, the part maintained is what is narrow and that is a highway department issue. But, I like it like that. I like the speed limit to be held down and, believe me, when I go out to my mailbox I wonder about that sometimes. But, people come flying around that curve, that is kind of scary. Anyway, it was a compromise.

Now, Counts Ferry, the part that is still Local is pretty much undeveloped. I see substantially more than 50 percent of it is undeveloped. It is either pasture land or timber land. I think the photographs and maps bear that out. I don't think there is any question about it. Now the end of it is RL4. Quail Trail down to Rocky Cove Road one side is totally undeveloped, so that is at least 50 percent. The reason we left that Local down around the corner is because there is a business down there. There is a plant nursery there, I reckon it's still there. In order to protect them and not put them in noncompliance, we extended around the corner a little bit and that was considered to be reasonable by the people at the time. On the other end of Hendrix Landing Road, Hendrix Landing was a commercial boat landing, so that was left Local. I agree with what my brother said, I would like to see a restaurant there. I would hate to preclude that from happening.

I thought it was a good compromise of people who own the large tracts agreed to abide by that now. I don't think they will agree to let it go to RL4, because that takes away property rights. I don't think we want to ..... we wouldn't want to go along with that; that's taking away something that our future generation might need. So it is an agonizing thing. We like the neighborhood; we like our neighbors, but we have to protect our interests. My daddy has been very very frustrated about it. It is an agony that I hope we don't have to go through very often. It is not something that is lightly considered. It means .... it is very deep to some of us. I appreciate your consideration.

Again, it was a compromise, and I think it was a good compromise. Everybody gave some in order to protect their neighbors. The performance oriented zoning is designed to protect you without hurting your neighbor and if it is applied correctly, that's what happens. If I have enough land to give to buffering and the screen requirements necessary, I can put a little office in my house or behind my house. I don't think that hurts anybody. The concern about having trucks go down the road, I agree with that. I hope we can avoid that. But, we can't take away property rights of others in order to achieve that. We need to find another way to do that. Thank you.

**Tommy Rawl, 1347 Counts Ferry Road, Lexington** - I am Tommy Rawl and to my neighbors that I am probably meeting for the first time tonight, I drive the old red broken down

Bronco up and down Counts Ferry Road. I certainly appreciate the opportunity to be here and first some legal issues I want to get on the record. First of all, I feel like this is a violation of the due process of law. I found out about this 14 days ago; we had to prepare some kind of defense; some kind of statement that will affect the uses of our property for generations to come.

My family strongly objects the reclassification of our property. This property has been in our family since the 1700's. It survived the Revolutionary War, Sherman's march through the South; it survived the flooding of our property by the power company to create Lake Murray. My grandfather fought that. He along with his sister, Annie Hendrix and his brother-in-law Willie Leaphart challenged the power company, tried to prevent them from taking our land, his farm land, our farm lands, and a rock quarry that he made his living off of. He lost that battle but most of our property is under Lake Murray. Thank God a lot of it is above Lake Murray and we've enjoyed the benefits of being on Lake Murray for these many years.

I am very thankful that my grandparents, my parents were good stewards of the land and since my family is, my brothers, my sister we own a majority of it, for the last 20 years, we have their values and have taken care of the land. We have recognized the rights of our neighbors and our timber operations. A year or so ago, the pine beetles ravaged our property, and we had to cut more timber at a tremendous loss. We had the concern of our neighbors in the neighborhood and we left buffers. We didn't cut timber along the roadways and along the lake frontage so when you go through our property now the timber operation is not evident. My family has no plans to develop this land. We feel like when that times comes that is a personal matter for our family. We certainly have the concerns of the neighborhood but to make this drastic change from the Local classification to the RL4 will tremendously devalue our property and cut down tremendously, as you saw on the list, of what we can do with our property. Obviously, some of the things that we can do in the classification of Local, we would have no desire to do that. Get serious. We don't want some of the items that we could have on the property because we are going to live there.

One thing that I have found several of - my sister who is here today, Susan, she is a teacher up in Greenwood, my brother, Richard is a doctor in North Carolina. One thing this has brought .... they wish to come down when they retire and we certainly don't want to do anything that would hurt our land and the enjoyment that we've had of our property for so long. I am sorry it's come to this. The problem I have with having to come down here 14 days after I had notice of what was going on I am still sort in the angry mode. I know when you get angry you say things you shouldn't. I may have been cool to some of my friends and my neighbors, but you have to understand where we come from. The zoning office has done a very good job of researching this. I ask you gentlemen to put political politics aside. This is a very personal issue for my family.

I'm not computer literate, I barely know how to use crayons but the colored portion on this map is what my family owns. Now we have differences of opinions on what we are going to do with our land. Three of us here, that are represented here today, have an interest in the blue portion of this map. The other part, other members of our family, and that's our business, that is nobody's business here but we

are forced by this to have to come down and lay this all out in a public forum. We have no plans for our property. We would like to make those decisions what we do with our land at our own time frame and among our family. We will do that. I assure you we have the interest of our neighborhood when we decide to do that, but I ask that you study this very careful. Do not rush to judgment, gentlemen. I am very serious about this, and I am sure anyone out in this audience that bought onto this, I call it a kind of hysteria that went through the neighborhood. If they were worried about commercial vehicles, about what this gentleman, I talked with his wife, they may be here today, they plan to come, they live in Maryland. They have a furniture store in Maryland. Why they would put a furniture warehouse out in the middle of the country away from their store, I don't know. It doesn't make sense, and it doesn't appear that they would have enough room on that particular lot to make a, to have a warehouse. That property is right across from our property, one of the most pristine pieces of property in Lexington County. I don't care what he does with his property. That is his right and it's my right, our right, to do what we wish to our property within the classification of the Local.

I feel like anyone who purchased land up there after 1986, they made informed intelligent decisions to make an investment in that community. It is like buying a car without a warranty. You buy it "as is." You had a chance to check it out. I think it is unfair because we've left our property like it is. We have created a neighborhood that you enjoy, the pristine undeveloped timberland, so I don't think we should be penalized for hanging onto our property and not having the right to decide the use as we see fit. Thank you very much. I feel very comfortable in leaving this decision in your hands. Thank you.

Mr. Davis closed the public hearing and expressed his appreciation to those attending the hearing. He stated he represents that area and said government sometimes is compromise. He stated he wished somebody had wanted to talk about the Landscape Text Change. This is a new ordinance which is going through the process in Lexington County to make some roads a scenic corridor and he believed if someone would study this and challenged those in attendance to get with Ms. Ouzts and Mr. Rawl and explain that to each of them and see if that makes their neighborhood what they want it to be without going through a zoning struggle.

Mr. Davis informed the audience the process would continue, there would be no vote tonight and should the residents have anything to add to the record to please do so within the next 24 hours through Ms. Black, Clerk to Council.

Mr. Davis closed the public hearing.

**Executive Session/Legal Briefing** - A motion was made by Mr. Cullum, seconded by Mr. Rucker to go into Executive Session to receive legal and contractual briefings.

In Favor:	Mr. Davis	Mr. Cullum
	Mr. Rucker	Mr. Derrick
	Mr. Owens	Mr. Keisler
	Mr. Jeffcoat	Mr. Wilkerson

Mr. Carrigg

Mr. Davis reconvened Council in open session.

**Matters Requiring a Vote as a Result of Executive Session - Town of Lexington Water Tower Property** - Mr. Jeffcoat made a motion, seconded by Mr. Cullum to allow staff and the County Attorney to move forward with the negotiation for transfer of the Water Tank site currently owned by Lexington County to the Town of Lexington.

Mr. Davis opened the meeting for discussion.

Mr. Owens stated this is to be concurrent with the discussion to get the fire station.

Mr. Davis replied, yes sir. It will be in the negotiation.

Mr. Wilkerson replied, we're not going to give it to them for nothing.

Mr. Owens replied, if not agreeable it comes back to us.

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

**Oak Grove Magistrate's Office** - Mr. Owens made a motion, seconded by Mr. Wilkerson to allow staff and the County Attorney to move forward with the negotiation of the contract with the Lexington Recreation Commission regarding the three acres of land.

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

In Favor:      Mr. Davis                      Mr. Owens  
                    Mr. Wilkerson Mr. Derrick  
                    Mr. Keisler                      Mr. Cullum  
                    Mr. Jeffcoat                      Mr. Carrigg

Abstaining:    Mr. Rucker

Mr. Rucker stated that he abstained because his company has been asked to bid on part of the project.

**Lexington Chamber of Commerce - Taste of Lexington Event** - Mr. Derrick made a motion, seconded by Mr. Owens to deny the \$2,500.00 request by the Chamber of Commerce for the Taste

of Lexington. Mr. Derrick recommended that the Town of Lexington use some of the 2 percent money collected on restaurant tax and next year the Chamber of Commerce apply during the budget process for some of the Temporary Alcohol License Funds.

Mr. Davis opened the meeting for discussion.

Mr. Wilkerson asked how many people that own restaurants were in favor of the 2 percent tax, not probably very many.

In Favor:	Mr. Derrick	Mr. Owens
	Mr. Cullum	Mr. Jeffcoat
	Mr. Keisler	Mr. Carrigg

Opposed:	Mr. Davis	Mr. Wilkerson
	Mr. Rucker	

**(1) 1500 GPM Pumper and (2) 750 GPM Tankers** - Mr. Rucker stated he had originally made a motion to accept the purchase; however, Council was supposed to have given direction to staff. He stated the reason he made a motion to purchase the units was to save approximately \$14,000.00 for the County of Lexington. Mr. Rucker stated after advice from legal counsel, the County should solicit competitive bids.

Mr. Cullum asked by sole sourcing the (1) 1500 GMP Pumper and (2) 750 GPM Tankers with the contractor we have used in the past and had very good service with; has consistently proven to be a low bidder and also is an established Lexington County business and full well know that with the option of rolling the dice and spending \$14,000.00 of taxpayers' money, by doing this - is it really prudent that we do?

Mr. Rucker replied that he has the same concern as Mr. Cullum; however, but the question is if we don't put it out for competitive bid then there is a shady area there. If Council wants Mr. Anderson, County Attorney, to explain the reason to go through the bid process, then Mr. Anderson will.

Mr. Davis replied it would be a violation of the County's procurement code if we sole source the items.

Mr. Cullum replied, sole source just because of the dollar value or just sole sourcing any purchase.

Mr. Davis replied, no, if we didn't put it out for bid.

Mr. Cullum asked whether we have had other instances before where things were not put out to bid. Matter of fact, I saw some things this evening that went before us in the Sheriff's Department that were a sole source. Are they violating the bid process?

Mr. Davis replied they are items that we sole source; that we have voted on to sole source those items.

Mr. Anderson replied, it is not really a sole source. You would be “tacking on” to a prior bid. You are taking the price from a prior bid and tacking on.

Mr. Rucker stated Council really made no recommendation to staff. Mr. Rucker stated his feelings were that we were going to attach to that bid, but after the briefing from the County’s Attorney, he advised the County needed to go forward with competitive bids. He stated he would put that in the form of a motion, even though he knew it would be cheaper the other way. I know that but to stay within the legal bounds that are set in our procurement procedures, I will make a motion to seek competitive bids.

Mr. Rucker made a motion, seconded by Mr. Jeffcoat to secure competitive bids for (1) 1500 GPM Pumper and (2) 750 GPM Tankers.

Mr. Davis opened the meeting for discussion.

Mr. Derrick asked Ms. Fulmer, Procurement Manager, if the County can amend a bid that the County issued six months ago.

Ms. Fulmer replied, in accordance with the Procurement Code, no, to answer real quick. Ms. Fulmer stated if Procurement had stated in the bid package up front that the County anticipated to buy three more and everybody was aware ..... She stated you have vendors out there. This is not a sole source. This is just adding on to that bid, and you have vendors who possibly could have .....

Mr. Derrick asked how many other vendors were there that would have participated or could we get to participate? Were these two the sole vendors.

Ms. Fulmer replied, on that particular bid, that was.

Mr. Derrick asked Ms. Fulmer how extensive did Procurement advertise and how extensively did Procurement try to solicit bids for these.

Ms. Fulmer responded that she would have to go back to the bid package but stated Procurement usually solicits 10 to 12. She stated Procurement always advertises in the South Carolina Business Opportunities, the Demand Star, which is a .....

Mr. Derrick asked, historically not just these in the last six months but prior to that, how many bids have we gotten. How many vendors?

Ms. Fulmer replied, we usually get two or three.

Mr. Derrick asked, these same two?

Ms. Fulmer replied, well maybe not those same two: Slagle's always bid.

Mr. Derrick responded but Slagle is always low also.

Ms. Fulmer replied, usually. I'm not going to say always.

Mr. Derrick made a motion, seconded by Mr. Cullum that Council go into Executive Session to receive a legal briefing.

In Favor:	Mr. Davis	Mr. Derrick
	Mr. Cullum	Mr. Rucker
	Mr. Wilkerson	Mr. Keisler
	Mr. Jeffcoat	Mr. Owens

Mr. Carrigg left the meeting earlier due to a commitment.

Mr. Davis reconvened Council in open session.

Mr. Davis stated that there was a motion and a second on the floor and opened the meeting for further discussion; no discussion occurred.

In Favor:	Mr. Davis	Mr. Rucker
	Mr. Jeffcoat	Mr. Derrick
	Mr. Cullum	Mr. Keisler
	Mr. Owens	Mr. Wilkerson

Mr. Wilkerson stated he wanted to make one comment. He stated everyone of the Councilmen would love to save \$14,000.00 and not put the (1) 1500 GPM pumper and (2) 750 GPM Tankers out for bid but because it was not legal, we have to put it out for bid and that is the reason Council has made this decision.

**Old Business/New Business** - None.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Dorothy K. Black

George H. Smokey Davis

Clerk

Chairman