

MINUTES
LEXINGTON COUNTY COUNCIL
NOVEMBER 18, 2003

Lexington County Council held its regular meeting on Tuesday, November 18, 2003 in Council Chambers, beginning at 4:30 p.m. Chairman Davis presided; Mr. Cullum gave the invocation; Mr. Keisler led the Pledge of Allegiance.

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

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.

Senator John Courson - Senator Courson shared with Council the latest reapportionment plan the General Assembly will be operating under next year. Currently, Senator Courson represents District 20, which includes Kings Grant, portions of Lower Richland, Ballentine, Hilton, and White Rock located in Richland County. However, under the new reapportionment plan District 20 would include Challedon, GardenDale, Grenadier, Woodland Hills, White Hall, Seven Oaks, Quail Valley, and Murraywood located in Lexington County.

Employee Recognition - Art Brooks, County Administrator - Mr. Brooks recognized Ellie Hurlbert Administrative Assistant, and Joyce Porth, Tax Clerk, in the Auditor's Office along with Derrial Gardner, Receptionist, for their outstanding and expedient job assisting a citizen with old property taxes.

Lexington County Communications Center, Lynn Connor, and Ralph Ford were recognized for their accomplishments during the SC Association of Public Safety Communications Officials and National Emergency Number Association meeting.

Lynn Connor, Shift Supervisor in Communications, was recognized for receiving honorable mention as the 9-1-1 Shift Supervisor of the Year and for her work in becoming a state certified NCIC instructor.

Lexington County Communications Center's staff was recognized for receiving honorable mention as the 9-1-1 Center of the Year for the implementation of the Emergency Medical Dispatch and the Silver Star quality assurance award program.

Ralph Ford, Senior Cartographer, Planning and GIS, was recognized for receiving honorable mention as the 9-1-1 Technician of the Year for his continued excellence in refining Emergency Service Numbers throughout the County and coordinating the Master Street Address Guide.

Ed Salyer, Risk Manager, was recognized for being selected President of the South Carolina Public Risk Management Association.

Presentation of Resolution - SMI Steel South Carolina Presented by Councilman Todd Cullum - Mr. Cullum presented a resolution to Mr. Dale Schmelzle, General Manager, Executive Vice President; Mr. Sherman Cox, Human Resource Director; Mr. Skip Jenkins, Councilman of the City of Cayce for SMI Steel South Carolina being named Manufacturer of the Year for Mid-Sized Employer and their contributions to various organizations in Lexington County.

Appointments - Assessment Appeals Board - Patricia Lewandoweski - A motion was made by Mr. Jeffcoat, seconded by Mr. Derrick to reappoint Ms. Patricia Lewandoweski to the Assessment Appeals Board.

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

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

Not Present: Mr. Wilkerson

Board of Zoning Appeals - Stevan Amick - A motion was made by Mr. Jeffcoat, seconded by Mr. Derrick to reappoint Mr. Stevan Amick to the Board of Zoning Appeals.

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

| | | |
|-----------|-------------|--------------|
| In Favor: | Mr. Davis | Mr. Jeffcoat |
| | Mr. Derrick | Mr. Cullum |
| | Mr. Owens | Mr. Keisler |

Mr. Rucker Mr. Carrigg

Not Present: Mr. Wilkerson

Lexington County Health Services District - Vasa W. Cate, M.D. - A motion was made by Mr. Jeffcoat, seconded by Mr. Carrigg to appoint Dr. Vasa Cate to the Lexington County Health Services District Board of Directors.

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

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

Not Present: Mr. Wilkerson

Library Board - Sarah Meetze - A motion was made by Mr. Jeffcoat, seconded by Mr. Derrick to appoint Ms. Sarah Meetze to the Library Board.

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

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

Not Present: Mr. Wilkerson

Mr. Keisler stated he would like the opportunity to nominate Mr. Billy Sturkie to the Building Code Board of Appeals during the December 9, 2003 meeting.

Mr. Rucker stated he felt the Cultural Council of Richland and Lexington Counties position needed to be filled.

Mr. Davis asked if a Councilman had an interest in serving on the Cultural Council of Richland and Lexington Counties to contact him before the December 9, 2003 meeting.

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

Storage Building - Building Services - Bids were advertised and solicited from qualified contractors for a 40' x 50' x 10' Pole Frame Storage Building for Building Services. Six (6) bids were received. Staff recommended to award the contract to CMS Incorporated in the amount of \$18,724.50 including sales tax.

Employee Classification and Compensation Study - Personnel - Competitive proposals were solicited from potential consultants to conduct a classification review of all positions in Lexington County and to recommend placement of these positions in a suitable job classification that provides compensation commensurate with surrounding jurisdictions as well as to recommend a pay plan pertaining to merit pay, promotions, reclassifications, transfers, demotions, and cost of living adjustments. The study will be completed within ninety (90) days of the contract award. Ten (10) proposals were received. Staff recommended to award the contract to The Archer Company in the amount of \$60,000.00.

CAD 9-1-1 Hardware/Software Replacements - Sole Source - Public Safety/Emergency Preparedness/Communications - Staff recommended the purchase of CAD 9-1-1 Hardware/Software Replacements for Public Safety/Emergency Preparedness/Communications to the sole source provider, ESI through County Contract Number P99010-06/09/99H. Currently, the County has a contract with ESI that provides the existing CAD 9-1-1 in both the Communications and Sheriff's Department. The system consists of four (4) NCIC interfaces, one (1) Netclock SNTP Device, one (1) 4D Server, four (4) 4D Client Expansion Pack - 5 users, four (4) 4D for ODBC Expansion Pack - 5 users, one (1) External Modem, six (6) Memory expansion (256MB), miscellaneous hardware, and technical services. The cost including tax is \$64,503.95.

Security System - Sole Source - Public Safety/Emergency Preparedness/Communications - Staff recommended the purchase of a security system to secure the 9-1-1 Communications Center located in the Administration Building for Public Safety/Emergency Preparedness/Communications to the sole source provider, ADT Security Services, Inc. This system will be integrated and controlled by the same computer that controls the courthouse system in order to maintain uniformity of the security systems throughout the County. The system will be placed on four (4) doors in the basement and will be accessed only by security ID cards. The cost of the system is \$10,490.90 including tax.

Computer Hardware - Public Safety/Emergency Preparedness/Communications - Staff recommended the purchase of Intelligent Ethernet switches for the Public Safety/Emergency Preparedness/Communications directly from Systems and Services, LLC through State Contract Number C800794138. These switches will provide fiber optic link between the primary PSAP at the Administration Building and the backup PSAP at the Sheriff's Department. The cost of the Intelligent Ethernet switches is \$9,219.00 including tax.

Fleet Vehicle Replacement - Public Safety/Fire Service - Staff recommended the purchase of two (2) New 2004 Ford F450 Cab and Chassis Trucks equipped with emergency equipment and accessories for Public Safety/Fire Service through various suppliers. These vehicles are used for transporting specialized equipment and personnel to emergency scenes. The two (2) 2004 Ford F450 Cab and

Chassis Trucks will be purchased from Pulliam Motor Company through State Contract Number 03-S5469-A9067 - \$91,349.54; emergency equipment and accessories from Palmetto Distributors - \$5,829.38, Hansens Gold Leaf - \$908.25, Light-N-Up - \$525.00, and Jack L. Slagle's Fire Equipment - \$491.40. The cost of installation of the emergency equipment from Light-N-Up under County Contract Number C02014-01/10/02B - \$850.00. The total cost including sales tax is \$99,953.57.

Sidewalk Improvements Nursery Hill Road - "C" Fund Project - Public Works - Bids were advertised and solicited from qualified contractors for Sidewalk Improvements for Nursery Hill Road. The project includes the construction of approximately 2,900 L.F. of sidewalk and other necessary appurtenances. There is an estimated 3,013 L.F. of sidewalk (4" and 6" at driveways)/striping, 130 C.Y. Borrow; 50 C.Y. Rock Excavation, 17,424 S.F. Sod, 16 each paving of existing driveways, and to repair two (2) existing driveways or pave new driveways. Four (4) bids were received. Staff recommended to award the contract to Plowden Construction Company. The total bid for the project, based on estimated quantities, is \$164,333.00.

Victim's Automated Notification Service - Sole Source - Sheriff's Department - Staff recommended the purchase of monthly service charges for the Victim's Automated Notification Service for the Sheriff's Department to the sole source provider, Appriss Incorporated, as they currently provide maintenance of the existing equipment and software. The total cost is \$40,092.00 including tax.

Laptop Computers - Sheriff's Department/Information Services - Staff recommended the purchase of three (3) Dell laptop computers for the Sheriff's Department/Information Services. The three (3) Dell laptop computers will be purchased directly from Dell Computers through State Contract Number 03-S5869-A9659. The total cost is \$5,351.85 including tax.

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

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

Not Present: Mr. Wilkerson

Construction of Oak Grove Magistrate's Office - Magistrate Court Services - Bids were solicited and advertised for the construction of a 3,838 square foot conventional constructed building for the Oak Grove Magistrate's Office. Landscape development, construction of water and sewer lines from the source to the building, paving, and other site improvements were bid as Alternate 1. The paving of the driveway, parking area and necessary storm drainage for the Lexington County Recreation Commission was bid as Alternate 2. Five (5) bids were received.

A motion was made by Mr. Derrick and seconded by Mr. Carrigg to accept staff's recommendation to

award the project to MAR Construction Company, Inc., which includes Alternate 1, for a total cost of \$412,700.00.

Mr. Davis opened the meeting for discussion.

Mr. Jeffcoat asked what the motion consists of - Alternate 1 or Alternate 2?

Mr. Brooks stated Alternate 1 is connected to the actual Magistrate's Office; paving, grading, etc., which staff is recommending, and Alternate 2 would be for Public Works to pave the driveway, parking area, and necessary storm drainage for the Lexington County Recreation Commission.

Mr. Carrigg asked if the recommendation is Alternate 2.

Mr. Davis stated Council has not decided between Alternate 1 or Alternate 2 as staff is looking to Council for the decision.

Mr. Cullum asked what is the dollar value we are voting on, \$412,700.00 or \$482,000.00?

Mr. Derrick stated his motion was to accept staff's recommendation of base bid only as it is written in MJA, Inc. Architect's letter.

Mr. Jeffcoat stated the letter indicates Alternate 1.

Mr. Davis stated we are discussing Alternate 1.

Mr. Jeffcoat stated then Council will make recommendation to accept or decline Alternate 2; but is quite confusing.

Ms. Fulmer, Procurement Manager, stated the base bid includes Alternate 1, which is \$412,700.00, and stated staff wanted Council to accept or decline Alternate 2, which is the paving of the driveway and parking lot for the Lexington Recreation Commission for an additional \$69,700.00. Ms. Fulmer said staff was looking for direction from Council to accept the base bid that included Alternate 1 or accept the base bid that included Alternate 1 and accept Alternate 2 for a total cost of \$482,400.00.

Mr. Owens stated he understood the \$412,700.00 included Public Works doing some of the work, being the difference between the \$412,700.00 and \$482,400.00.

Ms. Fulmer replied, no.

Mr. Brooks stated Alternate 2 being what Public Works might do.

Mr. Jeffcoat asked, Alternate 1 does not have a paved parking lot?

Ms. Fulmer replied it does. She stated Alternate 1 includes the landscaping development, the construction of the water and sewer lines from the source to the building, paving and other site improvements.

Mr. Owens stated for \$412,700.00.

Ms. Fulmer replied, correct. She stated it is for the actual Magistrate's Office and the surrounding parking area. She said also attached to the adjoining property, which we are talking about in Alternate 2, is a gravel drive area the Lexington County Recreation Commission has asked to be paved in exchange for the (3) three acres of land for the Oak Grove Magistrate's Office. She stated this was discussed with Council and staff was to obtain prices and then Council would decide between this cost versus Public Works.

Mr. Jeffcoat stated the \$412,700.00 is for the building etc., but does not include the land.

Ms. Fulmer replied, correct. She stated the \$69,700.00 would be the amount for the land.

Mr. Owens asked would it be a little premature to do this until we buy the land.

Mr. Jeffcoat stated it is a trade.

Ms. Fulmer stated we are paving the driveway and parking lot for the Lexington County Recreation Commission for the land.

Mr. Jeffcoat stated then we needed Alternate 2.

Ms. Fulmer stated we can still pave the driveway and parking lot, but have Public Works perform the work; that's the option you have.

Mr. Jeffcoat replied, we don't have the land to put the building on.

Ms. Fulmer replied, yes; we would still be doing the work for them (Lexington County Recreation Commission) if Public Works paved the driveway and parking lot.

Mr. Carrigg stated either we (County) are going to pay someone to pave the Lexington County Recreation Commission's driveway and parking lot or have Public Works perform the work.

Ms. Fulmer replied, correct.

Mr. Owens stated the \$69,700.00 is for paving.

Mr. Jeffcoat stated this is a trade for the land.

Mr. Owens asked should Council have made the decision in the Public Works Committee.

Mr. Carrigg stated it was in the Public Works Committee and the Committee asked staff to obtain the bids and then let full Council decide from a cost perspective if we wanted to contract out the paving or if we wanted to have Public Works pave it.

Mr. Carrigg stated the cost tabulation from Public Works is \$56,570.00.

Mr. Owens asked does the cost tabulation from Public Works include perceived labor or just cost and material.

Mr. Porth, Finance Director, replied it includes actual labor.

Mr. Cullum stated we have already gone through the process of what the County can do it for and what it can be done for on the open market; we established the County can do it cheaper. But said if we are going to exchange the land for the paving, that is a separate entity. Therefore, Lyn- Rich is \$328,000.00 and asked why are we approving \$412,700.00 when the paving and exchanging of the land should not be a part of this. We are wanting bids for the building, landscaping, etc.

Ms. Fulmer replied that's \$412,700.00. She said you would add an additional \$69,700.00 to pave the Lexington County Recreation Commission's driveway and parking lot.

Mr. Cullum stated we are not going to ask another contractor to provide the paving; we are going to have the County do that.

Ms. Fulmer replied that the base bid, which includes Alternate 1, does not have anything to do with the paving of the parking lot.

Mr. Owens stated we pay \$412,700.00 and then we have Public Works do the paving.

Ms. Fulmer replied, correct.

Mr. Jeffcoat stated the \$412,700.00 does not include the land.

Ms. Fulmer stated we will obtain the land if Public Works paves the driveway and parking lot for the Lexington County Recreation Commission.

Mr. Davis stated the motion is the base bid, which includes Alternate 1.

Mr. Jeffcoat stated Alternate 1 would not work.

Mr. Derrick called for the question on the motion for the base bid plus Alternate 1.

Mr. Carrigg asked on the base bid line, MAR Construction is \$412,700.00 and Lyn-Rich Contracting is \$328,000.00 why?

Ms. Fulmer replied Lyn-Rich Contracting does not include Alternate 1 but MAR Construction included Alternate 1.

Mr. Carrigg stated MAR Construction's base bid is \$412,700.00 but deduct \$70,000.00 for a contract price of \$342,700.00.

Mr. Cullum stated then the \$342,700.00 is still higher than the low bid.

Ms. Fulmer stated that is why Council needs to make the determination which plan to approve.

Mr. John Derrick, President MJA, Inc. Architects, stated the specifications specifically say, according to the Procurement Code for the state of South Carolina, is that you determine low bidder by the base bid plus all the alternates; whoever is low is the apparent low bidder. He said then you can award the contract to the low bidder and once you have made that decision, then you can go back and decide which alternate you want, but you are dealing only with that contractor. In this case, the low bidder is MAR Construction.

Mr. Cullum asked if the \$412,700.00 included the property being paved for the Lexington County Recreation Commission.

Mr. John Derrick stated the \$412,700.00 includes the building and the surrounding site work.

Mr. Cullum stated it does not include the three acres to be exchanged for paving, so the additional cost is \$56,570.00. He asked if we are going to pay MAR Construction \$412,700.00 or \$342,000.00.

Mr. John Derrick replied the contract will be for \$412,700.00.

Mr. Owens stated then we will secure the property from the Lexington County Recreation Commission either by letting Public Works or the contractor do the paving.

Mr. Cullum asked whether Lyn-Rich Contracting's price of \$328,000.00 included site work.

Mr. John Derrick replied, no; you would need to add the additional \$99,000.00 for site work, for a total of \$427,000.00.

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

Abstaining: Mr. Rucker

Mr. Rucker stated he abstained because his company was involved in some bidding on this project.

Mr. Wilkerson requested his vote be affirmative even though he was not in the discussion.

Mr. Keisler requested his vote be affirmative as he failed to acknowledge the vote.

Mr. Derrick asked if we (Council) referred the paving of the driveway and parking lot of the Lexington County Recreation Commission to the Public Works Committee would it prevent us (the County) from awarding this contract.

Mr. John Derrick said it should not be a problem but staff would have to do a change order if the general contractor provides the paving.

Mr. Derrick made a motion, seconded by Mr. Owens that we (the County) pave the Lexington County Recreation Commission's property in exchange for the three acres of land but refer it to the Public Works Committee to seek the most cost efficient method for paving the driveway and parking lot for the Lexington County Recreation Commission.

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

Not Present: Mr. Carrigg

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

Chairman's Report - Christmas Holidays - Mr. Davis reported in accordance to the State holidays the County adopted, Lexington County offices will be closed Christmas Eve.

Administrator's Report - Cultural Council - \$25,000 for New Art Work for Judicial Center - Mr. Brooks stated the Cultural Council awarded \$25,000 to the County for new art work for the Judicial Center. Mr. Brooks stated Judge Westbrook and Mr. Comerford, Clerk of Court, are forming a committee in conjunction with members of the Cultural Council and asked Mr. Davis to serve on the committee.

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

Supplemental appropriation increase of \$2,379.00 as stipulated in a contract agreement between the Sheriff and Justice Benefits, Inc., the Sheriff must pay Justice Benefits, Inc. 22% of the award received for services

they provided in assimilating the data on alien inmate housing that was required in order for the County to apply for the grant. A revenue decrease of \$16,550.00 as the anticipated \$27,362.00 was more than the \$10,812.00 received under the State Criminal Alien Assistance Program for the housing of criminal aliens in the jail facility.

Supplemental appropriation increase of \$77.00 to cover the shortage in the Local Law Enforcement Block Grant because the investment interest over the two year grant period was less than anticipated.

Supplemental appropriation increase of \$106,980.00 for the Nursery Hill Road sidewalk project that is being funded with 60% federal funds up to a maximum of \$91,452.60. The balance of the project funding is provided by Schedule "C" funds.

Supplemental appropriation increase of \$24,048.00 for the equity transfer from the general fund capital contingency to cover the costs of construction of the fire station and Sheriff/Magistrate facilities on North Lake Drive and to appropriate the interest earned.

Supplemental appropriation increase of \$144,575.00 for funds received from the SCDOT which are reimbursements for projects that were completed for less than the amount anticipated. These projects were Fallaw Road, Bluefield Road, and McLee Road.

Supplemental appropriation increase of \$30,500.00 for funds received from members of the "Friends of the Courthouse" to be used for technology and furniture in the new Judicial Center.

Approval of Minutes - Meeting of October 14, 2003 - A motion was made by Mr. Rucker, seconded by Mr. Wilkerson that the October 14, 2003 minutes be approved as submitted.

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

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

Not Present: Mr Carrigg

Ordinances - Ordinance 03-5 - Lexington County Council Rules of Parliamentary Procedure - 3rd and Final Reading - A motion was made by Mr. Rucker, seconded by Mr. Derrick that Ordinance 03-5 be given third and final reading.

Mr. Davis opened the meeting for discussion.

Mr. Rucker stated according to the S. C. Association of Counties vote by proxy was not a good idea.

Mr. Owens asked, you can no longer vote by proxy?

Mr. Rucker replied, correct.

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

Not Present: Mr. Carrigg

Ordinance 03-10 - Conveyance of Real Estate from Lexington County to SCDOT (Hwy. 6 & Hwy. 1) - 3rd and Final Reading - A motion was made by Mr. Owens, seconded by Mr. Jeffcoat that Ordinance 03-10 be given third and final reading.

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

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

Not Present: Mr. Carrigg

Committee Reports - Planning & Administration, B. Rucker, Chairman - Ordinance 03-8 - Landscape Ordinance - Text Change - 2^d Reading -Mr. Rucker stated the Planning and Administration Committee convened on Tuesday, October 28, 2003 to consider Ordinance 03-08 - Landscape Ordinance - Text Change filed by Charles M. Compton.

Mr. Rucker stated Ordinance 03-08 proposes a text change to Section 7, Scenic Corridor Protection of the Landscape Ordinance. The proposed change would require that the first 25 feet be preserved in as natural a condition as possible with an opportunity for the area to re-vegetate naturally in a manner similar to other portions of the corridor; where there are no substantial trees in this area, the Landscape Administrator may require street frontage trees (as required in Section 6, Major Road Corridors) to average at least one tree per twenty (20) feet of frontage, or portion thereof and where there is a scenic corridor designation, additional restrictions are contained in the Lexington County Zoning Ordinance.

A public hearing was held on October 14, 2003, there were no comments in favor or against the proposed amendment.

The Planning Commission met on October 16, 2003 and recommended approval.

The Planning and Administration Committee voted to recommend that Council proceed with the second reading of Ordinance 03-08. The Committee requested the Planning Commission to readdress the Landscape Ordinance to ensure the size of shrubs and trees planted are larger and closer together and the possibility of having the Scenic Corridor provisions apply to single family residential development.

Mr. Rucker made a motion, seconded by Mr. Wilkerson that Ordinance 03-08 be given second reading. The Committee requested the Planning Commission to address the Landscape Ordinance to ensure the size of shrubs and trees planted are larger and closer together and the possibility of having the Scenic Corridor provisions apply to single family residential development.

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

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

Not Present: Mr. Carrigg

Revised Driver Record Policy - Mr. Rucker stated the Planning and Administration Committee met on Tuesday, October 28, 2003 to discuss the Revised Driver Record Policy.

Ms. Doucett discussed the proposed Revised Driver Record Policy. Ms. Doucett stated this proposed policy is to set the criteria for an acceptable driving record. The policy would apply to all current and former employees.

The Committee voted to recommend that full Council approve the Revised Driver Record Policy with the following changes/additions.

- (1) Item #2 under **Employees** - Any employee who has received 6 or more points against his license in any 12 month period, or 10 or more points against his license in any 5 year period be changed to a **3 year period**.
- (2) Add a provision regarding any charges received while in a Lexington County vehicle.
- (3) Add terminology that if driving is a part of your job description, then termination “**would be**” rather than “**may be.**”

Mr. Rucker made a motion, seconded by Mr. Wilkerson to adopt staff’s proposed Revised Driver Record Policy with the following changes/additions: “Any employee who has received 6 or more points against his license in any 12 month period, or 10 or more points against his license in any 5 year period be changed to a 3 year period; add a provision regarding any charges received while in a Lexington County vehicle; and add terminology that if driving is a part of your job description, then termination “would be” rather than

“may be.”

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

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

Not Present: Mr. Carrigg

Justice, J. Carrigg, Chairman - Highway Safety Grant - Department of Public Safety - On behalf of Mr. Carrigg, Mr. Jeffcoat reported that during the afternoon meeting, the Justice Committee met and discussed the Highway Safety Grant.

A motion was made by Mr. Jeffcoat, seconded by Mr. Wilkerson to allow staff to move forward with the Highway Safety Grant through the Town of Lexington Police Department that includes four (4) radar units and two (2) direct connect cellular phones for the Lexington County Sheriff’s Department. The 10% match of \$1,640.00 would be provided by the LE/General Fund Contingency fund.

Mr. Davis opened the meeting for discussion.

Mr. Derrick asked why does two (2) direct cellular phones cost \$2,400.00.

Mr. Davis stated according to Mr. Porth the direct cellular phones include the operating costs as well. Mr. Brooks stated it is for the operation of the phones for the duration of the grant.

Chief Tim James, Assistant Sheriff, stated this is a traffic enforcement grant combined with several municipalities. He said normally the Sheriff’s Department would not have asked for cell phones, but the direct connect cellular phones would enable the other municipalities who operate off different frequencies the ability to communicate. He stated the \$2,400.00 for the direct connect cellular phones is not only to purchase the phones, but included operating expenses for the two year grant.

Mr. Davis asked how many phones are involved.

Chief James asked totally for the grant or for Lexington County’s portion?

Mr. Davis replied for the total grant.

Chief James stated there are four (4) municipalities. He stated since the Town of Lexington initiated the grant he was unsure, but thought it to be 10.

Mr. Derrick stated he was confused because the Town of Lexington is being dispatched by Lexington

County Communications and wanted to know why they would need the cell phones.

Chief James stated he could not answer the need for the direct cellular phones because the Sheriff's Department did not initiate the grant, but the Town of Lexington asked for our assistance. He stated the reason is whenever you are dealing with more than one municipality other municipalities have to obtain authority and jurisdiction to transfer into another jurisdiction; therefore, we would have to be a part of this grant. Chief James stated the direct cellular phones were not a necessity and if Council would feel better just approving the four (4) radar units, then the Sheriff's Department can continue using their walkie-talkies.

Mr. Derrick made an amendment to the motion, seconded by Mr. Cullum to drop the two (2) direct cellular phones from the grant.

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

Vote on Amendment:

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

Not Present: Mr. Carrigg

Vote on Motion as Amended:

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

Not Present: Mr. Carrigg

Public Works, B. Derrick, Chairman - 2003-04 Municipal "C" Fund Requests - Mr. Derrick reported that during the afternoon meeting, his committee met to discuss the 2003-04 Municipal "C" Fund Requests.

A motion was made by Mr. Derrick, seconded by Mr. Wilkerson to approve staff's recommendation of the 2003-04 Municipal "C" Fund Requests of \$50,000.00. The requests consist of \$10,000.00 each for the towns of Batesburg-Leesville, Cayce, Gilbert, South Congaree, and West Columbia for transportation and enhancement needs.

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

| | | |
|-----------|---------------|-------------|
| In Favor: | Mr. Davis | Mr. Derrick |
| | Mr. Wilkerson | Mr. Rucker |

Mr. Keisler Mr. Owens
Mr. Cullum Mr. Jeffcoat

Not Present: Mr. Carrigg

“C” Fund Road Recommendations - Mr. Derrick reported his committee met and discussed the “C” Fund Road Recommendations.

A motion was made by Mr. Derrick, seconded by Mr. Cullum to approve staff’s recommendation to pave portions of Elbert Taylor Road, John Kinard Circle and Court, Truex Road, and some type of stabilization on Willma Ann Drive and the portions of the aforementioned roads.

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

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

Not Present: Mr. Carrigg

A motion was made by Mr. Derrick, seconded by Mr. Cullum to approve staff’s recommendation to pave the portion of Jim Rucker Road that the County has right-of-way and some type of stabilization on the remaining portion.

Mr. Davis opened the meeting for discussion.

Mr. Rucker stated he asked for separate motions regarding the “C” Fund Road Recommendation because he owns property on Jim Rucker Road; therefore, was abstaining.

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

Not Present: Mr. Carrigg

Abstaining: Mr. Rucker

Presentations - Mr. Bill Dukes - Chairman, Midlands Authority for Conventions, Sports, & Tourism - Update of Activities - Mr. Dukes gave an update of activities for the Midlands Authority for Conventions, Sports, & Tourism and presented Council with a copy of the Columbia Regional Sports Council Facility guide. Mr. Dukes pointed out there are many references to facilities in Lexington County

and this was a collaborative effort between the Sports Council, Lexington County, Richland County, and the City of Columbia. He stated the convention center is within budget and on schedule to open September 2004.

Mr. Dukes stated the City of Columbia has allocated approximately \$880,000.00 of Hospitality Tax Funding; \$750,000.00 for marketing the entire region, \$80,000.00 for Sports Council Funding, and \$50,000.00 for the Branding study.

Mr. Dukes stated the USA Tennis Association Championship contacted the Sports Council and asked for support in making the event even bigger. He said the Sports Council was instrumental in bringing the Harley Davidson's owners' group to our region with its headquarters in Lexington County. Mr. Dukes stated the University of South Carolina did an economic impact study and for the USA Tennis Association Championship, the impact was \$10 - \$14 million for the region and the Harley Davidson owners' group was in excess of \$1 million with 75% being spent in Lexington County.

The Honorable Mac Toole, 180 Dogwood Circle, West Columbia, SC - Small Business Issues - Representative Toole discussed the results of a letter (survey) sent out by the Lexington Delegation to small businesses and received a good response with concerns and issues. He stated he was here to create open communication and hopefully joining together in solving some of these issues. Representative Toole pointed out areas of concern.

Representative Toole said the small business environment feels they have a lack of support from governing bodies and that government caters to large businesses rather than supporting small business owners. He stated small business owners would like to see a "one-stop-shopping" information center for assistance. Representative Toole stated small business owners feel they are being somewhat controlled, are confused between mandated and non-mandated issues, and that government agencies are beginning to compete with services they offer.

Representative Toole stated he would like to see Lexington County become a "champion county" by County and State government working closer together to make positive things happen for our small business owners and the citizens of this county.

Mr. Jeffcoat stated he was unaware that Council had any confusion regarding mandates. He stated he is very clear on the code regarding fire hydrants. He said citizens are real upset regarding the fire hydrant ordinance. He said the suppliers do not want to supply them; the small business owner doesn't feel that it is fair they have to pay for the fire hydrant then in turn pay a monthly fee for the hydrant and water. He stated one of the Delegation members was upset that Lexington County was enforcing the fire hydrant code. He stated the reason the County is enforcing the code is because the State mandated that we accept this code and put it in force in Lexington County.

Mr. Wilkerson stated small businesses are the backbone of the County and should be upset because we give too much to big businesses and nothing to them. But when you give fee-in-lieu of taxes to big businesses, you do that in order to bring in more money to reduce the taxes on schools, etc. He stated until

schools are funded differently it is never going to work. He said you have to look at the correct way to fund schools. He said the County has to provide services passed down by the State with no funds provided. He stated that is why we are giving tax breaks to big businesses and bringing them in; it all goes together when you look at the whole picture, and agreed that we have to start working together.

Mr. Keisler asked Representative Toole to look at sales tax for schools because he doesn't think it is fair the way people are being taxed.

Mr. Derrick asked Representative Toole to furnish Council specifics of the Code changes so Council can address. He stated Council has addressed similar items harshly and need to know about it, if it exists.

Mr. Derrick stated he was very interested in knowing what business feels that Lexington County is competing against them.

Representative Toole replied he has heard comments from small businesses regarding the University and projects planned by the Recreation and Aging Commission. He said small businesses feel they are competing with government agencies for these services. He said it seems to be a mind-set of moving in this direction, which I think we need to be careful about.

Mr. Derrick asked if Lexington County is competing against any small businesses.

Mr. Wilkerson stated he has heard comments about competing. For example, if Public Works does some grading, paving, etc.; that can be considered competing. He said, yes, that may be competing in one aspect but if we can do it and save money, do you want your taxes to go up so we can give it to a private business or do you want us to save money by doing it ourselves.

Mr. Rucker agreed with Representative Toole that everyone needed to work together. He stated taxes have been the number one issue since he has been on Council.

Mr. Cullum told Representative Toole if he wanted this Council's help he could get it unconditionally, but the Delegation needs to understand that things that transpired last year in a way of diminishing Home Rule is not going to get you any help. He stated this Council has the opportunity to serve in a far greater level than anybody at the State House as we deal with the public more directly daily. He stated the mandates diminish Home Rule and take away any authority Council has to be able to effectively serve.

Mr. Owens said the State's attempt to erode Home Rule i.e. hog farm, is not the way to curry favor with counties.

Introduction of Family Members of Council - Mr. Davis introduced several family members of Council. Family members introduced were: Jennifer Owens (daughter-in-law) - Mr. Joe Owens; Brian Jeffcoat (son) - Mr. Johnny Jeffcoat; Clay Derrick and Andrea (son and daughter-in-law), Jill Derrick (granddaughter), Brad Derrick and Denise (son and daughter-in-law), Roxanna Price (daughter) and Beth Derrick (wife) - Mr. Billy Derrick; Alecia Davis (wife), Dr. Carrie Cousar and Michael (daughter and son-in-law), Davis

Cousar (grandson), and Ann Douglas Cousar (granddaughter) - Mr. Davis.

Mr. Wilkerson thanked the families of all the councilmen. He said nobody really knows what they do behind the scenes and sacrifices they make by allowing Council the opportunity to go out and do things night after night, week after week.

6:00 P.M. - Public Hearings - Zoning Map Amendment M03-06 - 6172 Bush River Road - Mr. Bruce Hiller, Development Administrator, Community and Economic Development presented the information on M03-06. Mr. Hiller stated that the applicant Dr. Jerry D. Rothstein has requested that 6172 Bush River Road be changed from High Density Residential (R3) to General Commercial (C2) in order to improve the marketability of the parcel. Mr. Hiller reviewed the maps and area by using a power point presentation.

Mr. Jeffcoat asked what is the average value of the surrounding property homes.

Mr. Hiller replied he was not an assessor but would have to estimate close to \$300,000.00.

Mr. Jeffcoat asked how many homes border the property.

Mr. Hiller replied eight or ten.

Mr. Jeffcoat stated this did not include the subdivisions.

Mr. Davis opened the Public Hearing.

Jerry D. Rothstein, 6172 Bush River Road, Columbia, SC 29212 - Thank you for this opportunity to speak. My wife Carol and I are the owners of the historic property known as Selwood, which is located on Bush River Road near the Lake Murray Dam. We are the applicants for rezoning our property from its present R3 designation, which is high density residential to C2, general commercial.

Carol and I purchased Selwood in the summer of 1973. We have lived there for more than 30 years. Our three sons grew up at Selwood; the three boys have since moved away and now have families of their own. The property consists of 16 plus acres and numerous outbuildings. There is also a barn and the farmhouse where Carol and I live. Both the barn and the farmhouse are circa 1800. In 1990 we saved the old barn from the ravages of time and weather by renovating it to a house. The interior still has the old barn's original hand hewn peg timbers. Now I would like to talk about the foreseeable future of Selwood.

Carol and I, like many retired people our age, have accepted the reality that the time has come for us to simplify our lives and to move on while we are still able. About two years ago, we made the emotionally difficult decision to sell Selwood. We had initially hoped to find a buyer who would live on the property, love it, and care for it as we have. However, to date we have not found such a buyer. What we did find are developers who are interested in the land but have no interest in the historic houses. After trying unsuccessfully for more than two years to find someone to buy the old houses to live in, Carol and I have

concluded that in order to preserve the farmhouse and the renovated barn, they must be sold for commercial use. The farmhouse for example would make an excellent facility for special occasions or even a landmark restaurant. The unique character of the converted barn suggests a studio or office. The frontage on Bush River Road could be developed into neighborhood commercial offices, like those already present on each side of our property. These commercial uses require C2 zoning. I would like to show one possible development idea for Selwood with the historic farmhouse as the centerpiece. At the end of my talk, I along with the help of our architect, Mr. John Clayton, will respond to questions about this possible development idea.

***** Dr. Rothstein displayed a proposed development plan for Selwood.

I want to now address my remarks to our neighbors living in Brittany II and Brittany Place who understandably are concerned about the development of the land adjoining their property. I want to assure these neighbors that we seek that buyer who will be committed to preserve the historic integrity of Selwood and by doing so not to diminish the value of your property. Once more and seemingly redundant, I want to make clear to all concerned parties that we seek the rezoning of our property to make Selwood more attractive to that buyer who we expect to develop it properly with the intent of preserving its historic value.

In closing, it has been Carol's and my privilege to have been the stewards of this wonderful 200 year- old place and to have had the means and energy to be able to preserve it while at the same time preserving a small bit of Lexington County history. Now, however, the time has come for us to move. Thank you for listening.

W. Wesley Johnson, Jr., 111 E. Main Street, Lexington, SC 29072 - Dr. Rothstein asked me a few weeks ago to come and put an objective on this. He is very connected to this property. He has lived there for 30 years. He has invested money, love, and time into this property. I have been fortunate to walk the property and see the unique nature and what they have done to this farmhouse and barn. It is an incredible piece of property and it shows an incredible amount of love and passion they have put into it.

Just from a practical standpoint, that part of Bush River Road is commercial along all the frontage. It is commercial on both sides. If you come in from the new Bush River Road, its commercial on both sides coming down and then you have the power plant on the west side of the road as you come in. As you can tell from Dr. Rothstein's plan, he is seeking to preserve as much as he can. He has talked to developers that have said we would love to buy the property, but we have no use for the house or the barn you converted into a house, and we have no use for the cottage that you have on the property. Basically, there are three residences on this property. Developers are interested in tearing them down and putting in a bunch of houses. The back of the property, which is on this proposed development plan, is shown as residential lots because of the topography of the land. Actually with the value of the land, that's the only thing that makes sense back there. Even if this is changed to C2, the back of the land really lends itself to residential housing. The big points in what they are trying to do is to make sure the outbuildings on the property and the main building are saved, and I think the best way to do that is to allow them to go C2 to allow food service and offices. The house could be used much as the Mitchell House, the Corley House;

it would be a great special events house. The barn that has been converted into a house, as well as the cottage, would be good for offices. Also there is some area in front that could be used for dentist offices, any type of small professional office pods or anything like that. Again, the sheer value of the land is really going to restrict the type of development that I think would really upset the neighbors in the subdivisions. Just the type of land that it is, is going to stop a lot of fears right there. I can understand the fears. We went through this in West Columbia over by my house. Dr. and Mrs. Rothstein are not here looking for the quick buck. They are not carpetbaggers. They have been there for 30 years. They have invested their life in those houses. One of their children can attest to that. There has been a lot of doctors and lawyers living in that house while they have been going through school. They have done all they can to ensure that the house retains as much character as possible. They have had it on the market for two years; it just does not look like it is going to be sold as a residence; nobody wants to buy three houses right next door to one another with 16 acres of land. It is just not going to sell that way. What they want to do is get the classification changed to ensure this house is not bulldozed and generic houses put on top of the land. They want to make sure to preserve as much as they can. They feel the special events is a great means to do that and think the C2 zoning is definitely the way to go. Again, back to the legal standpoint, this is a commercial area. Both sides of it are commercial. Once you get off the road, it is a great residential area but the frontage is all commercial, and has a history of commercial, and I can only imagine that it is going to get more commercial as time goes by. Thank you.

John C. Clayton, P.O. Box 6101, Columbia, SC 29260 - John Clayton, architect, with Clayton Design, Inc. Jerry and Carol came to me and asked me to look at their property and to look at it from a developer's standpoint. If it was commercial what could they do with it and how could we preserve the integrity of the historic structure that is now there.

The homestead is in the center of the property surrounded by all the houses. What we decided is, if we came into the existing driveway and created a loop road around the property, by doing so would help preserve the homestead in its integrity - bed and breakfasts, restaurants. I mentioned the Magnolia House in downtown Lexington, which is a similar scenario, was a residence that was falling apart and someone came in and made it into a special events/restaurant. That type of scenario will work well there. By keeping the circular driveway then we have the entrance to the proposed, what will probably be a residential area. A commercial developer is not going to come back there and build because he has no visibility. They are only going to be interested in the frontage along Bush River Road. We don't know how much land someone would take for a restaurant or a bed and breakfast, so we don't know where the dividing line would be, but we recognize that it would be a natural created landscape buffer as per your zoning code. We have houses separated by commercial property, so that would have to be constructed when that time came. We really can't see anything else going back there because there is no visibility, as we all know, commercial properties want street curb appeal and there is no street curb appeal back there, so its best use really would be residential, possibly patio homes or estates. The lots have not been subdivided, we are just thinking out loud of what could happen at this point in time, but we do recognize only the frontage could be used. There is about a 50 ft. stretch of land with the City of Columbia's water line that cannot be built on. But, for the most part, the rest of the property would be commercial up front and residential in back is what we think is the best use for it.

Sandra Parker - Ms. Parker stated all the points she wanted to make have already been made.

Diana Wood, P.O. Box 2486, Lexington, SC 29071 - I'm not going to talk long because you can't top what Dr. and Mrs. Rothstein are trying to do with the property. I have only known them since April of this year and have diligently been seeking a sale for the property, as a whole, to someone who would preserve the houses. The feedback I'm getting is, they like the land but have no interest in the houses. We have had four or five very interested prospects, one contract with a due diligence period, and found out they did not want the houses but wanted to tear them down. I live and work in Lexington, and I want to preserve the history. I'm doing everything I can to work with them to preserve and keep the houses as they are. Some realtors don't feel that way, they just want to sell it and clear the trees. I don't feel that way. We are screening everyone who looks at this piece of property to keep the heritage of the property. My only thought to you is what Dr. Rothstein mentioned - two words, time and weather. If you look at the late Bernard Oswald, he owned the Wingard House on Hwy. 1 across from Fatz. We don't want what has happened to that house to happen to this house. If they are not allowed to continue and develop the way they are headed now, I'm afraid instead of seeing what you see now, you are going to see the Wingard house.

Steve Mattison, 308 Sharebrook Lane, Columbia, SC 29212 - On behalf of the Brittany II subdivision and several of the residential communities that you see on this zoning map, I am here to help represent our vigorous opposition to this proposed rezoning. I think with permission of County Council, I can show you how many folks we have here who are opposed to this if you would permit them to stand or to talk with them later. Many of us bought this property years ago. We bought next to property that is proposed to be rezoned that was already developed. It was developed as residential property, it was zoned as such. We felt like that was going to be the case and certainly is why we bought our homes and are raising our families there. I think the presentation itself has shown that we are talking about a lot of homes. I think we are talking about a true real widespread residential community. Several hundred homes would be directly affected. We talked about a large number of them that are backing up to this area that is being rezoned, but there are many, many homes that are just like that. These are not incidental homes. I think Mr. Jeffcoat pointed out that these are homes of significant property value. I think the map I noticed as being shown, pointed out areas to be rezoned from residential to commercial and I personally have some fault with it being a commercially oriented area. As Mr. Jeffcoat pointed out, these areas could be churches, golf courses, or apartments. It is a community, it is a residential community. Myself and our neighbors feel very strongly that to build something as a commercial nature would really bring a great deal of devastation to the area, both from a residential and property value. Again, it is a dwelling and a family area for all of us. Not insignificant, we are talking about other problems that would be created. You are talking about a great problem, traffic congestion. Old Bush River Road is a very heavily traveled road. It is a two-lane road, a lot of curves, a lot of speeding, noise pollution, water pollution, especially with the dam, the river, and Saluda Shoals area that is now being utilized. So, we just feel that it would be a very bad mistake to rezone this area. The fact that it is a historical area to me almost makes it shameful that we would turn something that beautiful and historic into some kind of industrial complex or commercial environment. So, I would ask the Council to really consider this very carefully, and we would appreciate very much your support in rejecting this proposal to rezone this area as commercial.

Paul Chumley, 149 Laurel Branch Way, Columbia, SC 29212 - My lot is right here. I have a triangle. Most of the lots are half-acre lots, but my triangle right in this point gives me about 400 ft. or more of frontage to the property. I believe a person has the right to do what he wants to with the property as long as it does not hurt someone else. Approximately two years ago, there was an article in the paper about the property. They wanted \$1.6 to \$1.7 million for the 16 acres. Now in the same article, several real estate agents pointed out that he had it overpriced. I live in Brittany Place, which is one side of the property and Brittany II covers two sides, and I don't see how you can get a lot of commercial property around it except on this one side down here. Now Brittany Place and Brittany II, those houses are about \$250,000.00 - \$300,000.00 and lots are about \$40,000.00 - \$50,000.00 which makes \$80,000.00 - \$100,000.00 per acre. This is about what he wants for the undeveloped land, which again, I think is overpriced. He mentioned he wants to change this so he can get it rezoned to C2. Once it is C2, then he can move to Florida and whoever buys it can do anything they want. It is too late then. Once you change to C2, you can't say, well Dr. Rothstein said he was just going to do this. This whole property is rezoned. I don't want to wake up at 2 or 3 in the morning and find some wrecker pulling a car beside my house, or a shopping center in my backyard, or a car lot with lights on all night, or if somebody puts a club out there. Compatibility. How would this change be compatible to this area. We have 76 homes in just these two subdivisions; there are a lot more around it. We are asking the County Council to change property for the benefit of one family verses 76 families. If this property is changed to C2, then you are going to lower the value of 76 families to increase the value of one family. I would like each of the Council members to ask themselves, if I lived anywhere in here, would I want this rezoned. Thank you.

James Nantz, 331 Sharebrook Lane, Columbia, SC 29212 - I am President of the Brittany II Homeowners Association, and we are very much opposed to the rezoning. I am not going to belabor the point. I think everything has been said so far is pretty much indicative of the way most of the residents feel. We actually had a meeting about three or four days ago, where people stood in the cold, to discuss this situation, and I think we have quite a show of support here. I don't think all these people will take long to speak, because everyone pretty much will say the same thing. I certainly agree it is a beautiful piece of property. I think Dr. Rothstein did an excellent job of almost selling our point. It is a beautiful piece of property and one that would be ashamed to go away. But, once that property is sold, he is out of control. It could be a shopping center and instead of having a nice little doctor's office up front, we could have a row of parking spaces out there. So, we are very much opposed to it. We certainly hope that you will see our side on this and will object to the rezoning of this property. Thank you.

The following stated their points and opinions have already been expressed.

Wade & Nancy Abbott, 331 Sharebrook Lane, Columbia, SC 29212

John & Deloris Hamilton, 225 Langsdale Road, Columbia, SC 29212

Joe & Jennifer Owens, 205 Doulton Way, Columbia, SC 29212

Mark & Jacqueline Sleeper, 209 Doulton Way, Columbia, SC 29212

Michael & Ann Sutton, 300 Sharebrook Lane, Columbia, SC 29212

Robert Faile, 233 Doulton Way, Columbia, SC 29212

Willie & Rebecca Edney, II, 209 Langsdale Road, Columbia, SC 29212

Mable Rice, 156 Langsdale Road, Columbia, SC 29212

Carolyn Godfrey, 232 Doulton Way, Columbia, SC 29212
Sally O'Neil, 204 Langsdale Road, Columbia, SC 29212
Erin O'Neil, 204 Langsdale Road, Columbia, SC 29212
Betty Cullipher, 236 Doulton Way, Columbia, SC 29212
Bob & Becky Ayer, 161 Langsdale Road, Columbia, SC 29212
Richard & Carol Williams, 240 Doulton Way, Columbia, SC 29212
Lori Miller, 157 Langsdale Road, Columbia, SC 29212
Kim Hawkins, 323 Sharebrook Lane, Columbia, SC 29212
Tom Palmer, 216 Doulton Way, Columbia, SC 29212
Linda Fogle, 327 Sharebrook Lane, Columbia, SC 29212
Kim Eckstom, 321 Sharebrook Lane, Columbia, SC 29212
Jeff Knowles, 105 Laurel Branch Way, Columbia, SC 29212
Kathy Evatt, 304 Sharebrook Lane, Columbia, SC 29212
Damon Little, 304 Sharebrook Lane, Columbia, SC 29212

Clifford Corley, 221 Doulton Way, Columbia, SC 29212 - I would like to say that my opinions were totally expressed by the neighborhood. But one thing to consider, I have four children. We have a lot of kids in our neighborhood, and I would hate to think you would allow a club or something to back up to our property because if you do, you are affecting much more than just residential values. I would just ask that you consider that. Thank you.

Brad Harman, 152 Laurel Branch Way, Columbia, SC 29212 - The picture at the tennis courts through the woods, the bricks you saw, that is my house; just to let you know how affected I am about this. We have talked about the destruction of the community. I have two children who live there. I want them to grow up in a safe environment. The Rothstein's children have grown up in a safe environment there. I want that luxury to be afforded to my children. We talked about noise, light pollution, and environmental pollution. We live on a pond with 14 neighbors. The runoff, if there is commercial building, will end up in our pond and damage our area. My question to you is, to let this go forward and become commercial and our property values go down, are you going to devalue our properties as far as our tax base. Earlier in the meeting this afternoon, you were talking how to make up taxes, how to provide services to the County. If you lower the tax base of our homes, you take money out of your pocket. That's another way to think about it.

James Galloway, 212 Langsdale Road, Columbia, SC 29212 - Mr. Galloway stated he had the South Carolina State Historic Preservation Office look at the property and read the following letter.

Thank you for interest in historic Selwood on Old Bush River Road. This circa 1840 home is considered a significant historic resource not only for its age, but for its importance to local and regional history as a former post office and coach stop. Additionally, Selwood features an early American primitive painting above its fireplace that is the only known early artwork found in Lexington County.

The State Historic Preservation Office (SHPO) considers Selwood to be eligible for the National Register of Historic Places. The eligible resource includes both the house and any outbuildings and surrounding land

that are historically associated with the main house.

SHPO encourages any preservation efforts related to Selwood. Please be advised of the significance of this property and consider its importance when considering any undertakings that might change the character of either the house or its setting.

I agree with my homeowners. One thing he is talking about is changing the land to commercial. My first point to that is, why are you asking for rezoning of the property. Another point is, you see only one access to this neighborhood, and I don't see how that is feasible. Also you are talking about there being no commercial value in the back, but it depends how it is developed commercially. It could be used for parking, car lot, etc. So there will be commercial value in the back piece of land. You mentioned about the Wingard House. If my memory serves me correctly, the Wingard House now is commercial so that is a mute point. I bought the house two years ago where I live because how it is zoned now as residential. As a homeowner, that's the way I expect it to stay. Thank you.

Frank O'Neill, 204 Langsdale Road, Columbia, SC 29212 - First of all, I agree with my neighbors. Second of all, when we talk about the reduction of property values, something is worth what you think it is worth, you feel what it's worth. If I had driven into that neighborhood ten years ago and saw Bob Bennett Ford to the right, I seriously doubt that I would have made that purchase. If I didn't make the purchase, then the next person may not have made the purchase and that's what drives down property values. We have no idea in the world what is going to end up on that property if it goes C2. I have no rank or whatever toward the Rothsteins. I am sure they have done a wonderful job in keeping the property up, but at the same time everybody in the Langsdale, Brittany II, and Brittany Place could say the same thing. We do make an effort to maintain our properties and property values. I would like to say the circumstances would not be consistent with what we expected when we moved in and as a result of that, I would ask you to consider to reject this C2 zoning.

Mr. Davis closed the public hearing and expressed his appreciation to those attending the hearing.

Mr. Jeffcoat thanked everyone present for their support and stated as your representative, I have heard you "loud and clear." Mr. Jeffcoat informed the audience the process would continue with no vote tonight. He said there will be two additional readings and stated the next meeting is scheduled for December 9, 2003. Mr. Jeffcoat said there is neither a good side or bad side to this issue and can't blame individuals that own property for wanting to rezone in order to market the property. He stated Selwood and the surrounding subdivisions are beautiful neighborhoods.

Dr. Rothstein asked to make another comment.

Mr. Davis informed Dr. Rothstein the Public Hearing was closed but he could submit his comments in writing to Ms. Black, Clerk to Council, to be distributed to each Council member before a decision is made.

OLD BUSINESS/NEW BUSINESS - Resolution - David B. Williams - A motion was made by Mr. Derrick, seconded by Mr. Rucker that the resolution be adopted.

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

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

Not Present: Mr. Carrigg

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

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

Not Present: Mr. Carrigg

Mr. Davis reconvened Council in open session.

Matters Requiring a Vote as a Result of Executive Session - Chairman Davis reported Council received the legal briefing during the Executive Session and discussed contractual matters and indicated four motions were to be considered.

Agreement With Town of Lexington - Fire Station Property - A motion was made by Mr. Jeffcoat, seconded by Mr. Wilkerson to approve the agreement between the Town of Lexington for an acre of property for the location of a water tank with the agreement the Town of Lexington would release the County's obligation of having to convey the property and improvements of the Town of Lexington's Fire Station should the County ever decide to relocate or rebuild.

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

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

Opposed: Mr. Owens

Not Present: Mr. Carrigg

Addendum to Contract for Convenience Stations - A motion was made by Mr. Derrick, seconded by

Mr. Cullum to approve the Convenience Stations Contract Addendum. This contract extension will give the County a seven-year contract extension for a price per pull that is lower than any other county that our staff has contacted. Also, as part of the contract extension, the company is giving Lexington County fourteen (14) new compactors and related materials at an estimated value of \$340,200.00 that should reduce the number of pulls from the convenience stations. I feel that it is in the best interest of Lexington County to have long-term certainty and stability in the solid waste convenience stations costs and that the terms and conditions of the Contract Addendum provide for this. I further move to authorize the Chairman to make any non-substantive changes to the Addendum, if any are needed, upon the advice of the County Attorney.

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

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

Not Present: Mr. Carrigg

Revised Driver Record Policy - Mr. Rucker stated he had originally made a motion to approve staff's recommendation of the Revised Driver Record Policy; however, after advice from legal counsel, feels Council needs to reconsider the terminology that if driving is a part of your job description, then termination "would be" rather than "may be."

A motion was made by Mr. Rucker, seconded by Mr. Cullum to reconsider the terminology that states: "if driving is a part of your job description, then termination "would be" rather than "may be" for further extensive study.

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

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

Not Present: Mr. Carrigg

Abandoned Road - Quit Claim Deed - Mr. Rucker made a motion, seconded by Mr. Derrick for a Quit Claim Deed to the Old Heyward roadbed to the joining property owners.

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

In Favor: Mr. Davis Mr. Rucker
 Mr. Derrick Mr. Cullum

Mr. Owens
Mr. Jeffcoat

Mr. Keisler
Mr. Wilkerson

Not Present: Mr. Carrigg

There being no further business, the meeting was adjourned.

Respectfully submitted,

Dorothy K. Black
Clerk

George H. Smokey Davis
Chairman