

**MINUTES
LEXINGTON COUNTY COUNCIL
APRIL 10, 2007**

Lexington County Council held its regular meeting on Tuesday, April 10, 2007 in Council Chambers, beginning at 4:30 p.m. Mr. Derrick presided.

Prior to the Invocation and Pledge of Allegiance, Vice-Chairman Summers said as Council continues to involve more citizens in County Government an invitation has been extended to area groups, organizations, and schools to deliver the invocation and lead the pledge of allegiance.

Reverend Lonnie Shull, Associate Chaplain at Lexington Medical Center gave the Invocation. In addition to serving as the Associate Chaplain at Lexington Medical Center, Reverend Shull just completed 50 years of pastoral ministry serving Baptist Churches, the last 30 years in Lexington County.

Mr. Dontrele Inman a senior at Batesburg Leesville High School, who has received many accolades in academics and athletics, led the Pledge of Allegiance. Dontrele will continue his higher education at the University of Virginia where he will be a member of the school's football program.

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

Also attending: Katherine Hubbard, County Administrator; Larry Porth, Finance Director/ Assistant County Administrator; John Fechtel, Director of Public Works/ Asssitant 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 - Katherine Hubbard, County Administrator - Ms. Hubbard recognized the 2006 Employee of the Year, Ann Long. Ms. Long is a Deputy Registrar in the Registration and Elections Office.

Ms. Rose Grayson, Librarian I with the Cayce/West Columbia Library Branch and Ms. Mary Long, Library Assistant I with the Gaston Library Branch were recognized for their assistance in providing books for a research project for fourth grade students at Sandhills Elementrary.

Cindy Makuta, Records Clerk, Assessment/Equalization was recognized for her exemplary customer service.

The following employees in Community Development were recognized:

Rhonda Porth, Zoning Assistant and Louise Monts, Building Clerk were recognized for their assistance in helping a citizen obtain a permit who had thought the process would have been a hassle.

Roy Winn and David Mosley, Building Inspectors, were recognized for going beyond the call of duty to assist a citizen who said both employees were very knowledgeable and were able to save him a lot of time and money when adding an addition to his house.

Janet Turner, Development Coordinator, was recognized for her professionalism and willingness to provide information to a local real estate representative.

Joe Montgomery, Engineering Association I, with Public Works was recognized for his professionalism as he assisted a citizen with a drainage problem and his willingness to follow up with the developer until the problem was remedied.

Lexington High School Government and Economic Class - Mr. Derrick recognized students from Lexington High School attending as part of their government and economic class.

Fujitsu Lifebooks - Mr. Derrick noted that several members of Council had with them tonight the Fujitsu Lifebooks that Council will begin using as Council moves toward electronic agendas.

Presentation of Resolutions - National Telecommunicators' Week Presented by Chairman Derrick - Chairman Derrick presented a framed resolution to Nikki Rodgers, Communications Coordinator, and staff honoring all County telecommunication operators for their service to the community.

Appointments - Children's Shelter - Virginia H. Jamison - On behalf of Chairman Derrick, Mr. Jeffcoat made a motion, seconded by Mr. Keisler to reappoint Ms. Virginia H. Jamison to the Children's Shelter.

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

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

Health Services District - Ms. Janis Summers - Prior to making a motion to replace Ms. Jennifer Cunningham on the Health Services District Board of Directions, Mr. Banning asked

that staff prepare a resolution of appreciation for her service on the Board.

Mr. Banning made a motion, seconded by Mr. Davis to appoint Ms. Janis Summers to the Health Service District Board of Directors. Ms. Summers replaces Ms. Jennifer Cunningham.

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

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

Midlands Workforce Development Board - Vicky Graham Horne, Kathy Olson, Deborah L. Cannon, Roy Hewitt, and Oliver Keith Lucas - Mr. Banning made a motion, seconded by Mr. Cullum to reappoint Ms. Vicky Horne, Ms. Kathy Olson, Ms. Deborah Cannon, and Mr. Roy Hewitt and to appoint Mr. Oliver Lucas to the Midlands Workforce Development Board.

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

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

Midlands Authority for Conventions, Sports & Tourism - E. L. (Bert) Pooser - Mr. Jeffcoat made a motion, seconded by Mr. Banning to reappoint Mr. Bert Pooser to the Midlands Authority for Convention, Sports & Tourism.

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

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

Bids/Purchases/RFPs - A motion was made by Mr. Keisler, seconded by Mr. Carrigg that the following Bids/Purchases/RFPs (P, Q, R, S, T, U, V, W, X, Y, and Z) be approved.

Construction of Gilbert/Summit Branch Library Building Addition - Library Services - Competitive bids were solicited for the construction of an addition to the Gilbert/Summit Branch Library. The addition consists of approximately a 1,525 square foot brick veneer structure. The base bid for the project included site improvements, landscaping, and concrete sidewalks. The bid required, as alternate number one (1), additional pricing for re-roofing the shingled roof of

the existing building and alternate number two (2), additional pricing for painting of the existing and new face brick.

A mandatory pre-bid was held on March 7, 2007 in which nine (9) general contractors attended.

Five (5) bids and four (4) no bids were received. The Lexington County Library Board reviewed the bids and voted unanimously to accept the lowest bid meeting specifications. Staff recommended the award of the bid to Lyn-Rich Contracting Company, Inc. in the amount of \$296,503. The total bid amount includes the base bid of \$285,490, Alternate one (1) for the re-roofing the shingled roof of the existing building in the amount of \$4,698 and Alternate two (2) for the painting of the existing and new face brick in the amount of \$6,315.

Continuous Positive Airway Pressure (CPAP) Systems and Accessories - Sole Source Procurement - Public Safety/EMS - Staff recommended the purchase of Continuous Positive Airway Pressure (CPAP) systems and accessories for Public Safety/EMS from the sole source provider, Bound Tree Medical, as they are the only authorized dealer for South Carolina. The CPAP system will allow for all geographical areas of the County to have access to CPAP treatment, thereby reducing the potential for pre-hospital intubation of patients with acute congestive heart failure. The CPAP systems are being funded by the South Carolina Department of Health and Environmental Control. The cost of the equipment is \$17,286.32 including tax.

Fire Hose - Public Safety/Fire Service - Competitive bids were solicited for the purchase of fire hose for Public Safety/Fire Service. Fire hose has an expected service life of approximately ten (10) years and much of the existing hose are nearing the end of its service life. The purchase will include replacing all sizes of fire hose of 5", 3", 1.75", and 1".

Nine (9) bids were received. Staff recommended making multiple awards to the following lowest bidders meeting specifications: Wally's Fire & Safety - \$4,375.68 and Safe Industries - \$9,243.20 for a total cost including tax of \$13,618.88.

Installation of Generators at Mack Edisto and Oak Grove Fire Stations - Public Safety /Fire Service - Competitive bids were solicited for the installation of generators at the Mack Edisto and Oak Grove Fire Stations. The generators will replace old generators that are no longer cost effective to maintain.

Four (4) bids were received. Staff recommended the award of the bid to EnergyPro of SC as the low bidder meeting specifications. Total cost including tax is \$35,940.

400-Gallon Skid Mounted Spray Unit - Public Works - Competitive quotations were solicited for the purchase of a 400-gallon skid mounted spray unit for Public Works. The spray unit will be used to implement the County's own vegetation management program, which combines chemical spraying with mechanical cutting for rights-of-way maintenance.

Two (2) bids and one (1) no bid were received. Staff recommended the award of the bid to NaturChem Incorporated as the low bidder meeting specifications. Total cost including tax is \$11,660.00.

Hewlett Packard Scanner - Public Works - Staff recommended the purchase of one (1) Hewlett Packard scanner for Public Works from Hewlett Packard through State Contract Number 05-S6656-A11230. Public Works is moving towards electronic submission of final plans and once this is achieved the scanner will allow electronic conversion of existing paper plans into the GIS system. Total cost including tax is \$17,883.26.

New Holland Tractor Replacement - Public Works - Staff recommended the purchase of a New Holland tractor to replace a 1987 Ferguson that has met or exceeded the expected capital recovery for Public Works. The tractor will be purchased from Altman Tractor Company through State Contract Number 05-S6476-A10997. Total cost including tax is \$39,563.71.

Leads On Line Tracking Software - Sheriff's Department - Bids were solicited from qualified bidders for Leads On Line Tracking Software for the Sheriff's Department. The software is required to track stolen property locally and nationally. The software is used as a law enforcement tool to locate stolen/pawned guns and articles through the Law Enforcement Network, National Crime Information Center, and Be On Look Out reports.

One (1) bid was received. Staff recommended the award of the bid to the lowest responsive bidder, Leads On Line LLC, for a cost including tax of \$9,108. The grant procedures have been approved by the South Carolina Department of Public Safety.

Weapons Purchase and Disposal of Used and Confiscated Firearms - Sheriff's Department - Competitive bids were solicited for the purchase of weapons and the disposal of used and confiscated firearms for the Sheriff's Department. The Sheriff's Department is selling seized and confiscated firearms and old service weapons to a firearms dealer in order to acquire new service weapons for their officers. The intent of this process is to purchase new weapons without using appropriated funds in existing accounts, thereby saving money.

Six (6) bids were received. Bids were set up to allow vendors to bid on four (4) separate lots. Lot #1 included the purchase of all items less the trade-in offer. Lot #2 and Lot #3 were for the purchase of guns and holsters respectively. Lot #4 was for the sale of the used service and confiscated weapons. Staff recommended the award of Lots #2 and #3 to Lawmen's Safety Supply as being the lowest responsible bidder meeting specifications for the weapons and holsters and award Lot #4 to Palmetto Distributors as being the highest offer for the sale of the used service and confiscated weapons. Total cost including the sales option and tax is zero dollars (\$0.00).

Caterpillar D7XR Bulldozer - Solid Waste Management - Competitive bids were solicited for the purchase of a Caterpillar D7XR bulldozer for Solid Waste Management. The new caterpillar will replace the bulldozer originally purchased in 1992 that has approximately 8,000 hours and has met its expected capital assessment.

Blanchard Machinery offered an alternate bid that included factory installation of a winch and winch control. One (1) bid and one (1) no bid were received. Staff recommended the award of the bid to Blanchard Machinery as the low bidder meeting specifications. Total cost including tax is \$453,261.30.

Toter Carts and Saddle Mobile Lifter - Solid Waste Management - Competitive bids were solicited for the purchase of Toter Carts and a Saddle Mobile Lifter for Solid Waste Management. The equipment will be used in the collection of recyclable commodities in the 12 collection stations and aid in the storage of recycables.

One (1) bid and one (1) no bid were received. Staff recommended the award of the bid to Toter Incorporated as being the low bidder meeting specifications. Total cost including tax is \$12,164.22.

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

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

Chairman's Report - Mr. Derrick announced the following schedule for the upcoming FY2007-2008 budget. On April 24, Council will receive the FY2007-2008 recommended budget and have first reading of the ordinance. Budget Worksessions will be held on May 1, May 8, and May 15, if needed. On May 22, second reading of the ordinance and public hearing. On June 12, third and final reading of the ordinance. The budget worksession on May 1 will be from 1:00 p.m. to 6:30 p.m. Mr. Derrick stated that Fire Service and the Sheriff's Department will be first on the agenda.

Leadership Columbia - Mr. Banning announced that he had the pleasure to speak at Leadership Columbia and joining him were Mayor Halfacre, Mayor Coble, and Norman Jackson of Richland County.

Public Safety/Fire Service - Both Councilmen Jeffcoat and Banning commended Fire Service for the great job their department did in responding to two recent fires; one in Batesburg and the other in Quail Hollow.

Administrator's Report - Alive at 25 - Ms. Hubbard announced that Dutch Fork High School will be the first in the state to have the Alive at 25 safety program. The event will take place on Saturday, April 21 from 11:00 a.m. 1:00 p.m. The program is designed to educate students in defensive driving and making sure teens and other young adults are protecting themselves when out on the highways.

In conjunction with the Alive at 25, the Colorado State Patrol, who has implemented a similar program that has reduced deaths by 19 percent in drivers under the age of 20 years old, will also

be on hand to provide additional training.

Results of the Public Safety Outdoor Burning Inspections - On March 31, during the County's burn compliance inspection blitz to educate citizens about the Outdoor Burning Ordinance, the County conducted 45 inspections. Of those, 28 warnings were issued for burns that were not in compliance and were unauthorized open burns. Those participating in the program were the Irmo-Fire District, the Forestry Commission, the Sheriff's Department, and Fire Service.

Sharpes Hill Fire Station - Ms. Hubbard formally announced that the Sharpes Hill Fire Station is open and responding to calls.

Presentation of FY2007-2008 Requested General Fund and Non-General Fund Budgets - Finance - Larry Porth, Director - At the request of Ms. Hubbard, Mr. Porth gave an overview of the requested budgets.

Mr. Porth said the requested general fund is \$101,354 million and the revenue estimates will be approximately \$85 million. The requested general fund includes approximately \$86 million in existing programs and \$14.8 million in new programs. The total of all other (non-general) funds is approximately \$48.7 million and includes Special Revenue; Grants; Capital Projects Funds; Enterprise Funds; and two major operating budgets for Library Services and Solid Waste Management.

Included in the requested budget are millage agencies – Lexington County Mental Health, Lexington County Recreation & Aging Commission, Irmo Chapin Recreation Commission, Midlands Technical College, Riverbanks Zoological Park & Botanical Garden, and Irmo Fire District.

Mr. Davis asked if the CPI was included in the projected revenue.

Mr. Porth replied, yes. That is the highest revenue estimate that we could calculate; growth, CPI, and population adjustments allowed by the statute. It also includes revenues of an activity increase. In addition to the revenues, there are various proposals from some departments for rate increases but they were not included.

Approval of Minutes - Meeting of March 13, 2007 - A motion was made by Mr. Jeffcoat, seconded by Ms. Summers to approve the minutes of March 13, 2007 as submitted.

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

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

Ordinance - Ordinance 07-02 - An Ordinance to Approve a Contract to Sell Approximately 70 Acres of Real Estate Located in the Saxe Gotha Industrial Park - 3rd and Final Reading
- Third and final reading was delayed.

Committee Reports - Economic Development, S. Davis, Chairman - Adoption of Resolution to Amend Ordinance 95-12 as Amended by Subsequent Ordinances, Relating to the Joint County Industrial Park of Lexington and Calhoun Counties - (Goal 2) - Mr. Kinard made a motion, seconded by Mr. Banning to approve the adoption of the resolution. The resolution allows Calhoun County to enlarge their industrial park.

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

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

Palmetto Economic Development Corporation (PEDCO) Grant - (Goal 2) - Mr. Davis reported the Economic Development Committee met on Tuesday, March 27, 2007, during executive session to discuss a contractual matter that pertained to a grant offer from the Palmetto Economic Development Corporation (PEDCO).

Following executive session, the Committee voted unanimously to recommend to full Council to accept the proposal from Palmetto Economic Development Corporation to develop a strategic plan for economic development for a cost of \$39,500 as set forth in the documents before the committee. The cost of the contract will be paid for by a \$35,550 PEDCO grant and a 10 percent (\$3,950) by the County. The match will come from Economic Development's budget.

Mr. Cullum made a motion, seconded by Mr. Banning to approve the grant as proposed by the Palmetto Economic Development Corporation.

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

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

Planning & Administration, J. Jeffcoat, Chairman - Community Development Block Grant (CDBG) Program - 2007-2008 Annual Action Plan - Mr. Jeffcoat stated the Planning & Administration Committee met during the afternoon to review the 2007-2008 Annual Action Plan for the Community Development Block Grant Program (CDBG).

According to information submitted by Mr. Ron Scott, Director of Community Development, the County will receive \$1,276,387 from the United States Department of Housing and Urban Development (HUD). An action plan is required that describes specifically how the County will utilize the funds in the incoming year.

Mr. Jeffcoat made a motion, seconded by Mr. Cullum to approve the 2007-2008 Annual Action Plan for the Community Development Block Grant Program (CDBG).

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

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

Health & Human Services, J. Carrigg, Jr., Chairman - Local Emergency Management Performance Grant Award (Goals 1,3) - Mr. Carrigg reported the Health & Human Services Committee met during the afternoon to consider the acceptance of the Local Emergency Management Performance grant. The grant award is \$42,776. This represents \$32,076 for Emergency Management costs, \$10,000 for Special Project P-5 (Full-Scale Exercise), and \$700 for a Hurricane Emergency Management Workshop.

Mr. Carrigg made a motion, seconded by Mr. Jeffcoat to accept the grant.

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

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

Executive Session/Legal Briefing - Mr. Derrick stated Executive Session will consist of one procurement contractual matter, two real estate contractual matters, two economic development matters, and general legal advice on various matters.

Mr. Davis made a motion, seconded by Ms. Summers to enter into Executive Session to discuss contractual and legal matters.

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

Mr. Derrick reconvened the meeting in open session.

Matters Requiring a Vote as a Result of Executive Session - Mr. Derrick stated Council received the contractual and legal matters and reported no motions were to be considered.

6:00 P.M. - Public Hearings - Zoning Map Amendment M07-02 - 5429 Bush River Rd., Columbia, SC 29212 - Prior to opening the public hearing, Mr. Derrick stated the purpose of the hearing is to receive comments from proponents and opponents regarding the application for zoning change. He asked that each speaker provide their name and mailing address and that comments be limited to three (3) minutes. Mr. Derrick also asked that there be no disruptions including cheering.

Mr. Derrick opened the public hearing and recognized Mr. Bruce Hiller, Development Administrator, Community Development.

Mr. Hiller stated that the applicant, Mr. George A. Steiner, has requested a change in zoning classification for TMS# 02799-04-026 from Development (D) to Limited Commercial (LC). He stated Mr. Steiner indicated on the application that the reason for the request is: I wish to operate strictly an administrative office for an associated hospice. The current zoning will not allow for office activities. Mr. Hiller said the request is a little unusual as the applicant stated on the application that he wants to operate an administrative office, which is not an allowed activity in the D zoning but is allowable in a LC. He said if the request was to change it to D, then it would allow some activities that are not allowed in a LC but would also disallow some activities that are normally associated and allowed with a D zoning classification.

Mr. Hiller reviewed the maps and area by using a Power Point presentation as well as the type of allowable activities in a D and LC.

Mr. Carrigg said a nursing home could operate currently under the present zoning as well as a hospice but not a hospice administrative office and that more activities would be eliminated rather than added with the new classification.

Mr. Derrick opened the meeting for comments from those in favor to Zoning Map Amendment M07-02.

In Favor:

Mr. Sean Steiner - 249 Wood Moor Place, Columbia, SC 29212 - Obviously, I am in favor of it. This is my dad's property that he is trying to turn into administrative offices but also as a neighboring landowner. Some of the things that I looked over on the changes in the zoning, it actually protects the values of the area. We are developers and all of our developments that we have done have all been to increase values of that area, and we plan to continue that development in that immediate area so we would not want to see something come in like, I believe the other zoning actually allows a trailer park. If we were to sell the property, somebody could then put in a trailer park. We are going to run it as an administrative office, as his intent in the beginning; we hope to run our own development office out of there possibly. But, we just feel like it is a positive change so I think as time goes on, the property will probably sell and based upon the

changes in the zoning, I think it is a benefit to the area long term.

Mr. Derrick stated Mr. Steiner was the only speaker who had signed up in favor and closed that portion of the public hearing.

Mr. Derrick opened the meeting for comments from those in opposition to Zoning Map Amendment M07-01.

In Opposition:

Mr. Dan Purini – 104 Oak Hollow Court, Columbia, SC 29212 - My property is actually adjacent to the subject property. I live in the subdivision that is directly behind the subject property. Not only am I a fellow resident, but I'm also the H.O.A. President. As well as being the H.O.A. President, I am a developer; a full-time developer in the Columbia market. I think that the residents have a concern in the sense that we were not approached by Mr. Steiner with his plans. Quite frankly, I think if the subject was solely going to be an administrative office, we would possibly have some requests to make sure that our property values were protected. But the concern is that if somewhere, somehow that plan changes that, we could be adversely affected. Now had Mr. Steiner approached us and discussed the matter with us, I think we could have reached some comparable agreement prior to even coming to zoning, but no attempt was made and at this point I don't see any type of future development plan. I don't know if they are going to take down the house and build a two-story building; I don't know if they are going to renovate the house strictly for offices; I don't know if they are going to tear down the house and possibly do some group housing later on, if in fact, they are hospice. So there are a lot of questions that have yet to be answered, and I just feel like they could have approached the residents, especially since they directly backed up to us. The aerial photography shows that there appears to be some screening between us and the home that is currently on there. Well they have gone ahead and started to take some of that down. So where as I had some screening that kept me from seeing any possible business that was going on there, they've wiped some of that out and now I look directly onto their home and actually onto Bush River Road. I think all the homeowners in Arbor Chase have some questions that we feel like they are very fair questions. That they are questions that could be answered prior to allowing the zoning change. Those are my comments. Thank you.

Ms. Tisha K. Fry - 112 Canterfield Road, Columbia, SC 29212 - My husband actually is 50 percent owner of the company that has been operating out of the house that is located at 5429. We had made a plan with the Steiners to open up a company and use that house as an office for a hospice company. They also had long-term plans to open up some assisted living facility there. During the last couple of weeks, there has been a lot of dissention between the partners and the company. A lot of things that have come up with disagreements about how we are going to do business and what we are going to do and how everything is going to be used. We have since been locked out of the house there, with all of our business dealings in the house, and because of the fact that we are business partners with them and we do know the plans for the land, we feel like we have a vested interest in what happens there and we feel like the questions that the other residents behind the house have are valid questions that need to be answered. And, obviously, if we are in business with them and can't communicate that poses a problem for the residents and the neighborhoods that surround there. And until it is actually set what their plan is for that residence or that parcel of land, we would like to see no change in the zoning. Because we, also

as partners in this business, feel like people have been mistrustful with us, and we don't want that to happen to the rest of our community. Basically, we are coming as a part of what was supposed to be there. We know exactly what the plans were for that parcel of land and in the last two weeks, everything has changed. And if that can happen with us, we are legal, we have a LLC with them, we are 50/50 partners, and that can happen to us, then obviously whatever is going to happen to this land is up for discussion.

Mr. John E. Fry - 112 Canterfield Court, Columbia, SC 29212 - That was my wife. I do own 50 percent of the company. At this point, as she said, there are a lot of legal issues that are going on right now between the Steiners and myself. Things that we disagreed with and basically long-term, as she said, Mr. Steiner did state that he did want to put assisted living facilities in that area around the house and there were a lot of things that we disagreed upon and basically as his son, Sean said a minute ago, it is zoned and it is an unusual thing that you can put a nursing home on there but no administrative offices and the thing is as Sean said a moment ago, is that it's also zoned for trailer parks. I'm sure that is a form of a scare tactic, however, he did also state that in the future they do plan to sell that.

Mr. Jeffcoat asked, do you own the business with the Steiners or do you own the property with them also?

Mr. Fry replied, no sir. We were in the business going into that occupancy, and we also had an office in Greenville County.

Mr. Jeffcoat replied, he owns this property, 100 percent?

Mr. Fry replied, yes he does; 100 percent. He owns that property. But, when we dissolved the relationship, basically we have been locked out of the office and a lot of our stuff is still in there and Mr. Steiner is on vacation this week. And so, we still have yet to get into the house and get a lot of our stuff out and whatnot. It's been something with them.

Mr. Hiller asked permission to clarify several statements being made about mobile home parks. He said mobile home parks are not allowed in either D nor LC zoning districts.

Ms. Summers stated not a park, but just a mobile home could be on the property.

Mr. Hiller replied, that's true. Lexington County views a single mobile home just as they do a stick-built residence.

Mr. Derrick said he failed to mention earlier that if there was anyone present who had signed up to speak but chose not to speak, but wanted to concur with what had been said, it was acceptable to indicate concurrence.

Ms. Brenda Monk - 117 Oak Hollow Court, Columbia, SC 29212 - I agree with Dan Purini.

Mr. Gregory A. Monk - 117 Oak Hollow Court, Columbia, SC 29212 - I also agree with Dan Purini.

Ms. Natalie Northcott - 121 Oak Hollow Court, Columbia, SC 29212 - I agree with Dan Purini.

Mr. Derrick stated they were the only speakers who had signed up in favor and closed that portion of the public hearing.

Mr. Derrick closed the public hearing.

Ordinance 07-04 - An Ordinance Amending the Outdoor Burning Ordinance - Prior to the opening of the public hearing, Mr. Davis read the proposed ordinance amending the outdoor burning ordinance.

Mr. Derrick noted that in Section 1. Section 30-108 in the first sentence in the first paragraph that it contains a typographical error. He said the first sentence should read: Open burning of leaves, tree branches or yard trimmings on the premises of private residences and burned on those premises, must be located not less than 75 feet from any structure and not less than 75 feet from the property line and adequate provision is made to prevent the fire from spreading within 75 feet of any structure.

Chief Bruce Rucker, Director of Public Safety and Assistant Sheriff; Ms. Synithia Williams, Environmental Coordinator, Public Works; Forestry Commission; Myra Reece, DHEC; Chief Russell Rawl, Fire Service Coordinator, Fire Service; Robert Risinger, Fire Marshall, Fire Service; and Gerald Shealy, DHEC were on hand to address and/or answer any questions regarding the proposed amendments to the burning ordinance.

Ms. Synithia Williams presented a brief update why the County started looking at the burn ordinance. She said it began when the County received an update from DHEC on the state of air quality in the Midlands that brought out two key pollutants in our area; ozone and particulate matter, which will be affected by the burn ordinance. Both ozone and particulate matter are irritants to those with lung problems and harmful to the environment. The County has been very proactive in reducing the ozone levels through the County's Early Action Impact with DHEC in trying to implement voluntary measures to reduce ozone form of contaminants. However, the particulate matter is a new importance to the County because the County is so close to exceeding the particulate matter standard in Irmo that the Environmental Protection Agency in 2009 can designate the County as non-attainment. So any kind of early actions we can show that the County is trying to do to reduce particulate matter levels does reflect well on the County and may affect any decision by the Environmental Protection Agency.

Ms. Williams said some of the suggestions suggested by DHEC regarding the ozone level have already been implemented i.e. anti-idling control and exploring alternative fuels, but DHEC had also suggested that the County revisit the County's outdoor burning ordinance. Upon the review of the County's ordinance, staff discovered that Lexington County accounted for 34,887 of the 342,316 burns that were reported in the state. Also according to the Environmental Protection Agency's national emissions inventory for 2002, it showed that outdoor burning of yard debris in the County generates approximately 16.91 tons/year of particulate matter, PM10, and an average of 14.42 tons/year of Volatile Organic Compound (VOCs), which is an ozone precursor. In addition, open burning of household waste generates approximately 277.41 tons/year, PM 10,

and 572.04 tons/year of VOCs. So, for the County to continue its efforts to be proactive and to improve local air quality in the midlands, the decision was made to amend the County's outdoor burn ordinance to reduce the frequency of outdoor burns.

Mr. Derrick opened the public hearing from those in favor to Ordinance 07-04.

In Favor:

Mr. William Byrd - 1179 Point View Road, Chapin, SC 29036 - Council is well aware of my position on this having to address the Council several times over this and I would like to congratulate the Council for addressing this issue and moving forward on it. I think it is a wonderful thing; I am quite happy about it, and I just want to thank you. I am 100 percent behind your efforts in this area.

A couple of suggestions on the ordinance. Maybe you could add a few lines to not burn on highway rights-of-way and utility easements and below the 360/362 water line or have your 75 foot minimums encompass those i.e. my property, the highway is actually on my land. I own the road and the highway has an easement across it. So, if it was further into my property, I could technically burn on the highway rights-of-way. So, I think you should look into that. Also, the utility easements, underground and power poles. You don't want people within a close enough distance to set those pieces of equipment on fire and we have a lot of problems on Lake Murray with people burning below the 360 and 362 lines. I actually had people go in front of my home and set fires that blew right into my house. Right in front of my house, within my property line easement below the 360 line. SCE&G doesn't allow it, but I think water easements should be included. Finally, I would like to suggest that we go back to the 100 feet, away from the 75, increase it to even 150 to make it even more difficult for larger pieces of property like my own to do it. Because some of areas of my land, I could actually get around the 75 foot. I just want to thank each and every one of you, especially Johnny and your initial efforts with my first contacts to bring this point out. To Billy, Smokey and everyone, Thank you.

Ms. Lisa Tye - 317 Stirlington Road, Columbia, SC 29212 - My neighborhood of Challedon is heavily wooded and if any of these fires were to get out of control, it would just be a disaster because our homes would be destroyed. Also, as we know, we've almost exceeded the EPA guidelines for air quality and outdoor burning contributes greatly to this poor air quality. I'm co-owner of an environmental consulting firm, and I can tell you that all the particulates that our DHEC representative spoke of, carbon monoxide, a lot of cancer causing chemicals are released in the smoke and this outdoor burning is really becoming a problem in our area. I get calls every day from people who are sick, whose children are sick, who have cancer and their doctors are contributing our poor air quality a lot to this situation. I, myself, had developed asthma about five years and my doctor thinks it is from our air quality in our area. Again, I am like Mr. Byrd, I want to thank you for even thinking about changing the burn ordinance. I'm in agreement with him; I would love for it to go back to 100 feet. Our fire department actually, sometimes has to come out and measure and I don't think they should have to do that. I think they should just be able to tell the people over the phone. I think the 100 foot guideline would help them a lot with that. I would like also to see this ordinance upheld a little better than the last one. I understand that more people are being educated in the departments to help and also that some people have more authority than they used to have to enforce that, and I appreciate that. Thank you Bruce

Rucker for all the work you have done. Mike Sonefeld, Jeff Allen, Diana Burnett, Cliff LeBlanc, Johnny Jeffcoat, and Council. At the conclusion of Ms. Tye's comments, she presented Council with a handout on Open Burning and Your Health.

Mr. William L. Monts - 443 Barr Road, Lexington, SC 29072 - I thank you for what you have come up with. A 100 feet wouldn't bother me at all. Secondly, my wife would love you because I do have a neighbor that loves to burn large amounts of leaves at times when they don't really need to burn them. And the other thing is just to remind you, if you don't do something, I'm afraid "Big Brother" in Washington is going to do something. Let's do it at home. Thank you.

Mr. Derrick stated those were the only speakers who had signed up in favor and closed that portion of the public hearing.

Mr. Derrick opened the public hearing from those in opposition to Ordinance 07-04.

Opposed:

Mr. Kenny Smith - 4360 Old State Road, St. Matthews, SC 29135 - I'm not from Lexington County; I'm from Calhoun County, but I was asked by a lot of people, landowners from Lexington County to represent them as far as controlled burns, prescribed burns. That's what I do for a living. I'm in natural resource management; which is forestry, wildlife, and fish management. The southeastern states, especially here in dead center South Carolina, we are more organized and orchestrated toward forestry. You probably see a lot of good farm land now is planted in pines. We are concerned as far as landowners of losing the right to have what we call "controlled burns." A lot of land is in forests and controlled burns, prescribed burns, are very, very important. Matter of fact, it is the best "bang for the buck" as far as growing your timber. It reduces hazards and it is good for the timber. I am worried that these changes you may make will greatly affect these landowners, which the government has promoted. Your taxpayers have paid these landowners to plant pine trees and now you are going to try to take a 100 feet away from them that they are being paid to plant these pines and take care of these pines. And you start telling them they can't control burn them. It may be because of the lack of understanding and that is what I am here for tonight. If there are questions about controlled burn, anything such as that, I'm probably the most experienced controlled burner, prescribed burner in the state. Burn thousands of acres every year. So if you have any questions about prescribed burn, I'm here for that. But the importance of it is very important. Smoke management is very important in our business. It is part of what we do. We have state guidelines that we go by that handle controlled burns and prescribed smoke and everything, and I'm here in case you have any questions. I don't know what you do and don't know about prescribed burns, but if you have any questions, let them fly.

Mr. Cullum stated he understands prescribed burns are addressed in the ordinance.

Mr. Derrick reiterated that staff spoke with the Forestry Commission about prescribed burns and said this in no way affects prescribed burns. He said we (Council) were taking some exception to the fact that the Federal Government is telling the County we must clean up our air and at the same time paying some people to do prescribed burns.

Mr. Smith said we are concerned about the problems people are having with burning in the yards

and know this Council will come to a medium here that we can all agree on.

Mr. Banning asked for clarification, this does not affect forestry controlled burns, correct? Our ordinance has no impact on that.

Mr. Derrick replied that the County cannot supersede a state law.

Darrel Jones, Forestry Protection Chief of the Forestry Commission, replied that there is the state law. Essentially it's a Right to Practice Forestry Act that says that forestry practices that are ongoing can't be made a nuisance by other laws. So, yes, forestry and wildlife and agricultural burns like Mr. Smith mentioned should not be affected by this except in real close proximity to homes or buildings.

Mr. Doug Bouknight - 119 East Circle Drive, Lexington, SC 29072 - Like Mr. Smith, I'm a forest land owner, and I'm concerned that this is going to grow into where you cannot be able to take care of your forestry properly. But, my main thing is to the 50 feet. I have a lot of trees, a lot of leaves and debris in my yard, and I burn maybe once a year and I see where we weren't really enforcing with only two people countywide. I think we should start enforcing the law or the ordinance that we have and see what problem comes out with that without tacking on more rules and regulations just to say we did something. You can make it 100 feet but if you are not going to enforce it, what difference does it make? I think we need to enforce it first, educate the public on what you can and can't do, and most subdivisions the way they are building them now, you can't burn there anyway because the houses are so close together. I live out in the County and that's why I live out in the County so if I want to burn leaves and trees or whatever, you should be able to. But, I realize, too, that houses are so close together you can't have all of that because it is dangerous. I think we should leave it like it is and then see how it goes once we start enforcing it and then go from there. Thank you.

Mr. Ferrell Gunter - 136 Rose Lake Road, Lexington, SC 29072 - I'm a property owner. I have trees, and I'm very concerned about this particular ordinance because you talk about 75 feet and 100 feet. I have property that was there long time ago. With developments and so forth, it's being encroached on by development. When you put up 100 feet, you are putting out 100 acres in one of my pieces of property. I was there long time before these developments, but, again this is having a direct impact on me. As Kenny Smith pointed out, he is experienced, he knows what he is doing and this stuff is controlled. So I like clean air, I like a neat neighborhood, I like a nice yard, I don't like these odors that are generated by people burning all kind of debris from the table or wherever it comes from. But, at the same, I feel like it is having a direct impact on me. I think Kenny Smith is going to lose 50 percent of his business in Lexington County because when you talk about 100 feet from the property line, 100 feet from a structure, and I think that includes mobile homes, and out where he is working that place is loaded with them. So it does have a big impact on what we have as property owners in growing trees. I'm all for growing trees, I'm all for wildlife. Controlled burning does have a direct impact on the wildlife. It does cause regeneration of vegetation which brings in the deer, the wild turkey, the quail and other wildlife because it releases these plants and seeds to grow for the first time where they had been put out because of leaves and pine straw. And, of course, it's not something that is done on an annual basis. It is done on three to five year intervals, generally speaking. So, we aren't going

to have it happening every year on every tree plantation. It is going to happen now and then. Again, the big impact with this is the 100 feet that you are talking about. I know in neighborhoods like I live in, I'm sure it won't be tolerated, because there's going to be a lot of people upset because of smoke, because of fumes and whatever and I don't like the smoldering smell either. And, I like to recycle, recycle, recycle, so with these leaves, I don't think they are supposed to be burned. With the limbs, that is a different story. Of course, if they do it right, they burn quickly. But, of course, they can haul them off also. But, I am opposed to it in neighborhoods. I'm sure we have a problem. In rural areas where we've got these tree farms that were here before the developments, we've got a real, real concern about it. So, I thank you for listening. I want you to take this into deep consideration, and I don't know how many of you people own property as far as tree farms go. But, it is something that has a direct impact on me personally. I didn't come up here to speak, but I found out about this through a telephone call so I thought it was worth my time. Thank you for your time. Do I have any questions from anybody?

Mr. Derrick said there was no one else signed up to speak in opposition and closed the public hearing.

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

07-076 - A supplemental appropriation increase in the amount of \$10,437 to appropriate the grant award for the Citizens Corp grant.

07-069 - A supplemental appropriation increase in the amount of \$39,500 to appropriate the grant award from the Palmetto Economic Development Corporation.

Old Business/New Business - None.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Diana W. Burnett
Clerk

William C. Derrick
Chairman