

**MINUTES
LEXINGTON COUNTY COUNCIL
MAY 11, 2004**

Lexington County Council held its regular meeting on Tuesday, May 11, 2004 in Council Chambers, beginning at 4:30 p.m. Chairman Davis presided; Mr. Cullum gave the invocation; Mr. Wilkerson led the Pledge of Allegiance.

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

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

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

Employee Recognition - Art Brooks, County Administrator - Mr. Brooks recognized several employees in Public Safety/EMS and Fire Service for their professional and caring attitude during an emergency situation when a two-year-old received a head injury after being pinned under a metal tailgate. Those recognized were: John Lilliard, Paramedic; Kim Reep, EMT; Captain Andrew Shealy; Kyle Kneece, Firefighter; Jason Fulmer, Apparatus Operator; and Fire Service Volunteers Assistant Chief Harvey Amick; Carroll Boland, Mark Hollis, and Michael Frick, Firefighters.

Presentation of the CD Containing the Bicentennial Anniversary of the Establishment of Lexington County to Superintendents of Lexington County School Districts One, Two, Three, Four, and Five and to the Lexington County Public Library - Presented by Chairman Smokey Davis - Chairman Davis presented CDs containing the bicentennial anniversary of the establishment of Lexington County to Joe Bedenbaugh, Assistant Superintendent of School Administration, School District 1; Barry Bolin, Superintendent, School District 2; Greg Riley, Adult Education, School District 4; Dan Chandler, Chief Financial Officer, School District 5; and Dan MacNeill, Director of Library Services.

Resolution - Frances Kay Wells - Mr. Derrick made a motion, seconded by Mr. Wilkerson that the resolution be adopted.

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

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

Appointments - There were no appointments.

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

Server Software - Information Services - Quotations were solicited from qualified vendors for the purchase of one (1) ARCIMS Standard Edition software for Information Services. The software is an additional module of server software for the Internet Map Service (IMS) that will interface with and use the Environmental System Research Institute, Inc. systems now in place. The module is necessary to support making the digitized aerial photography available on the County's website. Three (3) quotes were received. Staff recommended to award the contract to Bradshaw Consulting Services, Inc. The total cost of the software is \$6,187.65 including tax and shipping.

Self-Contained Breathing Apparatus (SCBA) Facepieces - Sole Source - Public Safety/Emergency Management - Staff recommended the purchase of fifty (50) self-contained breathing apparatus (SCBA) facepieces for Public Safety/Emergency Management to the sole source provider, Newton's Fire and Safety, as they are the only authorized dealer in South Carolina. The SCBA facepieces will be used to support hazardous material and fire responses for the Lexington County Fire Service. Total cost including tax and installation is \$27,510.00.

WebEOC Software Acquisition - Sole Source - Public Safety/Emergency Management - Staff recommended the purchase of WebEOC software for Public Safety/Emergency Management to the sole source provider, Emergency Services Integrators. The WebEOC software is a web-based product that will enable the Emergency Operations Center to more effectively manage personnel and resources during a disaster and will interface with the South Carolina Emergency Management Division. The system consists of one (1) MAP TAC software and one (1) WebEOC Professional Single Server Software-SC. The total cost including tax and installation is \$27,825.00.

Scanning for 1989 Orthophotography- Sole Source - Planning & GIS - Staff recommended the scanning of the 1989 orthophotography to include world file projection for Planning & GIS to the sole source provider, the University of South Carolina. The method devised by the University of South Carolina includes scanning, programming the scanned photo to determine tic points, and spatially project the ortho's into Lexington County projection. The cost including tax and labor is \$5,432.32.

Beckman Road Tunnel - "C" Funds - Public Works - Bids were advertised and solicited from qualified contractors for the Beckman Road tunnel. The project included the design of the footings and the culvert, fabrication of a culvert, and the delivery of the fabricated components of the culvert to the project site. The tunnel interior dimensions are 18' high by 24' wide by 42' length. One (1) bid and one (1) no bid were received. Staff recommended to award the bid to Bridge Technologies,

LLC. The total bid for the project, based on estimated quantities, is \$136,011.00.

Reclaiming & Soil Cementing Existing Surface of a Portion of Stoney Pointe Drive - Public Works - Bids were advertised and solicited from qualified contractors for reclaiming and soil cementing the existing surface of a portion of Stoney Pointe Drive. The project consists of pulverizing and mixing the top eight (8) inches of the existing surface (1 ½ inches of HLAC and macadam) followed by the application and mixing of cement into the mixture. The project is approximately 3160 feet in length and 2 feet in width. One (1) bid and one (1) no bid were received. Staff recommended to award the bid to SitePrep, Inc. of NC in the amount of \$59,850.00, based on estimated quantities. In addition, the project includes curb, gutter, and asphaltting which will be provided under a term contract with C.R. Jackson in the amount of \$34,500.00. The total cost of the project including tax is \$94,350.00.

Woodrow Street & Wellness Parkway - Public Works - Bids were advertised and solicited from qualified contractors for Woodrow Street realignment to the intersection of Wellness Parkway. The project consists of the realignment and construction of approximately 490 LF of roadway to include 610 SY of removal and disposal of existing pavement, 311 tons of asphalt aggregate base course (uniform 4"), 233 tons of asphalt binder course (uniform 3"), 117 tons of asphalt surface course (uniform 1 ½"), 500 CY site grading, 48 LF of 15" R.C. pipe, 192 LF of 18" R.C. pipe, one (1) 36" x 36" junction box, and 716 LF of concrete curb and gutter (1'-6"). Three (3) bids were received. Staff recommended to award the bid to CBG, Incorporated. The total bid for the project, based on estimated quantities is \$94,004.20.

Mr. Keisler asked John Fechtel, Director of Public Works, for further information regarding Beckman Road Tunnel.

Mr. Fechtel stated in early 1990 Beckman Road was approved for paving; however, Columbia Silica Sand Company would not grant the County right-of-way of approximately seven-tenths of a mile because they had plans to relocate the road. Mr. Fechtel said in 2001 he was approached by Columbia Silica Sand Company about paving Beckman Road by relocating the road based on their future mining operations. He said Columbia Silica Sand Company indicated they would like to have a tunnel on the road and at that time negotiated with them to pay the engineering costs, as well as supply the sand clay needed for the project. Mr. Fechtel stated he advised Columbia Silica Sand Company the County normally does not construct tunnels on roads as it is not a benefit to the citizens of Lexington County. Mr. Fechtel stated the purpose of the tunnel is to transport equipment back and forth under the road rather than across the road and to use conveyor belts during the mining process.

Mr. Cullum asked if there is a tunnel on Hwy 302.

Mr. Fechtel replied, yes, a smaller tunnel.

Mr. Cullum asked if it (tunnel) is used for transportation of equipment.

Mr. Fechtel replied, he was not sure; but said the tunnel is used to run conveyor belts.

Mr. Cullum asked who paid for that improvement.

Mr. Fechtel replied he was not sure as it was long ago.

Mr. Keisler stated he understood the County is recommending to pay \$136,011.00 to construct a tunnel and pave Beckman Road to benefit Columbia Silica Sand Company.

Mr. Fechtel stated the total estimated cost is \$300,000.00 which is provided through "C" funds.

Mr. Owens asked what prompted the County to enter into an agreement to construct a tunnel for Columbia Silica Sand Company.

Mr. Fechtel stated Columbia Silica Sand Company approached him again requesting that Beckman Road be paved. He stated the road had already been approved to be paved, but because Columbia Silica Sand Company would not grant right-of-way, it was not. Mr. Fechtel stated Columbia Silica Sand Company then requested a tunnel and at that time he advised them that the County would not provide the total cost through "C" funds and they would have to contribute funds toward the project since it was not a direct benefit to the citizens of Lexington County. He stated in 2001 County Council approved the agreement.

Mr. Owens asked if County Council approved building a culvert for the use of Columbia Silica Sand Company.

Mr. Cullum asked how many employees does Columbia Silica Sand Company have.

Mr. Fechtel replied, he was not sure; but said they have approximately 1300 acres they mine.

Mr. Cullum asked what is the primary use of the mined sand.

Mr. Fechtel replied, he was not sure.

Mr. Owens asked why is staff recommending to pay \$136,011.00 for the construction of a tunnel.

Mr. Fechtel stated the original estimates for the construction of the tunnel were not that high. He stated the County received only one bid during the bidding process for the project. He stated the initial estimate for the construction of the tunnel was approximately \$60,000 - \$70,000.

Mr. Cullum asked why the tunnel was not constructed in 2001 when it was approved.

Mr. Fechtel stated one of the reasons it was approved in 2001 was because Columbia Silica Sand Company was not in a time frame to have the tunnel constructed but was looking toward 2002 for completion.

Mr. Owens asked what was the benefit to the citizens of Lexington County to spend funds to construct a tunnel.

Mr. Fechtel stated the road ranked in the top 10 to be completely paved in 2001 but the seven-tenths of a mile that Columbia Silica Sand Company would not grant right-of-way was in the center of the road.

Mr. Owens stated he understood the County “bought” the seven-tenths of a mile from Columbia Silica Sand Company for \$136,011.00 because they would not give the County right-of-way.

Mr. Fechtel replied, that would be our “contribution” in it.

Mr. Owens stated that was “too” high to pay.

Mr. Jeffcoat stated in 2001 economy was somewhat different than it is now, therefore, would not be able to support constructing a tunnel at taxpayers’ expense with as many roads the County has that need paving or maintenance.

Mr. Cullum asked if Council would agree to spend the \$60,000 - \$70,000 that was approved in 2001 for the tunnel and ask that Columbia Silica Sand Company pay the difference. He stated the purpose of the tunnel would be a safety factor, as well as an operational factor for the company.

Mr. Carrigg made a motion, seconded by Mr. Derrick to table Beckman Road Tunnel until additional information is received.

Mr. Davis opened the meeting for discussion.

Mr. Wilkerson stated he understood the \$136,011.00 is for the construction of the tunnel and the difference of \$242,844.63 is for the paving of Beckman Road.

Mr. Fechtel stated the original bid was based on a plan that had incorrect quantities.

Mr. Wilkerson stated then the project was to be \$242,844.63, but the total cost is \$136,011.00 with a savings of \$106,833.63.

Mr. Fechtel replied, not actually. He stated based on the original plan, that was incorrect, the bid was for a longer tunnel. He said once it was discovered there had been a mistake, the bid was revised for the correct length.

Mr. Davis stated there is a motion and a second to table Beckman Road Tunnel.

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

Abstaining: Mr. Cullum

Mr. Owens asked why did the County agree to pay to construct a tunnel?

Mr. Fechtel stated Columbia Silica Sand Company agreed to give the right-of-way, donate all the sand clay on site for the entire length of Beckman Road, which could be panned versus trucked for a savings of approximately \$50,000.00, and paid \$37,000.00 in engineering fees for the road design.

Mr. Derrick stated a point of order as Council continues to discuss a motion that is no longer in existence.

Mr. Rucker made a motion, seconded by Mr. Derrick to amend the motion to delete Beckman Road Tunnel.

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

Vote on Amendment

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

Mr. Keisler made a motion, seconded by Mr. Owens to appropriate the \$136,011.00 for road improvements in District 5.

Mr. Davis opened the meeting for discussion.

Mr. Derrick stated he, too, has roads in his District that need improvements but the protocol must be followed.

Mr. Wilkerson asked staff to provide Council a cost that Columbia Silica Sand Company has paid for engineering, costs they have accrued with the road, and what Council originally promised for future discussion.

Mr. Keisler withdrew his motion; Mr. Owens withdrew his second.

Mr. Keisler asked that staff provide him with any project(s) that is in his district prior to Council meetings.

Mr. Owens made a motion, seconded by Mr. Wilkerson to table Beckman Road Tunnel until additional information is received.

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

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

* Note - No vote to approve the motion as amended was made and will be placed on the May 25, 2004 agenda as an item of Old Business for ratification.

Chairman's Report - No report.

Beckman Tunnel Issue - There was discussion as to whether the Beckman Tunnel bid was tabled, whether there was a motion to approve or disapprove. Mr. Davis stated that he believed Council wished to review Item H (Beckman Road Tunnel) in more detail.

Mr. Derrick stated that he believed Council had directed Mr. Fechtel to do that; but Council did not need to table Item H.

Mr. Owens asked if the item could not be tabled.

Mr. Davis responded there was no motion to approve it.

Mr. Carrigg interjected, there was a motion to approve all the bids, then a motion to amend to delete Item H, so it was not on the floor.

Mr. Owens stated that he made a motion to formally table Item H.

Mr. Derrick stated you can't table something you don't have.

Mr. Owens stated that Item H was still in front of Council.

Mr. Davis commented, but not in the form of a motion; there was no motion to approve or disapprove.

Mr. Owens stated a motion was made, seconded and voted on.

Mr. Derrick stated that Mr. Fechtel has Council's direction and knew what to do.

Mr. Davis stated that Item H has neither been approved or disapproved.

Mr. Jeffcoat stated that he wanted to abide by what the Council member from that particular district wanted to do.

Mr. Carrigg stated that Item H was effectively tabled at this juncture.

Mr. Davis stated that Item H will be on the agenda at a future time; it has not been approved or disapproved; staff has been instructed to bring additional information. Mr. Davis asked Mr. Keisler if this was acceptable to him.

Mr. Keisler responded, yes, sir.

Administrator's Report - Mr. Brooks announced that the Backhoe Rodeo hosted by Public Works

is Thursday, May 13 at 12:00 p.m.

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

An appropriation increase of \$250.00 for interest earned on the fund balance for FY 2003-04 in the water recreation resources tax fund.

An appropriation transfer of \$100,000.00 for the development of Woodrow Street and railroad relocation. One-third will be provided through schedule "C" funds, one-third through a SCDOT federal grant, and one-third by the developer.

Approval of Minutes - Meeting of April 13, 2004 - A motion was made by Mr. Wilkerson, seconded by Mr. Cullum that the April 13, 2004 minutes be approved as submitted.

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

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

Ordinances - Ordinance 04-04 - FY2004/05 General and Non-General Fund Budgets - 1st Reading by Title - Mr. Rucker made a motion, seconded by Mr. Jeffcoat that Ordinance 04-04 be given first reading.

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

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

Ordinance 04-05 - Establish a System for Receipt of Deposits in Lieu of Recognizance as Allowed by South Carolina Code Section 22-5-530 - 1st Reading by Title - Mr. Derrick made a motion, seconded by Mr. Jeffcoat that Ordinance 04-05 be given first reading.

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

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

Committee Reports - Planning & Administration, B. Rucker, Chairman - Annual Action Plan 2004-2005 - Community Development Block Grant Program - Community & Economic Development - Mr. Rucker reported that his committee met during the afternoon to discuss the Annual Action Plan 2004-2005 Community Development Block Grant Program (HUD).

The 2004-2005 Annual Action Plan includes \$50,000 to the Brookland Community Development Housing Corporation for neighborhood revitalization, \$50,000 to the Greater Columbia Community Relations Council for expansion of their services to the citizens of Lexington County, \$285,000 for Bellemeade drainage improvements, \$250,000 for Happy Town Road improvements, \$435,000 for the construction of a Public Safety service center, and \$60,000 for Walter Shealy Road construction.

Mr. Rucker made a motion, seconded by Mr. Jeffcoat to approve staff's recommended Annual Action Plan 2004-2005.

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

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

District Notification - Mr. Rucker stated Mr. Owens has requested that he be informed of any proposed project(s) in his district, District 8.

Mr. Owens stated other members of Council would also like to be informed of projects in their district as well.

Justice, J. Carrigg, Chairman - Cars for Reserve Deputies - Mr. Carrigg stated as a part of the Justice Committee meeting on Tuesday, April 27, 2004, Mr. Keisler asked the committee to consider providing several vehicles for use by reserve deputies as an item of new business.

Mr. Keisler stated the Reserve Deputies, who are volunteers, are in great need of additional vehicles. He stated the Sheriff's Department is in the process of replacing ten vehicles and requested that three of the vehicles be assigned to the Reserve Deputies. He stated the Reserve Deputies are having to ride together due to the limited number of vehicles assigned to them and the additional vehicles would allow more deputies on patrol.

The committee voted to recommend that Council approve the reassignment of three vehicles for Reserve Deputies in accordance with the Fleet policy. The Fleet Manager will assess the three vehicles to be sure that it will be cost effective.

Mr. Carrigg made a motion, seconded by Mr. Owens to approve the reassignment of three vehicles from the Sheriff's Department for Reserve Deputies.

Mr. Davis opened the meeting for discussion.

Mr. Derrick asked that the three reassigned vehicles for Reserve Deputies be identified as surplus vehicles so the County will not be responsible for replacing the vehicles.

Mr. Carrigg reiterated the three reassigned vehicles for Reserve Deputies will be in accordance to the County's Fleet policy.

Mr. Keisler stated he wanted to be sure that the three reassigned vehicles from the Sheriff's Department are for the sole use of the Reserve Deputies.

Chief James, Director of Public Safety and Homeland Security replied, absolutely.

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

Committee of the Whole, S. Davis, Chairman - Town of Pine Ridge - Park - Mr. Davis reported as part of the Committee of the Whole committee meeting on Tuesday, April 27, 2004, Mr. Cullum asked that the committee consider providing funds through the Temporary Alcohol Beverage License Fee fund for enhancements to the park in the Town of Pine Ridge, which is owned by the National Guard. The amount requested is \$4,000.00.

The committee voted to recommend that Council approve \$4,000.00 out of FY 2003/04 Temporary Alcohol Beverage License Fee fund for enhancements to the park in the Town of Pine Ridge. The funds will be administered by the Town of Pine Ridge.

Mr. Wilkerson made a motion, seconded by Mr. Cullum to approve \$4,000.00 out of FY 2003/04 Temporary Alcohol Beverage License Fee fund for enhancements to the park in the Town of Pine Ridge.

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

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

Executive Session/Legal Briefing - A motion was made by Mr. Wilkerson, seconded by Mr. Rucker to go into Executive Session to receive a legal briefing.

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

Mr. Cullum

Mr. Davis reconvened the meeting 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 indicated no motions were to be considered.

Presentation - Senator Jake Knotts, 500 West Dunbar St., West Columbia, SC 29169 - Transportation - Senator Knotts stated he thought long and hard before coming before Council, but said he has received a lot of calls about dirt roads. He said citizens are wanting to know when will their road be paved and why another road was paved before theirs.

Senator Knotts said the majority of calls he receives are about roads that are paved to a certain point then a section will be skipped and the paving starts again, i.e. a road may be paved on both ends but not in the middle.

Senator Knotts stated he has talked with John Fechtel, Director of Public Works, about the criteria in which roads are rated to be paved. He stated, as he understood, the roads are rated by (1) it has to have a school bus route, (2) the cost of maintenance, (3) traffic count, and (4) the number of houses on the road. He stated in order to have a road paved we have to secure right-of-way from every landowner on the road, but in some cases we have landowners who will not grant right-of-way, and Lexington County does not condemn land for right-of-way purposes.

Senator Knotts stated somewhere in the Transportation Committee points should be given to those property owners who have given right-of-way and let that be a part of the criteria under the road point system.

Senator Knotts stated once a road has been approved to be paved then priority should be given to those who have granted right-of-way and meets the criteria. He said in the past there have been instances when roads at the top of the list were bypassed and the citizens cannot understand our system or why they were bypassed.

Senator Knotts stated he thinks citizens would understand and feel better about the process if priority was given to the areas that meet the criteria.

Mr. Fechtel stated several years ago the County added one point per year per petition for consideration on paving of roads. He said the difficulty is when the County does not have platted right-of-way for engineering plans. He stated once the County has plans for paving a road, the County will then hold a community meeting with the necessary signed right-of-way documents in hopes those who have been reluctant to grant the County right-of-way will fall under peer pressure and relent.

Mr. Fechtel stated the County goes to great lengths to get those landowners who have not signed right-of-way, but said it continues to be a difficult process. He stated those who are interested in getting their roads paved are informed that there are two criteria that must be met - getting the road

programmed to be paved and right-of-way acquisition.

Mr. Carrigg stated the County has been caught in this problem before. He said the County commits to conduct the engineering studies and when the County approaches the landowners to acquire the right-of-way, they say "no." Mr. Carrigg asked Mr. Fechtel if there is anyway when a road is approaching a point that it can be paved to write all the landowners of the property advising them that the County is prepared to do the engineering but first want to preliminarily address the issue of right-of-way as the County does not pay for right-of-way nor does the County condemn for right-of-way. He stated the County will engineer your road, and more than likely pave the road which will be an improvement to your property, but first all the adjoining landowners must agree to donate the necessary right-of-way. Mr. Carrigg stated he understands the County can not ask landowners to sign a contract to give their land, because until the engineering study is done we will not know what is necessary for the right-of-way, but something that the County can go back to them with if they ever object.

Mr. Fechtel stated once staff has made a recommendation for roads to be paved, then with the assistance of the GIS system, each property owner is identified and a letter is sent advising the landowner that their road has been programmed to be paved and ask if they are willing to give the necessary right-of-way and drainage easements. He stated there is a place for the landowner to sign acknowledging that they are willing or not willing to give the necessary right-of-way before going through the engineering process.

Mr. Carrigg asked Mr. Fechtel if there have been any instances whereby the County has obtained a landowner's signature who later decided against granting the right-of-way.

Mr. Fechtel replied, we have on numerous occasions.

Mr. Carrigg asked why?

Mr. Fechtel replied, for one reason or another.

Mr. Jeffcoat stated the biggest complaint he receives are from constituents whose roads are high on the list to be paved yet as time goes by, the road appears to have fallen further down the list and agreed that the County needed to improve the process and staff to come back with recommendations.

Mr. Cullum asked what part does maintenance and resurfacing have with "C" funds. He said all we hear are the complaints about wanting roads paved and asked about the areas that don't have paved roads but need maintenance. Mr. Cullum said those roads are just as important and are probably traveled more than a dirt road that someone is looking to have paved. He said a person who buys property on a dirt road can't be guaranteed when their road will be paved.

Mr. Fechtel replied, that is part of the "C" fund budget.

Mr. Cullum said it seems that all the prioritization is about paving new roads and said that resurfacing should be included.

Mr Fechtel stated paving of new roads and resurfacing is included in "C" funds.

Mr. Owens stated "C" funds are heavily weighed toward paving rather than maintenance.

Mr. Fechtel, replied, yes, it's more dollars.

Mr. Owens stated Saluda River is a good case. He said when the residents in Saluda River moved in 50 years ago they had a right to expect that the road would be maintained yet many other roads in the County have been paved and said Saluda River is probably the most traveled road in Lexington County.

Mr. Cullum stated the roads needing maintenance already meet the criteria given for paving new roads.

Mr. Fechtel stated the County does assess all roads to be paved. He said the roads are rated on a scale of 1-10. He stated requests come from members of Council and citizens, as well as maintenance crews who are in the field working on the roads. He said once that information is received then the roads are prioritized by need.

Senator Knotts stated he was not asking Council for additional funds to pave roads but is asking that once a road has been listed for paving that the road move up the list rather than down as roads are added. Senator Knotts stated a road should not be listed to be paved unless all landowners have agreed but said if the County has already committed funds, then the County should be willing to condemn whatever property that needs to be condemned if landowners have told you they were going to grant you right-of-way and then backout.

Senator Knotts asked the County to be considerate of landowners who are doing the right thing and for them to be given priority. He said by doing so, the County will find citizens will be more satisfied and willing to wait.

Mr. Cullum asked Senator Knotts shouldn't citizens with resurfacing needs get equal treatment.

Senator Knotts replied, the resurfacing needs should be the same since all the citizens of Lexington County pay taxes. He said every time a road is paved it increases the value of the property, therefore, taxes increase and it would benefit the County to improve the property.

Mr. Owens stated if the County was in a situation where a landowner had agreed to grant right-of-way and then backs out, then the County should condemn the property.

Mr. Carrigg stated if the County begins condemning property, you can allege that the benefit outweighs the taking but there would be legal expense.

Mr. Davis asked the Committee of the Whole to further review the policy of prioritizing roads to be

paved.

6:00 P.M. - Public Hearings - Laurel Crest Retirement Center JEDA Bond Resolution - Haynsworth, Sinkler, Boyd, P.A. - This is a resolution that would allow the bond to be reissued at a lower interest rate than when the bond was first issued in 1993 for the Laurel Crest Retirement Center. The bond amount is not to exceed \$8,000,000.

Mr. Davis opened the public hearing.

Ms. Mary Bryan signed up; however did not speak.

No comments in opposition were received.

Mr. Davis closed the public hearing.

Ordinance 04-03 - Amending the Lexington County Landscape Ordinance - Ordinance 04-03 is a proposal by the Planning Commission to amend the text of the Landscape Ordinance (99-21); *Article 3, Section 6, Major Road Corridors and Article 1, Section 1.3, Scope of Regulations, and Article 3, section 7, Scenic Corridor Protection.*

Mr. Davis opened the public hearing.

No comments, in favor or against, were received.

Mr. Davis closed the public hearing.

Resolution - Adoption of Laurel Crest Retirement Center JEDA Bond - A motion was made by Mr. Rucker, seconded by Mr. Wilkerson to approve the resolution adopting the Laurel Crest Retirement Center JEDA bond.

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

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

Absent: Mr. Carrigg

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

Old Business/New Business - Temporary Sign Committee - Mr. Davis authorized the Temporary Sign Committee to conduct a full review of the County's sign ordinance.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Dorothy K. Black
Clerk

George H. Smokey Davis
Chairman

Diana W. Burnett
Asst. Clerk to Council