

MINUTES
LEXINGTON COUNTY COUNCIL
NOVEMBER 09, 2004

Lexington County Council held its regular meeting on Tuesday, November 09, 2004 in Council Chambers, beginning at 4:30 p.m. Chairman Davis presided; Mr. Rucker gave the invocation; Mr. Derrick led the Pledge of Allegiance.

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

Also attending: Art Brooks, County Administrator; Larry Porth, Finance Director/Deputy County Administrator; Katherine Doucett, Personnel Director/Deputy County Administrator; John Fechtler, Director of Public Works/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 - Linda Cornwell, Clerk and Chris Folsom, Animal Services Coordinator of Animal Services were recognized for a job well done. Mr. Brooks said he received a call from a citizen who said she was impressed with Linda's ability to handle her situation over the phone and how compassionate Chris was in dealing with a cat problem she was having.

Mr. Brooks received a letter from a member of the Lexington County Library Board commending Thelma Isaac, Custodian at the Lexington County Main Library for the excellent job and pride she takes in maintaining a clean library for the citizens of Lexington County.

Tim Rhoten, Field Appraiser/ Personal Property Officer in the Auditor's Office was recognized for his excellent customer service as he researched a citizen's bill that he had received in error. The citizen wrote that Mr. Rhoten was extremely helpful and polite and said he was pleasantly surprised how quickly the problem was handled.

Appointments - Museum Commission - Ms. Toni L. Greer - A motion was made by Mr. Owens,

seconded by Mr. Rucker to reappoint Ms. Toni L. Greer to the Museum Commission.

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

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

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

HVAC Air Handler Replacement - Administration Building - Emergency Procurement - Building Services - Staff recommended the request from Building Services to purchase a new HVAC air handler for the County Administration Building. The purchase includes all equipment, labor, and materials for the removal and proper disposal of the existing unit, and complete installation of the new unit. The existing unit is approximately thirty (30) years old and can no longer be repaired. In order to replace the old air handler, it will be necessary to remove existing brick facade, doors, and walls. The HVAC air handler replacement will be purchased from the sole source provider, Walker-White, as they are the contracted vendor for the existing campus plan construction and renovation contractors and Building Services will be responsible for the removal of the existing brick facade, doors, and walls. The cost of the HVAC is \$24,260 and the cost of the interior work performed by Building Services will be \$5,740. Total cost of the project including tax is \$30,000.

Happy Town Road and Boggy Branch Court Roadway and Waterline Project - Community and Economic Development - Bids were advertised and solicited from qualified contractors for the Happy Town Road and Boggy Branch Court project. The project includes the construction of approximately 1.65 miles of roadway on Happy Town Road and 0.13 miles on Boggy Branch Court. There is an estimated 2,737 L.F. of 18"; 5,098 L.F. of 24"; 907 L.F. of 30" and 1,047 L.F. of 36" R.C. pipe, 13,252 C.Y. of unclassified excavation, 65 Type 9 catch basins, 17 tons rip rap (Class A), 34,326 S.Y. of macadam base crusher run (8" uniform) and 126 tons of maintenance stone. Five (5) bids were received. Due to the County not being able to secure the proper right-of-way easements, the Boggy Branch Court portion of this project will not be awarded at this time. Staff recommended awarding the bid for the Happy Town Road project to Walter L. Hunter Construction as being the lowest responsive bidder. Total cost for the Happy Town Road Phase I, Phase II, and waterline portion of this project, based on estimated quantities, is \$1,363,526.85.

Trees - County Council - Bids were solicited for the purchase of 200 trees requested by County

Council to climax the celebration of the 200th year of the County. Seven (7) bids were received. Staff recommended awarding the bid to Alex's Nursery Incorporated as the low bidder meeting specifications. Total cost including tax is \$12,029.33.

EMS Equipment and Accessories - Public Safety/EMS - Bids were advertised and solicited for EMS equipment and accessories for Public Safety/EMS. Bidders were allowed to submit bids on one or a multiple of items, depending on the products that they can provide. Eight (8) bids were received. Staff recommended that the award be made to the following vendors meeting specifications: Southeastern Emergency Equipment - \$2,375.63; Armstrong Medical Ind. Inc. - \$436.80; Matrx Medical Inc. - \$18,072.22; and Moore Medical Corp. - \$447.17. Total cost including tax is \$21,331.82.

Motorola 800 MHZ Radios and Accessories - Sheriff's Department - Staff recommended the purchase of two (2) Motorola 800 MHZ radios and accessories for the Sheriff's Department directly from Motorola through State Contract Number OIR2002.07. The radios and accessories are required for officer safety to investigate undercover operations and to perform duties as a narcotic investigator. Total cost including tax is \$9,923.36.

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

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

Chairman's Report - Chairman Davis commended Public Safety/EMS on the dedication program of the new EMS facility.

Mr. Davis thanked those who were running for office or seeking re-election for promptly removing their campaign signs.

Resolutions - Ms. Charlene Corley and Ms. Darlene Wooten, Mr. Francis M. "Frank" Smith, Ms. Marie Kleckley, and Councilman Jacob Wilkerson - Mr. Wilkerson made a motion, seconded by Mr. Jeffcoat that the resolutions be adopted.

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

In Favor:	Mr. Davis	Mr. Wilkerson
	Mr. Jeffcoat	Mr. Rucker

Mr. Derrick	Mr. Keisler
Mr. Carrigg	Mr. Owens
Mr. Cullum	

Administrator's Report - No report.

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

A supplemental appropriation increase and an appropriation transfer of \$3,845 to transfer funds from Solid Waste Management to the DHEC Used Oil grant fund to cover equipment and supplies that were not reimbursed by the grantor in a prior fiscal year.

An appropriation transfer for \$30,000 to appropriate funds for replacement of the Administration Building fourth floor air handler and the removal of doors and walls to accommodate this replacement.

An appropriation transfer of \$149,671 to transfer appropriations from Unclassified from the Walter Shealy Road project that has been cancelled, and from the Happy Town Water/Fire project that the contract bid came in lower than budgeted, and increase the Happy Town Road contract that the bid came in over budget.

A supplemental appropriation decrease of \$345,600 and an appropriation transfer of \$105,600. The grant application to Federal Emergency Management Agency (FEMA) for 72 air pack replacements has been denied and we are reducing the grant appropriations accordingly and transferring the funds that were appropriated for the grant match to an asset account to purchase 22 air pack replacements.

Approval of Minutes - Meeting of October 12, 2004 - A motion was made by Mr. Carrigg, seconded by Mr. Keisler that the minutes be approved as submitted.

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

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

Economic Development Project - Shakespeare Composite Structures LLC - Ordinance 04-10 - Expanding Multi-County Park Between Lexington and Newberry Counties - 2nd Reading - A motion was made by Mr. Jeffcoat, seconded by Mr. Cullum that Ordinance 04-10 be given second

reading.

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

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

New Business/Old Business - Adoption of Resolution of the Inducement and Millage Rate Agreement Between Lexington County and Nucor Corporation - A motion was made by Mr. Rucker, seconded by Mr. Cullum to approve the adoption of the Resolution of the Inducement and Millage Rate Agreement Between Lexington County and Nucor Corporation based on any changes deemed necessary by the County attorney and the creation of 45 new jobs with an annual salary of \$60,000.

Mr. Davis opened the meeting for discussion.

Mr. Jeffcoat reiterated for clarification that the resolution included that Nucor will provide 45 jobs with an annual salary of \$60,000.

Mr Rucker replied, yes, sir; that was part of my motion.

Mr. Davis replied it also includes a \$5,000,000 threshold of investments.

Mr. Davis called for further discussion on the motion; none occurred.

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

Executive Session/Legal Briefing - A motion was made by Mr. Carrigg, seconded by Mr. Jeffcoat to go into Executive Session to receive the legal briefing and to discuss personnel and contractual matters.

In Favor:	Mr. Davis	Mr. Carrigg
	Mr. Jeffcoat	Mr. Rucker

Mr. Derrick	Mr. Wilkerson
Mr. Keisler	Mr. Owens
Mr. Cullum	

Mr. Davis reconvened the meeting in open session.

Mr. Davis announced that Councilman Rucker had to be excused to attend a funeral visitation and would review the minutes in order to have a full understanding of all the comments received during the public hearings.

Prior to the public hearings, Chairman Davis read the guidelines for participation.

6:00 P.M. - Public Hearings - Shakespeare Composite Structures LLC - Ordinance 04-10 - Expanding Multi-County Park Between Lexington and Newberry Counties - This is an ordinance authorizing an amendment to the agreement for development of joint county Industrial Park by and between Lexington County, South Carolina and Newberry County, South Carolina, in order to expand the boundaries of the park to include certain property owned by Shakespeare Composite Structures LLC, to amend certain provisions related to fee in lieu of taxes and other matters.

Mr. Davis opened the public hearing.

No comments, in favor or against, were received.

Mr. Davis closed the public hearing.

Pella Corporation - Ordinance 04-08 - Authorizing the Execution and Delivery of a Fee Agreement by and Between Lexington County, South Carolina, and Pella Corporation Providing for Payment of a Fee in Lieu of Taxes - This is an ordinance authorizing the execution and delivery of a fee agreement by and between Lexington County, South Carolina, and Pella Corporation providing for payment of a fee in lieu of taxes.

Mr. Davis opened the public hearing.

No comments, in favor or against, were received.

Mr. Davis closed the public hearing.

Pella Corporation - Ordinance 04-09 - An Ordinance to Amend an Agreement Relating to the Joint County Industrial and Business Park of Lexington and Calhoun Counties - This is an

ordinance to amend an agreement relating to the joint County Industrial Business Park of Lexington and Calhoun counties.

Mr. Davis opened the public hearing.

No comments, in favor or against, were received.

Mr. Jeffcoat stated for the record on Ordinance 04-08 and Ordinance 04-09 there is a document, Exhibit A, (that is not included in the agenda) delineating the 62.10 acres located at the airport site.

Mr. Davis closed the public hearing.

Zoning Map Amendment M04-06 - 6172 Bush River Road - Columbia, SC 29212 - Mr. Bruce Hiller, Development Administrator, Community and Economic Development presented the information on M04-06. Mr. Hiller stated that the applicant, Dr. Jerry Rothstein has requested that a portion of his property, six (6) acres, be reclassified from High Density Residential ®-3) to General Commercial (C-2). He stated on the application that the reason for the request is to rezone a portion of his property for commercial and residential development. The commercial portion would consist of eight (8) deed restricted sites for freestanding, architecturally approved office buildings. The residential development would consist of 20-27 architecturally approved, deed restricted individual home sites. Mr. Hiller reviewed the maps and area by using a Power Point presentation.

Mr. Davis opened the meeting for questions from Council members.

Mr. Owens asked Mr. Hiller when the amendment was first presented.

Mr. Hiller responded, about a year ago.

Mr. Wilkerson interjected, he believed the paperwork indicated December 9, 2003.

Mr. Owens stated and it was rejected at that time.

Mr. Hiller replied, yes, sir.

Mr. Owens stated that he thought the rule was that you had to wait a year before reapplying. He believed Council's charge was to find something that Dr. Rothstein and the community could agree on that would be compatible for everyone and he did not believe that challenge has been met. He stated that he would defer until he had seen the rest of the presentation.

Mr. Hiller stated that Mr. Owens was correct in that you could not bring the same amendment back

again, but there was some direction from Council and also the Zoning Ordinance does allow a variation of some sort at least enough of a variation to make it different then it can be brought back within that twelve month period.

Mr. Davis asked how the SCANA property across the street was zoned.

Mr. Hiller responded that it was an unusual zoning basically designed for SCANA when it was existing; it was almost a utility type zoning classification.

Mr. Carrigg commented that he thought it was zoned to be a power generating plant.

Mr. Davis asked the maximum capacity that could be built on R-3.

Mr. Hiller replied there were two considerations - the zoning district itself has a maximum density allowance or the street classification; in this case, Bush River is an Arterial so if it went by that it would be unlimited density off that street classification, however, the more restrictive applies so 20 per gross acre would be allowed for R-3.

Mr. Davis asked, 20 residential units per acre?

Mr. Hiller responded per gross acre. In other words, if you had ten acres of property then you could, in essence, put 200 homes on the property; that does not mean they have to be spread out, you could still leave some common ground, common areas, pool areas, etc.

Mr. Davis stated there are 16.37 acres and they do have the authority under the present zoning to go up to 20 which would mean multi-story.....

Mr. Hiller replied, yes, sir.

Mr. Davis stated that there were individuals who had signed to speak in favor and in opposition and those in favor would be allowed to speak first. Mr. Davis asked that everyone provide their name and address and speak into the microphone.

In Favor:

Dr. Jerry Rothstein, 6172 Bush River Road, Columbia, SC 29212 - Members of County Council, thanks for the opportunity to speak. Our property, historically known as Selwood, is located on Bush River Road a quarter mile from the Lake Murray dam. It consists of 16.3 acres and at the back of the property are the subdivisions of Brittany II and Brittany Place. Commercial establishments border Selwood on each side. There are two historic dwellings on the property. A circa 1800 farmhouse, our home, and a circa 1800 barn converted to a dwelling fourteen years ago. Selwood

is currently zoned R-3.

When my wife and I purchased the property 31 years ago it was rural. Homes on Bush River Road were few and far between. The nearest grocery was Dutch Square.

We owned horses and cows which grazed the lands where the Brittany subdivisions are now located. Our three sons fished the pond now part of Brittany II.

In 1985 Stewart Mungo notified us of his intention for residential development at the back of our property and we were expected to provide secure fencing for our animals. Consequently, we sold the horses and cows and accepted this change.

A few years ago, Carol and I decided to downsize. This decision was emotionally difficult. Nevertheless, we listed our property for sale. The only interest in the property was from developers who intended to develop high density residential units including multi-story rental apartments or condos. The developers had no interest in preserving the historic houses. We rejected this type of development.

Approximately one year ago, we applied to rezone the entire property from R-3 to C-2. Our reason was to make the property more marketable and to preserve the historic houses through commercial use. At that public hearing the Brittany residents opposed the rezoning amendment. They feared most of all undesirable commercial establishments. In response to the residents concerns, the Planning Commission suggested a compromise. Rezone the frontage of the property including the historic houses to C-2 but leave unchanged the land adjacent to Brittany subdivisions. Their suggestion produced a conciliatory response and the representative of Brittany II sent a letter to the County Council. That letter stated in part that the residents of Brittany II were not necessarily opposed to a compromise and requested the petitioner resubmit a new petition specifying the land to be rezoned to C-2. The County Council, however, rejected the Planning Commission's compromise stating that it was not the Council's responsibility to amend requests. The Council recommended that the two parties consider a compromise and then a new proposal could come back to the Council. Carol and I responded to the Council's recommendation and sought a meeting with the Brittany residents to consider the Planning Commission's compromise. The representatives of the two subdivisions rejected such a meeting. For the record, I submitted copies of all this correspondence to the zoning office so that the County Council would be aware of our unsuccessful attempt to bring about this meeting. Having been unable to meet with the Brittany residents to discuss a compromise, we decided to refile for the partial rezoning the Planning Commission suggested.

First reading of this refiled amendment was denied by the County Council. The reason, a rezoning compromise had not been discussed by the parties involved. Surprised and disappointed I asked

Johnny Jeffcoat to facilitate a meeting between us and the Brittany residents; he agreed to try and that meeting occurred last April 27. Present at the meeting were approximately ten (10) representatives of Brittany II; one (1) representative from Brittany Place; my wife, Carol; our son, David; and myself. The meeting was cordial but frank. The residents again expressed concern over undesirable commercial development. During the course of the meeting, we informed the residents of our decision to develop our property ourselves with the same care we have given over the years to Selwood. When a workable land plan was ready, we would invite representatives from both subdivisions to meet again at our barn to discuss the land plan. This proposal was agreed upon by all present.

The plan required several months for completion. The work was difficult and expensive. After the initial boundary survey, there was topographic mapping and then mapping of the large historic trees designated for preservation. Wetlands were considered - stormwater runoff was addressed as well as the best route for water and sewer lines. Roadways were laid out and eight (8) commercial sites were plotted along Bush River Road. Most of the remainder of the property to stay R-3 was parceled into twenty-seven (27) residential lots. The completed plan was shown to the City of Columbia and to Lexington County Planning and Stormwater Management. This was considered workable by these authorities.

With our land planning completed, as promised, we invited the Homeowner Boards of Brittany II and Brittany Place to meet at the barn on September 7th. Twelve days of advance notice of this meeting was sent to the representatives of each subdivision. The meeting was held as scheduled, but only two (2) residents of the subdivisions attended; one (1) from Brittany II, one (1) from Brittany Place. We were noticeably disappointed at the lack of the resident turnout. Nevertheless, the plan was discussed in detail. We described the commercial development as follows:

There will be six (6) freestanding, individually owned commercial lots architecturally suited for professional offices. There will be two (2) additional commercial sites, one (1) for the farmhouse and one (1) for the barn. All commercial and residential units will have restrictive covenants and architectural review. The whole project will be inspired by the architecture of Selwood.

The two (2) Homeowner representatives left the meeting with a copy of our land plan and an understanding of our development intentions. This information was to be shared with their residents at upcoming meetings.

Ten days later we submitted the current application to rezone to C-2 only that portion of our property indicated on our land plan.

To summarize. In making the current application we have followed the recommendation of the County Council as well as the suggestion of the Planning Commission. We have shared our

development plan and ideas with the representatives of our Brittany neighbors. This present application differs significantly from our previous application. Now there is a defined workable plan rather than an early development concept. We will be the developers rather than an unknown developer. Restrictive covenants and architectural review will be in effect for all commercial and residential sites. We believe that our development plan is a far better alternative than the high-density residential apartment and condo development of unemotionally involved developments. Thanks for listening.

David Brandes, 1301 Gervais Street, Columbia, SC 29209 - I work for Wilbur Smith Associates, my address is 6418 Saye Cut Road, Columbia. Our task was to basically take the ideas that had come out of the public meetings and compromises between Dr. Rothstein and the neighborhood and put that to paper. Because one of the things that we had heard, was some concern about what this looks like.

Mr. Brandes reviewed the area and land plan by using a Power Point presentation.

I won't spend much time on the existing conditions because, I think, Bruce did a very good job of that and I will flip through these quite rapidly. This field, sort of in the Rothstein's particular property, is inside the property looking down the existing Bush River Road and this is the house which Bruce indicated. This is the entrance into the subdivision and this is the existing landscaping at that subdivision entrance. This is the same type of picture looking up Bush River Road. This is an area looking back at an existing commercial within the property. Again, looking back into another commercial, which I think Bruce covered quite well.

Looking at the zoning and one of the important things we looked at when doing the land plan was the existence of the commercial along Bush River, which is why when we did the land plan we felt that a continuous strip of commercial would be appropriate use of the land.

Selwood, as he has mentioned, is twenty-seven (27) residential lots. The idea of the focus is empty-nesters, people who are looking for smaller homes, snow-birds coming down from the north looking for a more manageable yard. We are talking about six (6) commercial lots. And we are talking about professional office buildings that have very much a residential look and we will show you those in just a minute. Obviously, we are looking at keeping the Selwood charm. Some of the Southern architecture.

If you notice, this is the land plan. Again, you see on the top the residential units. You see on the bottom the existing house, which will be maintained and converted to a commercial use. You see pedestrian paths inside the residential; neighborhood green space, you see in the middle, as well as buffers along the outside. We are looking at leaving the naturalized area that is adjacent to Brittany II subdivision. Again, I think it was mentioned and very rightly so, that a 16.03 acre site could

basically support 320 under the current zoning units. We are talking about twenty-seven (27) residential units with a small amount of commercial. In effect, it is a downsizing of the zoning. A much lighter land use than its permissible under the R-3.

This is one of the proposed commercial models. Again, the idea is a professional office building. We are not talking loading docks; we are not talking about the rear of the facility being a steel building with the front being a brick facade. We are talking about professional office buildings for dentists, lawyers, accountants, the such. The idea is that the commercial will not have a very noticeable difference in terms of architecture from the residential. Another commercial model, a slightly bigger model, again professional office buildings. Again, the final third commercial office concept.

The residential is very cottage-like. We are talking about sizes 1300 square feet to 2500 square feet, again targeting empty-nesters and very much a cottage feel, something that is very consistent with the existing architecture. This is a second residential model and this will be interspersed in the residential side. And the final residential model.

Again, just to summarize. It is a down zoning of the current R-3 with the commercial being very similar to style and feel as the residential. I'm sorry, I left off where these go and I'm sorry I meant to show the perspectives. Looking at this particular area here this cul-de-sac, this would be a potential perspective. These are shown as hardy plank as well as some of them could very easily be brick, I don't think that's completely decided yet. The reason the hardy plank is being looked at is that's consistent with the Selwood architecture. These are perspectives in the commercial area and again very low impact parking, heavy vegetation, heavy landscaping. Thank you.

W. Wesley Johnson, Jr., P. O. Box 456, Lexington, SC. - I practice law here in Lexington; my address is 111 East Main Street. The Rothsteins have retained me to assist them in drawing restrictive covenants for the commercial and residential areas involved in Selwood to ensure that the land is developed in such a manner as to blend in as much as possible with the surrounding land; and also, more importantly to preserve their idea of what Selwood is. These people have lived in this home and on this land for over thirty (30) years, much longer than the subdivisions have been here. They've put their heart and soul into every aspect of these houses. I would encourage anybody to contact the Rothsteins to go view the work that they have done on the barn and the house to see the vast amount of effort and love they've put into it. Throughout this process they've attempted to keep the unique nature of these buildings as is. They've had various developers propose that they buy the property, raise the existing buildings and then put up very high residential units to maximize profits. Roads have to be cut, utilities have to be put in, the best way to get that money back is to put in as much housing as possible. The Rothsteins do not want that. They want to preserve these existing buildings as much as they can and also to preserve the land as much as they can. They've gone to great trouble and expense as Dr. Rothstein said to prepare this plan to get Wilbur Smith in here to

come up with this. They want to ensure that these houses survive for at least another generation. It's been through their generation, they've raised their children here, they've educated their children, their children have lived in these houses as they've gone through school, they want to ensure that that stays in place as much as possible. Their plans, as you've seen from Wilbur Smith's power point presentation, are modest residential styled commercial buildings. They're very discreet. They're well hidden by vegetation. The restrictions will keep the signage to a minimum. The restrictions will also prohibit any type of industrial heavy manufacturing, no businesses creating any type of obnoxious noise or vibration will be allowed. No storage of any kind outside of the existing buildings will be allowed. No storage of vehicles whether inoperable or not will be allowed. I think at one of the meetings some residents voiced concern about car lots going in or things like that. Well, there will be no such thing allowed. No auto repair; no anything. You can't store vehicles, trailers, boats, anything on these lots.

The architectural committee is going to be composed of the Rothsteins, Dr. and Mrs. Rothstein and their son, David. They're not trying to get an outside developer to come in here and overlay their desires to make more money. The Rothsteins obviously want to maximize their profit in conjunction with their desire to keep the property as low impact as possible. They're not after every last dollar. They're seeking to make this the most pleasant looking and most useful use for the land and the neighborhood.

As the plan is set up, no commercial land will touch any existing residential land in either of the subdivisions. There's already land in Brittany, I think Brittany II, that adjoins those new buildings that you saw in Bruce's presentation, the auto repair, the quick lube place, I think on both sides there are already lots in the two subdivisions that adjoin commercial land. This will not put any of those existing lots or any existing lots adjacent to commercial land. The only thing this will be adjacent to is Selwood and then the commercial on both sides. It will be a contiguous strip of commercial land along Bush River Road.

Lastly, I would just like Council to consider the effort that the Rothsteins have put into this. They've been here a number of times, they have followed your recommendations as well as the recommendation of the Planning Council as closely as they have been able to. They have approached the residents of the surrounding neighborhood as Dr. Rothstein detailed. Taking into consideration the fact that they are trying to preserve this property and they are trying to preserve the peace with the neighbors as you could see on the Wilbur Smith presentation there are extensive buffer zones around all areas of this property. And as Mr. Brandes said, at this point they could go in and put 327 residences in there on the property. They're seeking to put 27 six (6) very small discreet lots and preserve the two (2) main buildings as is. Thank you.

Mr. Carrigg asked how big is the commercial?

Mr. Johnson responded, approximately six (6) acres.

Mr. Carrigg asked how big are the buildings?

Mr. Johnson replied I think, David....

Mr. Brandes stated 1500.

Mr. Johnson stated around 1500.

Mr. Brandes stated we have it on the slide. They would vary. I think some of them...they're really some where in size to the houses. Some are between 1500 to 2500 square feet. Very similar in footprint to the house sizes.

Mr. Johnson stated as you go through, there will be very little difference between the commercial and the residential. Obviously there will be some very discreet signage attached to the buildings and more parking, but again the parking is also very discreet.

David Rothstein, 4220 Blossom Street, Columbia, SC 29205 - I may exceed the three (3) minute guideline by just a little bit but I will try and keep it as brief as I can and not repeat things. I am the middle son of Jerry and Carol Rothstein the petitioners here. I'm a product of Lexington County public schools I'm proud to say, Irmo Elementary, Middle and High School. I'm now a lawyer in private practice in downtown Columbia and I was lucky enough to have the privilege to grow up on the Selwood property. We moved into that house when I was five (5) years old and I was remembering the other day, I can still remember the first day we moved in looking down and seeing a little king snake at the bottom of the porch and that's when my mom told me the red on black story, you know, about the snakes. It was the perfect place for boys to grow up; I had an older brother and a younger brother and I recall cutting Christmas trees in the pasture that is now Brittany II and fishing in the pond, that's sort of the centerpiece of both subdivisions. We picked scuppernongs along the path which is now Doulton Way and Brittany II and I remember one time, I guess I was eight or nine, my mom had her first garden and we set up a roadside vegetable stand along Bush River Road about where the entrance to the new commercial development would be.

The summer before I started law school, almost fifteen (15) years ago, I helped a 72-year-old carpenter named Herchel B. who lives out toward the Red Bank area and he and I did the finish carpentry on the barn when we were renovating the property into a residence. When my folks say they love the property and they want to care for the property and continue the property to be special, I can assure you, that they mean it.

I was here about a year ago at the first public hearing and what struck me most, even though there

was a lot of heated debate about the residents, I think both sides really wanted the same thing and that is to keep the property something special; keep the nature of Selwood. And at that hearing my father presented a rough concept of what he would like to see developed on the property and maybe at that time, we were a little naive in hoping that a purchaser, a developer would come along and share the same vision for the property and we heard the neighbors loud and clear and we certainly appreciate the concerns that they raised at the last hearing and, if I lived in Brittany II or Brittany Place today and did not know my parents, I might have voiced the very same objections that they voiced.

After the last hearing or may have been after the Planning Commission meeting, I remember driving back with my dad to the house saying, "you know Dad, why don't we look at developing the property ourselves." Although we've never developed property before, you know, we are educated people; we are sophisticated. You and mom know more than anybody what they would like the property turned into, you have experience managing people. My father started and built the radiology department at Lexington County Hospital when we first moved here in the early 70s and my mom actually served as the general contractor when the barn was being renovated and there has been a couple of different renovations of the house that she has sort of cracked the whip on. So I can assure you that we have experience in managing people. And I said, "Dad, you know, if we get good engineers and architects and attorneys and advisers and we take our time and do the research, we can do this project and we can keep control over how it comes out. And I think a lot of the concerns last time dealt with uncertainty. Everybody said they trust my parents, they acknowledge that my parents have been good neighbors for thirty (30) years and that they have cared for the property, but their concern was - what would happen if the property was rezoned, the whole thing to commercial and then they sold it and moved to Florida, or moved to some where else. That struck a cord with me and I said, "Dad, if you develop the property yourself, you can do it, you can make it come out like you want it to and that should persuade some of the concerns that the neighbors had. And we've put, to say we have put a lot of work into this project is definitely an understatement. We are very excited about the project; we believe it can be positive for all the surrounding neighborhoods, as well as Lexington County as a whole, especially those people that live on the Irmo side of the lake. If you ever lived over there and know anyone that lives over there, there's not a whole lot other than going to St. Andrews Road or Harbison Blvd. to get services like doctors and dentists, pediatricians and those types of things. And a lot of that growth in that area, I'm sure Mr. Jeffcoat and Mr. Carrigg you can attest to that, is moving out in the Ballentine/Irmo area off of Broad River Road. Why let all those businesses and jobs go to Richland County? I think it is important to keep those types of things here in Lexington County and you know, we've honestly tried to create a development with the best interest of all concerned parties.

This number about twenty (20) residential units per acre has come up a couple of times. We don't want to have over 250 families in that area in high-rise condos or apartments. We want to create a nice quaint village type atmosphere there. I think everybody will acknowledge that. If you look

at the plan, you see commercial, commercial, commercial and then my parents' place and then more commercial. And what was dramatic to me is looking at Mr. Hiller's overlay, you know where he has the cross hatch section that just fits, it's like a puzzle; it just fits in perfectly along the commercial there. And I think everybody knows that that's a fairly busy road; Bush River Road. And commercial frontage along that road is very desirable because you have that kind of traffic and visibility. And what makes that attractive about commercial makes it unattractive for residential so as a practical matter you're not going to have many people that want to live immediately right adjacent to Bush River Road.

The upscale nature of the commercial is very important to us. Again, we want to have individual, sort of, stand alone office pods and if we are going to sell the residential area in the back as an upscale residential area, we darn better be sure that the frontage, where the commercial is that everybody is going to have to travel through every day on their way home, is pleasing to look at and compatible with the community. You saw Mr. Brandes (changed tapes) its natural areas. You saw along the back there, there is a huge area that we are going to keep natural as a park that has a nice little stream through it and again right in the middle of the property toward the back we are going to leave that natural and green. And one thing you may not have noticed is my parents' desire to keep as many old trees on the property as possible. One of the very first things we did when Mr. Parr came in and had his surveyors resurvey the area, is mark all the historic trees and you can see, if you look at a close up of the plat, you will see trees with diameters marked and what types of hardwood trees and cedar trees there are on the plat, and that's important. We want to keep those old historic trees where they are and not just come in and clear cut the area and start from ground zero. We want to have smaller lots, less yard work and upkeep, we want to have nice houses but little bit smaller houses than are in the existing neighborhoods right now but we envision high-end amenities. I think that is the trend in housing now days, these very expensive patio homes that have gourmet kitchens and luxury baths and high ceilings and people that don't want to spend their weekends mowing the yard.

Our plans for the project are progressing very well. You've seen the land plan that we have developed. As far as utilities and things, we have talked to the city. There is water along the front of the property and we've contacted the City of Columbia and they actually want us to loop the water into the Brittany Place subdivision behind us which would actually improve the water quality. As you go into the cul-de-sac there is a dead end water line and if that water doesn't have any where to free flow, it can cause some problems, so we are going to loop the water and make it better for both subdivisions. We are actively seeking easements for the sanitary sewer; we are hoping to have an entirely gravity fed sewer system to avoid any types of pumping stations or things of that nature. Again, the city has seen our preliminary plans and we are working closely with the engineering department. We've actually obtained easements from almost all of the affected property owners to get to the sewer system and we hope we can work things out with the city and with the city's help without the city having to come in and condemn any of the property. We are working with

Lexington County on the stormwater drainage. I think we are about set on that. We are very conscious about the runoff here. We have an area of our property where the previous developers along Bush River Road and even Brittany II have not controlled the stormwater as well as they should have and it's eroding some of the areas in our property and we don't want runoff going into the pond.

If I can just briefly mention the house and the barn. We are still hopeful that those two buildings will be sold as residences. I think they would be a wonderful place to live with some reasonable amount of acreage around them. But, we are also seeking commercial designation for both of those to accommodate things like a bed-and-breakfast or a fine dining restaurant. When the property was on the market before, we had a number of people come in and say we would like to look at the property for a bed-and-breakfast but when it was the entire sixteen (16) acre parcel with three (3) dwellings on it, they couldn't afford to put a bed-and-breakfast there. But you know, once we parceled things up, the house may be an ideal bed-and-breakfast. The barn, again, would be a great residence or a unique office.

I think this application is very different. Mr. Owens, I appreciate your concerns but, and if you will remember at the last first reading, I remember Mr. Jeffcoat made a comment about - we don't like these blanket applications where somebody just says we want to improve the marketability. We've tied this to a specific project here and we want to develop the project ourselves. We believe this project would be a benefit, not a detriment, to the surrounding neighborhoods and I thank you again for your consideration and allowing me to go a little over my time but I would be happy to answer any questions that anyone has.

Mr. Jeffcoat stated he has had numerous calls asking if you (the Rothsteins) would be willing to build the residential portion before building the commercial portion.

Mr. Rothstein replied, I believe Mr. Nantz raised that concern when we met a couple of months ago or back in September at the barn. And the answer to that is, well I think there are two (2) things. First, it's going to be difficult to market the residential without someone knowing what's going to go in the frontage there. So, we actually think it's better to do it the other way and develop the commercial first and we can use the ... you know, once it is a nice attractive building then that will be a selling point for putting a residential in. The other thing is, this project as you might imagine is very expensive and to put the infrastructure in that is going to be required, you know the roads and the sewer and everything, you know to take that risk as people that have never developed property before, we need to get that return from the commercial property first to help us to finance the rest of the project. I do appreciate that concern and you know we will be deed restricting both the commercial and the residential to try and accommodate all of the concerns that our neighbors have expressed to us.

In Opposition:

Steve Mattison, 308 Sharebrook Lane, Columbia, SC - Mr. Chairman, members of County Council I am here tonight to try to serve as a representative for the Brittany II subdivision and, what I consider to be the Irmo surrounding community at large, to oppose this proposed rezoning from the R-3 to the R-2. I think you'll see if allowed, that I am joined by a great many citizens of Brittany II and the surrounding community and I think you'll see that there is a great deal of concerted opposition and some fairly strong feelings, I think, about this rezoning taking place. As I'm sure a lot of you remember from about a year ago, a variation of this rezoning was proposed last year which we did oppose, and I think we opposed as a community, and our opposition to the proposal really remains the same. The proposal as presented tonight does talk about what we consider some technical revisions to the original proposal, but from our interpretation and our review and the several and many meetings that we had with Mr. Rothstein and his group, we still see this proposal as exactly the same thing really, only a difference in detail. If you will allow me, we've got some handouts that we would like to give you that will help illustrate our points. We also have a power point presentation to make but, I think we can probably summarize some of our, or a lot of our opposition in some major points.

One of the things that we want to talk about that really hasn't been emphasized enough certainly is our very real concern about a decrease in property values. We have about 80 families, about 80 homes that are going to be directly and immediately affected by this proposal if it's initiated. The average home in this area is about \$300,000 or more times 80. That is about a 24 million dollar impact potentially or property values of equal to about 24 million dollars that are going to be impacted and that's a lot of money. That is an awful amount of money for citizens and for taxpayers and for folks who put their life savings into developing their homes in this area. You know this area was developed originally as a residential area. Folks bought their property, bought their homes at that time with the intent it would be residential; it would always stay as a residential area. Mr. Rothstein and his group have talked about and have shown some commercial properties that do or in close proximity to some of these homes but there are smaller commercial lots and they've been there for a long time. It was not a rezoning of any sort that took place. They've always been that way. Again, I think you will find that there is a great deal of community resistance; it's just not myself, it's just not Brittany II. I think you will find a large contingent of public opinion standing behind me that are more than willing, I think, to stand up and tell you that we have, we think, some very legitimate reasons still for the plan as presented.

Other reasons I think that are worth considering are traffic and infrastructure issues. There is still going to be, if this proposal is passed, a large significant commercial impact in the area. It is not only going to impact the residential areas and the residential homes that are there. You've got a dam that is being reconstructed and a major highway that is being put in there. You've got a fire station that the County Council approved and built not long ago with the intent of trying to provide more services to the residents out there. Railroad tracks and so forth that are going to be or have a very

negative impact on the ability to do that sort of job and deliver those kinds of services.

Again we think that the alteration, which basically boils down to the road side property that's going to be or is being proposed to be residential is really the same proposal. I think it is very interesting and the question that was asked earlier about the residential vis-a-vis, the commercial pieces to this property and there seemed to be an unwillingness to develop the residential part first. And our position, my position certainly is that those residential properties are going to be very negatively affected if we have commercial development there. I don't think most folks are going to be wanting to buy residential property that is going to be behind a large commercial environment. So you are going to negatively affect those property values, you are going to negatively affect these minimum of 80 homes and I really don't think that's anything that is in the very best interest of the community at large. I think we have some examples even in some of the slides that were presented by your staff person of some commercial property that has been developed recently in this area and I'd call to your attention Murray Landing as being probably the primary example of something that was proposed, as I understood it, to be an area that would blend in, it would be a boom to the area, it would be something that would be attractive and financially and aesthetically beneficial to the area and I don't think you can find too many folks who would agree that is the case right now. So, I think the examples are already out there. I think that the actions that have been taken and the actions that could be taken already prove to me and to, I think, our folks in the community to do this again is a bad idea. It's probably going to always be a bad idea. Mr. Rothstein, I hope, did not give the impression that we haven't tried to meet with he and his folks to try to workout compromises or try to listen to his proposals and try in good faith and good spirit try to come to something that we could all live with and I think, Mr. Owens mentioned, that was a charge of the County Council a year ago. We've done that and we have not been able to meet a compromise. We feel, still very strongly even more so, that this is something that really again is not in the best interest of Lexington County nor in the best interest of the Irmo community at large. I appreciate very much your time any questions if you have, I or some folks here, I think, would be more than happy to try to answer the questions.

Mr. Carrigg asked Mr. Mattison, who is the representative of the communities, if they have had any discussions about rezoning the commercial to R-1 rather than R-3.

Mr. Mattison replied, we have had those discussions and that is something that, quiet honestly, we would like to pursue. I think it's again, R-1 is an appropriate, I think, designation for the entire area. One of the things that maybe we didn't talk about in this same area that's being proposed to be commercial you've got a church, you've got a home for the disadvantaged, disabled, mentally disabled and so forth so it's really an area that we feel is pretty much a residential area for communities and for families.

Mr. Carrigg replied, I understand. Have there ever been any proposals to do commercial in the very front and R-1 behind it?

Mr. Mattison replied, not to my knowledge. Not to my knowledge.

Jody Galloway, 212 Langsdale Road, Brittany II Subdivision - I will just add that when I bought my house three years ago, I bought it as the land is zoned now with the intention that it would stay that way and I just add that the commercial property that has been shown, that has been available on Bush River Road, I mean like the property that is right next door to Selwood, I mean its been for rent for 18 plus months, unable to rent and there are other examples down Bush River Road of that same. Thank you.

Tony Hamilton, 225 Langsdale Road, Columbia, SC 29212 - I think that I speak for the, as being a Board member of Brittany II, we have visited this issue over and over, okay. Some of the concerns, I think, we pretty much addressed the detailness that they have come back with and we certainly do appreciate that. But, one of the real concerns that I have is I leave out early in the morning, as do a lot of the ones coming out of the area. When you look at the driveway that is going to be going into that area versus where our entrance and exit is, it's impossible to put another traffic light right there. It backs up, I mean, we have traffic backed up now as it is just trying to get out in the mornings especially while school is in session. If you take and couple all of this traffic that is going to be coming from the dam and so forth and we talk about putting professional offices in there, we certainly know that professional offices have a lot of traffic in and out. Because we are talking about doctors, lawyers, and that sort of thing. So, I'm real concerned about the traffic issue that we already have there that we can't seem to do a lot with currently, but when we take and impact more onto that, we even went back and approached the property owners of the adjacent properties where the commercial buildings exist, we went back and asked them would they repurchase that property again have those buildings been there and everyone of them said absolutely no. I think this speaks for the simple fact that once it's zoned commercial, it does change property values and I challenge each of you if you were in our shoes, would you purchase property behind commercial? Thank you.

Mr. Wilkerson asked Mr. Hamilton if he attended most of the meetings?

Mr. Hamilton replied, yes I was on the Board. We had the Rothsteins at one of our Board meetings.

Mr. Wilkerson asked if they had actually reached any compromises during any of the meetings or never came to any compromises on anything?

Mr. Hamilton replied, no sir; we never came to any compromise. This new presentation that was put together, I mean we could tell that there was a lot of time and effort and so forth put into it, but the fact to blanket commercial all the way across there is still, we felt like that once that was zoned commercial, if it was zoned commercial, then and the property behind residential, if those properties couldn't be purchased as they are outlined to be then in effect, we are right back to square one again.

Mr. Wilkerson asked would the Brittany II homeowners be happy if it were to stay all residential and another big subdivision went there?

Mr. Hamilton replied, I mean that's an issue based on the way that it's already zoned that we would have to accept.

Mr. Wilkerson said that is not a question for an immediate answer but one to think about.

Mr. Hamilton replied, yes, we strongly support residential development in that area. I mean, we went back and we talked about the possibility of some homes, I guess you would say, similar not made to the drawings and so forth but some of that same thing. And so when we went back and said, okay why don't we go ahead and go with the residential and then come back with the other. I mean that was our, you know, we're strongly in favor of that since it has already been residential. But to zone it commercial, just changes the whole scope across the front of that property.

David Godfrey, 232 Doulton Way, Columbia, SC 29212 - My property backs up to the pond and it is the short end of the pond that would be the first one to receive drainage coming off from any piece of property. Just like you folks, my house is a major part of the investment that I have for my family and for my future and for my retirement. It is an important part of my assets. It is the major part in my assets. I'm very concerned any time somebody starts messing with my assets. I don't think any of you would say that you would not be either, okay.

Years ago, I lived in North Carolina, I lived on the fringe of a development. A development which had property behind it, which is a beautiful mountain, a beautiful pasture everything was great. I lived in North Carolina at a time when the furniture industry was having a lot of problems so resales were a problem; I moved to South Carolina. For three years I owned my house and I took a major loss on my house because a piece of property that was a pasture was turned into a trailer park sitting on the hill about a mile from my house, but you could look right out the backdoor and you could see that house. And I swore at that time I would never ever live in a development that I didn't know what the property around it was zoned as. When I bought my house, I asked my real estate agent, and I said tell me what that property across the pond over here is zoned. It is zoned R-3. We came very close to getting a development that I believe is currently now off Hwy. 6 over there was going to be where Brittany Place is. They flipped flopped them and we got residential homes behind us and the other area got apartments, okay. So we dodged that bullet. And so basically I felt like I was safe, but I almost was not again. Years ago when Brittany II, I was president of the Homeowners Association, the property the building which is immediately to the left of the entrance to Brittany II that particular property was an engineering firm. The gentleman who was building that firm contacted me and said we would like to build that building here and want to be architecturally protective of your neighborhood. We met, we did everything in the world possible. He designed a piece of property, he left trees, he went out of his way to help our development and we bought into

it. We went into it with him. He did, he did everything he said he was going to do but then he sold his property. He sold his property to a security firm and you notice in the drawings you saw all the white trucks. The white trucks are now in the front, the white trucks are in the back, we've got lights, we've got things and then you don't have to look next door at the other piece of property which they were told over and over again the drainage from those parking lots and the water is going to run down into the basin and into the pond and every time it rains we get a lot of red dirt coming all from that piece of commercial property up the street. So that particular property, so it is just on and on and on. Friends, no matter what you say, no matter what happens when property owners change, it is their property. They get a right to do whatever they want to and once the property, even if it has an architectural group, an architectural decision making process that determines how these buildings are going to be managed and built at some point down the line that can be dissolved and any commercial property can be done anything they want to as long as it falls within the zoning ordinance, the guidelines of the C-2, okay. So, basically I am opposed to it for those reasons because of what we can't see. Thank you very much. Any questions?

Clifford J. Corley, Jr., 221 Doulton Way, Columbia, SC 29212 - I just want to say that I appreciate you guys so much but I have four children, 8, 12, 14, and 16 and I really would encourage you, I, too want to raise my kids in Brittany II. I really do. That is why I bought my house there. I grew up in Irmo, I went to school here, and I want to raise my kids in Irmo. So for the neighbors that I have, we have a lot of kids in Brittany II, I would just encourage you to think about them because I would like to raise my kids there if I can. Thank you and I oppose to this plan.

Don Harrison, 226 Doulton Way, Columbia, SC 29212 - A lot of the points that I wanted to bring up have already been expressed by my neighbor David, but I would like to express one situation that I'm probably the most affected resident in Brittany II subdivision due to the fact that I live down exactly in front of the pond and I have a long driveway that goes down to my home, the front of which is bordered by my driveway and backs up to the Selwood property. Mr. and Mrs. Rothstein and I have been talking several times because they have come to me in request for an easement for the sewer situation. My concerns are pretty, I've expressed it to them and we're still trying to work out some situations and come to some reconciliation on what we would like to do. It's going to naturally depend on the decision that you gentlemen make tonight, or whenever you decide to vote. My property is kind of unique because it faces the back of what would be the residential section of this proposed plan and I'm opposed to two (2) situations. I'm opposed to the C-2 because I do feel that it will decrease the value of our property, not only my home, but also the neighbors that are in Brittany II and in my situation with the way the houses are constructed, of course, their back yard will back up directly into my front yard and Dr. Rothstein and I have talked about a buffer situation and the buffer situation hopefully could be resolved somewhere down the road if you did approve this situation, but besides that situation, I also presently as David said, we get a tremendous amount of water already coming into the pond on that side. In fact, when I first moved into the home in May of 97, we had a flash flood in Irmo and it was so tremendous that it overflowed my driveway, got

within about three (3) feet of my air conditioner just because the spillway could not handle it and also on the other side of my house which is, mine is the last house in Brittany II, the other neighbor on Brittany Place's side is quite elevated above mine, but right between our property lines there's not really a ditch it's just a swell and I also have water coming off the property presently as it is. Now I do understand with the proposal that they're presenting that there would be some drainage problems that would be corrected. You know I've talked with Lexington County engineers and they said that yes, that would possibly correct some of the situation. But as it is right now, I would like to see some more in-depth detail as to how they would keep it from going either beside my house on one side or into the pond on the other side. So I just wanted to let you be aware of my personal situation and if you'd like you can look at the map, and unfortunately there are not any of the nice big hardwood trees that would be a good buffer in front of my front door and I just, it was a stucco home and I had to spend a lot of money to get it redone about a year ago, two (2) years ago and I really would like to stay in this development as is. Thank you.

Jack Cullipher, 236 Doulton Way, Columbia - Congratulations gentlemen on those of you that were recently re-elected and your success; that shows that you are doing some things right, people re-elect you and we trust that you will help us in this situation. Seems that we are frequenting this building more than we had intended to when it was built over issues. And I do want to extend to the Rothsteins, I have not met with them, I did not know that they were having a meeting over there and invited us to their home or I would have gone. And I don't know how the communication did not connect but bless your hearts, I would have gone to talk with you about the situation.

My situation is I don't really want them to change that property at all; can't do anything about that; understand their reasons why they have presented their plan, and it looks, it's a nice plan. I do object to the commercial property being on the front for the same reasons the other people did. I live on that pond, lake, my yanks that lived when I moved in called it a lake, we always called it a farm pond, came from a farm and is part of the original property. I've seen that, it's already been abused; it's been adulterated from the development up on the front road already. We could not do anything with Mr. McLaurin, your engineer in the county. I sit on boards in the state and national on water runoff, could not do anything with him, one guy, stopped this whole mess dumping water off that commercialization up by the Quick Way at the corner with the ugliest building on their property you ever saw, but that water comes down into that lake or pond back of my house, there's two (2) acres up there that was commercial, been that way a long time, but it's covered with buildings and concrete no way to absorb any water. You get an inch of water you got 54,000 gallons of water coming into that pond. Mr. Harrison, that's 27,169 gallons per acre inch. Mr. Harrison's house has been threatened more than once from potential of flooding and that house has had water under it from the seepage. We get additional runoff, we got a problem. The problem I have is not particularly with the Rothsteins and I appreciate their dedication to trying to do something nice and decent there is that once we get into dealing with the County engineers in it and some developers or should they relocate and it gets out of their hands, as Mr. Godfrey pointed out, then we are up for bear. So I'm opposed

to it for that purpose and would like to work something out if we can on the residential part but definitely not on the commercial part. Thank you much for your time.

James Nantz, 331 Sharebrook Lane, Columbia, SC 29212 - I am president of the Homeowners Association and just want to clarify a couple of points. It is true we met with Dr. Rothstein at a board meeting, we invited him, he attended and it was a very cordial meeting as he mentioned also very frank. He also invited, and I'll clarify this response for Jack, as I understand it, the Council or the Board was invited to his house to discuss the plan. When I made contact with the rest of the Board members, they felt like I could go and represent them, which I did, and what also was failed to be mentioned there was a hurricane named Francis coming through that same night. But, I was there. We had a neighborhood picnic the following Sunday, we had about half of our residents there. I had a plat that was given to me by Dr. Rothstein, I had it laid out and I answered and addressed all the questions that came to me. Basically the same question came back that I have asked him at that meeting, why don't you go ahead and do the R-3, you don't need, this doesn't have to happen to develop that R-3. It's R-3 today. Why don't go ahead and do that and see how it impacts the front of the property to see. His response to me was that he needed income from the front piece to develop the back piece. Certainly, I don't know what anybody's financial resources are, but I would think that probably funds could be obtained somewhere through loans or whatever to develop that piece of property. It seemed like a total unwillingness to do that first. Our position is, if the commercial part is done first then the residential part will never happen. What will happen is no one will want to buy property across the street. You will be looking at the back of, if the main house stays a bed-and-breakfast, you are going to be looking at the back of a bed-and-breakfast where there is going to be a trash dumpster. If it is a restaurant you are going to be looking at the back of a restaurant. I personally will not want to buy property across the street. Again, I think you will have trouble and I think what will happen in two or three years when most of you gentlemen will be in the State Legislature, the State Senate, there will be a new Council here and then they will come back and say well we can't do this residential so how about letting us have these other nine (9) acres as C-2 and then they have accomplished what they tried to accomplish a year ago in two bites. So, we are, most of the people in here are like my wife and myself, the biggest asset or one of the largest assets in our financial portfolio is the equity of our homes and we are just trying to protect that and I hate to see it adversely affected and we think it would be. But, I do want to say here that Dr. Rothstein has been very cordial. When I was at his home, he was very nice, very polite. Its been nothing but very positive as far as a situation. My biggest problem was as far as a compromise, it was never a compromise. We met, he came back and he said this is what I want. When we raised the one question, can't do that. So compromise is a give and take. Again, I think all we've asked is instead of taking a bite of the apple last year, we are going to try to get the bite of the apple in the next two or three years. That is pretty much it.

The following stated their points and opinions have already been expressed and also are in opposition of this rezoning.

Marty Nantz, 312 Sharebrook Lane, Brittany II Subdivision, Columbia, SC 29212

Carolyn Godfrey, 232 Doulton Way, Columbia, SC 29212

Dan Eckstrom, 61 Lyme Bay, Brittany Subdivision, Columbia, SC 29212

John Eigenbrot, 316 Sharebrook Lane, Columbia, SC 29212

Rob & Wanda Forster, 312 Sharebrook Lane, Columbia, SC 29212

John Bacot, 225 Doulton Way, Columbia, SC 29212

Tammi Soles and Jeff Soles, 210 Doulton Way, Columbia, SC 29212

Terry Campbell, 201 Langsdale Road, Columbia, SC 29212

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

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

Albert Dragun, 221 Langsdale Road Columbia, SC 29212

Willie & Becky Edney, 209 Langsdale Road, Columbia, SC 29212

Carl Snyder, 143 Laurel Branch Way, Columbia, SC 29212

Kathy Evatt, 304 Sharebrook Lane, Columbia, SC 29212

Damon Little, 304 Sharebrook Lane, Columbia, SC 29212

Becky Ayer, 161 Langsdale Road, Columbia, SC 29212

Keith and Catherine McLeod, 208 Langsdale Road, Columbia, SC 29212

Robert & Jo Faile, 233 Doulton Way, Columba, SC 29212

Carolyn Allen, 224 Doulton Way, Columbia, SC 29212

John Tanverdi, 311 Sharebrook Lane, Columbia, SC 29212

Jeanette Mattison, 308 Sharebrook Lane, Columbia, SC 29212

Manoj & Maya Malhotra, 200 Langsdale Road, Columbia, SC 29212

Clay and Lori Miller, 157 Langsdale Road, Columbia, SC 29212

Sammy & Libby Wullner, 200 Dalton Way, Columbia, SC

John & Kim Eckstrom, 319 Sharebrook Lane, Columbia, SC 29212

Fred & Carolyn Rogers, 320 Sharebrook Lane, Columbia, SC 29212

Harris Eckstrom, 319 Sharebrook Lane, Columbia, SC 29212

Amye & Edward McKee, 315 Sharebrook Lane, Columbia, SC 29212

Wade Abbott, 145 Langsdale Road, Brittany II, Columbia, SC 29212

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

Mr. Jeffcoat thanked everyone present for their comments and input and said the next step would be to the Planning Commission for review with a recommendation to Council and indicated it would be sometime in January before the request would be finalized.

Executive Session/Legal Briefing - A motion was made by Mr. Cullum, seconded by Mr. Derrick to go into Executive Session to continue receiving the legal briefing and discussing personnel and Economic Development matters.

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

Not Present: Mr. Rucker

Mr. Davis reconvened Council in open session.

Matters Requiring a Vote as a Result of Executive Session - Chairman Davis reported Council continued receiving the legal briefing, discussed personnel and Economic Development issues during the Executive Session and indicated there were no motions to be considered.

Pella Corporation - Ordinance 04-08 - Authorizing the Execution and Delivery of a Fee Agreement by and Between Lexington County, South Carolina, and Pella Corporation Providing for Payment of a Fee in Lieu of Taxes - 3rd and Final Reading - A motion was made by Mr. Jeffcoat, seconded by Mr. Wilkerson that Ordinance 04-08 be given third and final reading.

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

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

Not Present: Mr. Rucker

Ordinance 04-09 - An Ordinance to Amend an Agreement Relating to the Joint County Industrial and Business Park of Lexington and Calhoun Counties - 3rd and Final Reading - Mr. Jeffcoat made a motion, seconded by Mr. Keisler that Ordinance 04-09 to be given third and final reading.

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

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

Not Present: Mr. Rucker

Old Business/New Business - None.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Dorothy K. Black
Clerk

George H. Smokey Davis
Chairman

Diana W. Burnett
Assistant Clerk to Council