

**MINUTES**  
**LEXINGTON COUNTY COUNCIL**  
**MARCH 13, 2007**

Lexington County Council held its regular meeting on Tuesday, March 13, 2007 in Council Chambers, beginning at 4:30 p.m. Mr. Derrick presided.

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

Reverend Stewart Schnur, President of the Associate Chaplains at Lexington Medical Center and Pastor of Twin City Church of Christ, gave the Invocation. Mr. Andrew Peters, a senior who has received many accolades in athletics and academics as well as being a National Merit Scholar finalist at Airport High School, led the Pledge of Allegiance.

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

Also attending: Katherine Hubbard, County Administrator; Larry Porth, Finance Director/Deputy County Administrator; John Fechtel, 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.

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

**Employee Recognition - Katherine Hubbard, County Administrator - Shining Stars** - Ms. Hubbard recognized Corine Dennis, Building Services; Mary Ann Taylor, Auditor's Office; Valerie Gray, Planning/GIS, Ann Walker, Building Services/Irmo Branch Library and Wanda Fogle, Pelion Branch Library as the winners of the quarter for the Customer Service Shining Stars award.

Ms. Hubbard presented each recipient an engraved acrylic "Shining Star." In addition, Ms. Dennis, Ms. Taylor, and Ms. Gray will each receive a prime parking space at the Administration Building donated by County Council.

**Resolutions - Mary Kay Hatchell and Lexington Conservation District** - Mr. Keisler made a motion, seconded by Mr. Davis that the resolutions be adopted.

Mr. Derrick opened the meeting for discussion.

At the request of Mr. Davis, Ms. Summers read aloud the resolution honoring Ms. Mary Kay Hatchell.

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

**Appointments - Library Board - Mr. David Fellows** - A motion was made by Mr. Carrigg, seconded by Mr. Jeffcoat to appoint Mr. David Fellows to the Library Board.

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

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

**Central Midlands Transportation Planning Technical Advisory Committee - Mr. Charles M. Compton and Mr. John Fachtel** - A motion was made by Mr. Banning, seconded by Mr. Cullum to reappoint Mr. Charles Compton and Mr. John Fachtel to the Central Midlands Transportation Planning Technical Advisory Committee.

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

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

**Board of Zoning Appeals - Mr. Marvin Stanley Smith** - A motion was made by Mr. Cullum, seconded by Mr. Banning to reappoint Mr. Marvin Smith to the Board of Zoning Appeals.

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

In Favor:	Mr. Derrick	Mr. Cullum
	Mr. Banning	Mr. Kinard

Mr. Davis                      Ms. Summers  
Mr. Keisler                    Mr. Jeffcoat  
Mr. Carrigg

**Bids/Purchases/RFPs** - A motion was made by Mr. Keisler, seconded by Mr. Kinard that the following Bids/Purchases/RFPs (U, V, and W) be approved.

**Furniture and Shelving for Swansea, South Congaree, and Chapin Libraries - Library Services** - Competitive bids were solicited to purchase furniture and shelving for the new Swansea and South Congraee Libraries and for the addition to the Chapin Library. The bid consisted of all furniture and shelving for the libraries and vendors were allowed to bid on the furniture and/or shelving by lots and by location. Two (2) bids were received. Staff recommended the award of the bid to Interior Systems, Inc. for a total cost of \$170,867.13.

**Personal Protective Kits - Public Safety/EMS** - Staff recommended the purchase of eighteen (18) personal protective kits for Public Safety/EMS from Aramsco through State Contract Number 04-S6165-A10197.

In 2004, the Federal Government mandated personal protection kits be issued to all first responders and kits were purchased at that time for existing employees. However, no provision is in place to provide kits for new employees. The purchase will provide a usable inventory to accommodate new employees and replacement kits as needed. Total cost for the kits including tax is \$6,206.34.

**Rapid Intervention Team (RIT) Bags and Equipment - Sole Source Procurement - Public Safety/Fire Service** - Staff recommended the purchase of Rapid Intervention Team bags and equipment for Public Safety/Fire Service from the sole source provider, Newton's Fire & Safety Equipment, Inc. as they are the only Mine Safety Appliance authorized dealer for South Carolina. The equipment for the bags is manufactured by Mine Safety Appliance.

Fire Service is required by OSHA 1910.120 to provide two (2) firefighting personnel outside of each structure whenever firefighters enter a hazardous atmosphere inside a burning structure. The team must have special tools and equipment contained in a compact carrying case that is designed to withstand the rigors of firefighting in the event the team inside the house "goes down" and the RIT team is required to go inside to rescue the rescuers. The purchase will allow for one (1) RIT Team bag and equipment to be placed on each of the County's primary attack pumpers. Total cost including tax is \$13,753.50.

Mr. Derrick opened the meeting for discussion.

Mr. Dan MacNeill, Director of Library Services proudly announced that the furniture bid for the three libraries was \$1,900 under budget.

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

Mr. Carrigg                      Mr. Banning  
Mr. Cullum

**Chairman's Report** - None.

**Administrator's Report** - Ms. Hubbard reminded Council of the Employee Service Awards banquet on Friday, March 16 at 6:30 p.m. at the Radisson Hotel.

**Strategic Planning Objectives** - Mr. Hubbard updated Council on the Strategic Planning Objectives. She said she met with Goal Champions Councilmen Kinard, Jeffcoat, and Davis to devise a plan for providing an update to Council during the Committee of the Whole meeting on Tuesday, March 27.

**Community Emergency Response Team Training** - Mr. Kinard reported that he will be graduating from the Community Emergency Response Team Training program on Saturday, March 17.

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

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

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

**Committee Reports - Justice, B. Banning, Chairman - Palmetto Pride Enforcement Grant** - Mr. Banning reported the Justice Committee met to consider the Palmetto Pride Enforcement grant application. The grant in the amount of \$5,000 will enable the Sheriff's Department to purchase equipment to visually support and strengthen court cases for prosecution of littering. There is no local match required.

Mr. Banning made a motion, seconded by Mr. Jeffcoat that staff be allowed to move forward with the grant application.

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

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

**Health & Human Services, J. Carrigg, Jr. Chairman - Proposed Additions to the Animal**

**Control Ordinance (Goals 1,2)** - Mr. Carrigg reported the Health & Human Services Committee convened on Tuesday, February 27, 2007 to review proposed additions to the Animal Control Ordinance.

Mr. Joe Mergo, Animal Services Director, outlined additions to the animal control ordinance as a direct result of issues encountered by Animal Services staff during the performance of their duties. The proposed additions are as follows:

## ARTICLE II. ANIMAL CONTROL

### Division 1. GENERALLY

#### Sec. 10-31. Definitions.

1 – Add:

“Shelter – Shall be defined as a structure appropriately sized for the animal to stand or lie in a normal manner. The structure must have a roof, three sides, appropriate sized opening for ingress and egress and a dry floor so as to protect the animal from the elements of weather.”

Add new section:

#### Sec. 10-?? Sale of Pets.

(a) No person shall trade, barter, auction, lease, rent, give away, or display commercial purpose, any pet, on any roadside, public right-of-way, public property, commercial parking lot or sidewalk, or at any flea market, fair or carnival.

**Council requested to add the word “sell” to this section.**

(b) No person shall offer a pet as an inducement to purchase a product, commodity or service.

(c) Licensed pet shops, commercial kennels, county animal shelters, and licensed pet rescue organizations may be exempt from the requirements of this section with prior written approval from the animal services director or designee. The written approval document must be kept on site and produced upon request to law enforcement and code enforcement personnel.

#### Sec. 10-41 Enforcement of Article.

(d) Add “Further, after reasonable attempts to capture and/or restrain unsuccessfully a pet in violation of any section of this article (by physical means and/or trapping), as a last resort the pet may be destroyed.”

The Committee voted to amend the proposed additions to add the word “sell” to the proposed new section Sec. 10-?? Sale of Pets and to recommend to full Council to move forward with first reading of the proposed Animal Control Ordinance as amended by the Committee.

Mr. Carrigg made a motion, seconded by Mr. Cullum that the committee report as outlined above be adopted.

Mr. Derrick opened the meeting for discussion.

Mr. Banning asked if the amendment needed to include nuisance cats?

Ms. Hubbard replied that cats may be included under the definitions, but would make sure.

Mr. Cullum asked if cats would not qualify as a pet.

Mr. Jeffcoat noted that he has received a fair amount of feedback about Section 10-41 - Enforcement of Article where we (Council) are giving the authority to destroy animals. He said it may be a good idea to explore the idea of having a judge approve the request before we (staff) destroy an animal, which may help us (County) with a liability situation. Mr. Jeffcoat stated he understood the need if there is a vicious animal that is totally out of control that may harm another animal or person, but feels this could go in the wrong direction real fast if we do not first obtain a judge's approval.

Mr. Derrick reiterated for clarification that Mr. Jeffcoat's request is that enforcement officers would have to go before a judge requesting permission before an animal is destroyed.

Mr. Jeffcoat replied, that's correct and said that has been and is currently being done in other counties.

Mr. Jeffcoat made an amendment to the motion, seconded by Mr. Carrigg that before enforcement officers can destroy an animal, it would have to be approved by a judge.

Mr. Derrick opened the meeting for discussion on the amendment.

Mr. Davis asked if there is an immediate danger of an animal hurting a child and you cannot get to a judge for his approval, what would you do?

Mr. Jeffcoat replied, I would kill the animal.

Mr. Banning stated he was under the impression that was all Council was authorizing them (enforcement officers) to do; was in the event of a extreme situation where you have a dangerous animal.

Mr. Jeffcoat asked that he be allowed to read Section 10-41 Enforcement of Article that reads: "Persons empowered to enforce this article shall have the authority to destroy any pet, which appears to be dangerous, and may endanger their safety or the safety or other persons or animals." He said it "can appear to be dangerous, and may not be dangerous" and feels the County would be opening itself up to a lawsuit.

Mr. Banning said he, too, agreed with Mr. Jeffcoat as his concern is for the safety of County employees and citizens, but does not know how to deal with it both ways.

Mr. Mergo, Director of Solid Waste and Animal Services, was asked to come forward to answer

any questions that Council may have. Mr. Mergo said we have no objection to going to a magistrate and handling it that way at all. In the last six years, we may have had three incidents where this would be applicable. What ended up happening as a result of this, we have a citizen who lives off School Bus Road that we have been dealing with for about six months. We have three traps out there; he has incurred hundreds of dollars in losses to his property, his underpinning. The dogs are not dangerous; they run away from you. But, they have torn up underneath his house, they tore up all his Christmas decorations, they ripped off his lights, and they tore off his hoses. He lives in an area that goes back into the woods with tens of acres of swampland. We have actually darted these dogs and they have gone off in this swampland and we can't get them. So his phone calls to us were, if you can't take care of the problem for me then I'm going to be left to do it myself and I don't want to do that because I don't want to get myself in trouble. So the last thing we wanted was citizens taking matters into their own hands in an uncontrolled environment versus a controlled environment in a matter such as this. And we don't want the citizens to think that we are not being responsive when they call and need us to provide them a service. We have exhausted six months of effort to trap and tranquilize these to no avail. We put in our budget this year for transmitter tranquilizer darts to further help us if they do run off into the woods and we can try to track them. It takes about five to eleven minutes for the tranquilizer to take affect and animals can cover a lot of ground in that period of time. We have had situations where we have taken our entire staff, including Mr. Folsom and myself, that's five officers and us; seven people trying to track an animal through the woods for hours. Our mindset is to never ever, ever, ever use this, but in a situation like this gentleman has where we spent countless hours and months out there trying to help him, there is nothing we can do. We don't have any problem with being able to take this evidence, present to a judge, and say "look, this is what we have done, this is everything that we have been able to do." And, obviously, you know that our Animal Control officers are not law enforcement certified; they don't carry firearms. So the only folks that would do this are obviously those who are authorized and sworn to carry a firearm.

Mr. Carrigg said in the sceranio you just described, that provision would not really allow you to do anything with them, would it? They are destroying property but they are not endangering a Lexington County employee or him, because they run away from them.

Mr. Mergo replied, but the way it says, we don't want to confuse our vicious animal, dangerous animals section with this section. It says: "After reasonable attempts to capture and/or restrain unsuccessfully a pet in violation of any section of this article" and a pet is defined as a dog or cat in our ordinances. I have received several phone calls as well. Some who are very much in favor, two that wanted to make sure as Mr. Banning said that included cats, and then the other ones who were upset about the way it was projected, who after we explained it to them, were like "well, why didn't the media just say that to begin with, that just makes sense. We just thought you guys were going to go out there wielding guns and shooting animals." As you all know since 1998, we have worked diligently to improve the animal services in this County, and I think we have done an outstanding job as a result of other counties coming and saying "we want to look at the way you guys are doing things" versus the problem in 1998 when no one was looking at the way that we were doing things. And so this came out of a situation based on a citizen's call for service and we couldn't help them and we didn't want him to get upset at us saying "you can't help me" and the next thing we know, we've got a citizen taking matters in their own

hands. And that's what spurred this part of the ordinance.

Mr. Davis asked, so if an animal control officer was present with a dangerous animal then they could tranquilize or in some other way protect themselves and the citizens?

Mr. Mergo replied, our animal control officers don't have deadly force weapons. They don't carry them. They have a collapsible baton and that's about it. They don't walk around carrying tranquilizer guns. So the dangerous animal statute on a State level, particularly allows the citizen to protect their person and their property and their livestock. Basically, livestock, their person, and their family. We've had situations where sheriff deputies have been attacked. Behind Irmo High School, we had a mentally challenged girl who worked at the high school who was walking to work and was brutally attacked by pit bulls. I don't know if you remember the article several years ago, one of the dog's name was Kelo and the other one was called Ghost Face Killer. She is in the middle of the road with pit bulls surrounding her and you've got deputies up on top of cars with shotguns. Obviously, if it gets to the point where somebody is in danger and you are authorized to carry a weapon, that's a deadly force situation that the SOP at the Sheriff's Department is strict on, is when you can use certain levels of the force continuum. This is getting into the Sheriff's Departments more than Animal Services.

Mr. Jeffcoat asked, they can do that now; they can kill .....

Mr. Mergo replied, in a dangerous life-threatening situation, yes, sir. It has been and I can tell you that I have been to some pretty bad scenes of folks getting bite. We are dealing with a four-year-old child right now who was brutally attacked inside his family's residence, four-years old, but under the State statute, that is not "dangerous" because it was on its own property where it belonged and where it lived. We had a Terminix employee two weeks ago bitten; same situation. The dog was on its own property and he was going to do his job, but he got bite. So, obviously, if there is a dangerous animal situation, those who are armed to be able to apply deadly force can do it now. Citizens can do it now, under the State statute. This is only designed to deal with the situation, like we have on School Bus Road, and I spoke to that gentleman today and told him this is what we are trying to do and he said "if folks lived where I live and have to deal with what I am having to deal with. He said this isn't just one or two dogs." He's got a pack of ten that continue to multiple over the six months. People in the area feed them so they won't go in the traps; we can't tranquilize all of them; you can't get close enough to them, so the only thing I can tell this gentleman is "well, we will just leave the traps there." He's like they have been there six months and they are not working. How can you help me? And the whole mindset, Mr. Jeffcoat, was the last thing I thought we wanted was for a citizen to go out there wielding a gun in a neighborhood in an uncontrolled environment whose not as trained as law enforcement, who doesn't have any concept of background and backdrop and how far a bullet travels to be out there taking matters into their own hands. That was my mindset. So to go to a magistrate, no problem at all, because the dangerous situation, the immediate part is going to be there. But, if we are already exhausting all our efforts and spending weeks, I'm not talking about we are going to go out there for four days and go "well, we couldn't catch it, we're done." That's not the mindset of Animal Services and never has been. Our goal is to be able to go out there and exhaust all our efforts that we have, including looking into new technology. The transmitter darts, we felt, last year was something new and we didn't want to be the guinea pig for

something we didn't know a lot about before we invested \$2,000. This amount is in our budget this upcoming year. It will buy two guns to be able to use the transmitter darts. I just want to reemphasize the mindset of Animal Services is to never, ever, ever use this ordinance, ever.

Mr. Jeffcoat replied that Council has faith in Mr. Mergo and knows he could handle a situation like that, but does not know who will be in charge if Mr. Mergo were to leave. Mr. Jeffcoat asked Mr. Mergo, that if he did not have any opposition, he would strongly suggest that the provision be included in the proposed ordinance.

Mr. Derrick asked for further discussion on the amendment to require a judge's approval before using deadly force; none occurred.

Vote on Amendment:

Mr. Derrick	Mr. Jeffcoat
Mr. Carrigg	Mr. Kinard
Mr. Davis	Ms. Summers
Mr. Keisler	Mr. Banning
M. Cullum	

Vote on Motion as Amended:

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

**Review of the Outdoor Burning Ordinance (Goal 2)** - Mr. Carrigg reported during the Health and Human Services committee meeting, the committee met to reconsider the proposed amendments that was discussed and recommended by the Committee on Tuesday, February 27, 2007.

During the February 27 meeting, Chief Bruce Rucker, Assistant Sheriff/Director of Public Safety and Homeland security provided information on amendments to the current ordinance with assistance from Public Works, Fire Service, and DHEC. The proposed amendments on February 27 are as follows:

#### ARTICLE IV. OUTDOOR BURNING

Sec. 30-107. Compliance with article provisions.

1. Delete the word "**unincorporated**"
2. Add "**Serviced by the Lexington County Fire Service,**"

Sec. 30-108. Location.

1. Change Sec. 30-108 Location Header to "**Location of residential yard debris burning.**"
2. Delete the words "**the burning**" and add "**Open burning of leaves, tree branches**

- or yard trimmings on the premises of private residences and burned on those premises.”
3. Change each occurrence for “50 feet” to **“100 feet”**
  4. Add **“Open burning for the purpose of land clearing or right-of-way maintenance must be conducted in accordance with the SC Department of Health and Environmental Control (DHEC) Air Quality Regulations 61-62.2 and 61-62.4 and S.C. Code 1976 § 48-35-10 et seq**
  5. Delete **“Notwithstanding the above, if the fire is contained in an approved waste burner, it must be located not less than 15 feet from any structure.”**

Sec. 30-110. Prohibited during hazardous conditions.

1. Change Sec. 30-110 Prohibited during hazardous conditions Header to **“Fires shall be prohibited as follows.”**
2. Add **“The following materials shall not be burned in an open fire. Asphalt and asphaltic materials, paint, plastics, metals, treated wood, paper, petroleum products, demolition debris, dead animals, construction debris, household chemicals, household garbage, tires, trade waste and cardboard.”**
3. Add **“Open burning for the purpose of land clearing, and right-of-way maintenance. Except as specified by DHEC Air Quality Regulations 61-62.2 and 61-62.4.”**
4. Add **“Open burning for the purpose of land clearing, and right-of-way maintenance shall be prohibited during the ozone season (April 1 through October 30).”**

Sec. 30-113. Exemptions.

1. Under (c) delete **“This article does not apply to the burning of debris on site by a licensed contractor during new construction of a home or other building.”**
2. Add **“Fires set for the purpose of training public fire-fighting personnel when authorized by the appropriate governmental entity, and fires set by a private industry as a part of an organized program of drills for the training of fire-fighting personnel. These will be exempt only if the drills are solely for the purposes of fire-fighting training and the duration of the burning is held to the minimum required for such purposes. Prior approval by DHEC is required only for sites which are not established training sites.”**

Sec. 30-114. Restrictions; exceptions.

1. Delete the word **“substantially”**

Sec. 30-117. Conflicts of article with state law.

1. Delete **“If any conflict arises between the provisions of this article and any state law, the provisions of state law shall prevail and be controlling.”**
2. Add **“The provisions of this article shall prevail and be controlling over provisions of state law if such is allowed by state law. Otherwise, if any conflict arises between the provisions of this article and any state law, the provisions of state law shall prevail and be controlling.”**

The Committee voted, five to one, to recommend to full Council to move forward with the first reading of the amended Outdoor Burning ordinance as written.

Mr. Carrigg made a motion, seconded by Mr. Banning that the committee report as outlined above be adopted with the amendment to leave **Sec. 30-107** as it is currently written and to change the **“100 feet” in Sec. 30-108 to “75 feet”**.

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

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

Mr. Cullum noted for the record, that Code Enforcement will begin stepping-up its enforcement efforts of the current Outdoor Burning ordinance.

**Appointment of Code Enforcement Officers** - Mr. Carrigg made a motion, seconded by Mr. Cullum authorizing the County Administrator to appoint a sufficient number of Code Enforcement Officers in each of the County’s Fire Stations to enforce the Outdoor Burning Ordinance 24-hours a day and to submit the list of appointees at the March 27<sup>th</sup> meeting.

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

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

**Public Works, D. Summers, Chairman - Pine Plain Road Condemnation - Public Works** - Ms. Summers reported the Public Works Committee met to consider SCDOT’s request for the condemnation of tract #43 on Pine Plain Road. The condemnation is necessary for SCDOT to obtain the right-of-way so they can proceed with the bid letting in May 2007 for the paving of Pine Plain Road. The estimated cost of condemnations, including land value for tracts #36 (which was previously approved by Council) and #43 is \$22,031.

Mr. Keisler made a motion, seconded by Mr. Kinard to approve SCDOT’s request for the condemnation of tract #43 on Pine Plain Road and the estimated cost of \$22,031.

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

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

Mr. Carrigg  
Mr. Cullum

Mr. Banning

**Victor Road - Public Works** - Ms. Summers reported during the afternoon meeting, the Committee met to consider the recommendation of SCDOT and staff to award the bid for the paving of Victor Road, which is approximately 1.1 miles, to Plowden Construction. The total cost for the project is \$779,450.67; however, the County had previously issued a check in the amount of 63,919 for preliminary engineering resulting in a balance due of \$715,531.67.

A motion was made by Mr. Kinard, seconded by Mr. Cullum to approve the award of the bid as recommended by SCDOT and staff for the paving of Victor Road at a cost of \$779,450.67.

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

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

**Ordinances - Ordinance 07-03 - An Ordinance Amending the Animal Control Ordinance (Goals 1,2) - 1<sup>st</sup> Reading** - A motion was made by Mr. Carrigg and seconded by Mr. Banning that Ordinance 07-03 as amended receive first reading.

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

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

**Ordinance 07-04 - An Ordinance Amending the Outdoor Burning Ordinance - 1<sup>st</sup> Reading** - Mr. Carrigg made a motion, seconded by Ms. Summers that Ordinance 07-04 as amended receive first reading.

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

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

**Executive Session/Legal Briefing** - Mr. Derrick stated Executive Session will consist of one contractual matter and three legal matters for discussion.

Mr. Kinard made a motion, seconded by Mr. Keisler to enter into Executive Session to discuss contractual and legal matters.

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

Mr. Derrick reconvened the meeting in open session.

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

**Public Hearings - Zoning Map Amendment M07-01 - West Side of Charter Oak Road, Lexington** - Mr. Derrick opened the public hearing and recognized Mr. Bruce Hiller, Development Administrator, Community Development.

Mr. Hiller stated that the applicant, Mr. Walter Roy Drafts, has requested a change in zoning classification for TMS# 04200-05-004, 023 p/o and 024 p/o from Restrictive Development (RD) to Intensive Development (ID). He stated Mr. Drafts indicated on the application that the reason for the request is: the change in zoning classification would reduce the buffer restrictions for any proposed future developments and to coincide with a recent map amendment request on an adjoining property. Mr. Hiller said the applicant was referring to Zoning Map Amendment 06-12 that received final reading on January 09, 2007.

Mr. Hiller reviewed the maps and area by using a Power Point presentation as well as the type of allowable activities in an RD and ID. Mr. Hiller said the difference in RD and ID is the buffering restrictions that apply. Meaning the distances that apply to buffer, setback, and screening. He said in an ID area for a lot of the less intrusive activities there may be zero buffering, setback, and screening requirements. But in an RD area, you have what is called the "R" numbers, which do have those distances for buffering, setback, and screening requirements per the activity involved. But when you change something to an ID and it has RD boundaries, surrounding property, then you end up half the "R" number, which would allow lesser buffering, setback, and screening requirements.

Mr. Cullum asked, when would you want to reduce a setback?

Mr. Hiller replied, as an example, earlier this year a request was made by an individual that was not a property owner there but was interested in purchasing one or more of those properties and inquired about what the requirements would be for mini-warehouses and the possibility of an administrative office on the back side of the property, which would had been placed in the existing RD. The mini-warehouses up front would not have made a difference because it was already ID but the administrative office would get some lower protection for the adjoining property owners.

Prior to opening the floor to comments, Mr. Derrick stated the purpose of the hearing is to receive comments from proponents and opponents regarding the application for zoning change. He asked that each speaker provide their name and mailing address and that comments be limited to three (3) minutes. Mr. Derrick also asked that there be no disruptions including cheering.

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

**In Opposition:**

**Mr. Chris Glessner - 112 Kellers Pond Lane, Lexington, SC 29072** - I think I'm okay now.

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

Mr. Derrick opened the public hearing for those in favor to Zoning Map Amendment M07-01.

**In Favor:**

**Mr. Wayne Hall, 764 Caughman Point, Leesville, SC 29070** - I am the one that inquired about the mini-warehouses to start with and my biggest confusion came in to why the property was 825 feet long and why was part of it ID and part of it RD and eventually that was explained to me. And I think if it were all ID we could do some things that would make it, especially upfront, look a lot nicer. We could go ahead and put the projects in. That's my main thing.

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

Mr. Derrick closed the public hearing.

**Ordinance 07-01 - Authorizing the Execution and Delivery of a Fee Agreement Between Lexington County and SCE&G Company** - Mr. Derrick opened the Public Hearing. Mr. Derrick stated no one had signed up to speak in opposition or in favor of Ordinance 07-01.

Mr. Derrick closed the public hearing.

**Ordinance 07-01 - Authorizing the Execution and Delivery of a Fee Agreement Between Lexington County and SCE&G Company - Third and Final Reading** - Mr. Banning made a motion, seconded by Mr. Davis that Ordinance 07-01 received third and final reading.

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

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

\* Mr. Cullum abstained as his spouse is an employee of SCE&G.

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

07-072 – A supplemental appropriation increase in the amount of \$79,756 received from CSX Transportation for a project that cost less than expected. There were three sources contributing to the project; Irmo Land Company, South Carolina Department of Transportation, and Lexington County. Irmo Land Company will receive a refund of \$26,585.13 and the County will receive the balance. SCDOT will not receive a part of this refund due to the fact they still owe the County for their portion of the project.

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

There being no further business, the meeting was adjourned.

Respectfully submitted,

Diana W. Burnett  
Clerk

William C. Derrick  
Chairman