

M I N U T E S
LEXINGTON COUNTY COUNCIL
November 10, 2009

Lexington County Council held its regular meeting on Tuesday, November 10, 2009 in Council Chambers beginning at 4:30 p.m. Chairman Summers presided.

Reverend Betty Franks, Chaplain at Lexington Medical Center, gave the invocation.

Prior to the Pledge of Allegiance, Vice-Chairman Kinard recognized all veterans in attendance. Gary Baker, Director of Lexington Veteran's Affairs office, led the Pledge of Allegiance accompanied by Mr. Raymond Caughman, WWII veteran who served in China; Murray Price, a B-24 pilot who served in the South Pacific; and Rod Pimental, Dean Crepes and Sam Owens, Vietnam veterans. Mr. Baker is also a Vietnam veteran.

For the record, Mr. Davis reminded everyone that November 10 is the Marine Corps' birthday.

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

Not Present: M. Todd Cullum *

*Mr. Cullum was out due to sickness.

Also attending: Katherine Hubbard, County Administrator; Joe Mergo, III, Deputy County Administrator; Larry Porth, Finance Director/Assistant County Administrator; John Fechtel, Director of Public Works/Assistant 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.

Chairman's Report - Chairman Summers reported that she had the privilege of being a judge for the Sheriff's Department's Trunk or Treat event. The proceeds from the event benefit the S.C. Special Olympics. Also, was a panel member for the United Way Young Professional's Society and attended a luncheon sponsored by SisterCare honoring Sheriff Metts for his contributions to their organization.

Council Members' Activities and/or Comments - Mr. Kinard reported he, Chairman Summers, Councilman Jeffcoat and Mr. Mergo participated in the ribbon cutting ceremony for the new Edmund landfill. Also, participated in the Gaston Collard Festival.

Mr. Derrick reported he, Chairman Summers and Councilmen Jeffcoat and Banning attended Midlands Tec's 4th Annual Oyster Roast and Shrimp Boil honoring Richland, Lexington and Fairfield County Councils. He reported as well that Midlands Tec will be building a satellite facility in Fairfield County.

Mr. Davis reported he and Chairman Summers attended the 2009 South Carolina Great Friend to Kids awards dinner hosted by EdVenture Children's Museum honoring Samuel and Inez Tenebaum and Ms. Harriott Hampton Faucette.

Mr. Jeffcoat reported he and several members of Council attended the Committee of 100 and Central SC Alliance Fall Reception at the Saluda River Club.

Administrator's Report - Ms. Hubbard thanked Council for their time, effort, and dedication during their Strategic Visioning retreat.

USC and Clemson Battle of the Bin Challenge - The USC and Clemson Battle of the Bin Challenge will be November 15 - 21 at any of the County's 11 collection and recycling centers for fans to drop off their office paper. There will be drawings for prizes, which will include a year's free curbside garbage and recycling service from Southland Earth Waste.

Veteran's Day - Ms. Hubbard reported the County's Administrative offices will be closed Wednesday, November 11 in observance of Veteran's Day.

Employee Recognition - Katherine Hubbard, County Administrator - Ms. Hubbard recognized Sherry Stone and Anna Lusk of the Register of Deeds office. Ms. Debbie Gunter, Registrar, received an e-mail from a citizen commending Sherry and Anna for their knowledge of the job and professional manner in serving the public.

Ms. Hubbard said Gary Sando, appraiser with Assessment and Equalization, received a letter from a citizen thanking him for his assistance with a flood zone situation.

Gloria Smith, Custodian with Building Services and Deputy Sam Owens were recognized for assisting a disabled man outside the Administration Building whose motorized wheelchair had gotten stuck in the grass between the sidewalk and street.

Special Recognition - Lexington High School - Chairman Summers recognized students from Lexington High School who were attending as part of their class assignment.

Appointments - Lexington/Richland Alcohol and Drug Abuse Council (LRADAC) - Mr. Timothy M. James - Mr. Davis made a motion, seconded by Mr. Jeffcoat to reappoint Mr. Tim James.

Ms. Summers opened the meeting for discussion; no discussion occurred.

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

Lexington/Richland Alcohol and Drug Abuse Council (LRADAC) - Ms. Adrienne D. Huffman - A motion was made by Mr. Davis, seconded by Mr. Kinard to appoint Ms. Adrienne Huffman. Ms. Huffman replaces Mr. Buddy Wilson.

Ms. Summers opened the meeting for discussion; no discussion occurred.

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

Lexington County Wrecker Rotation Disciplinary Board - Mr. Steven A. Smith - A motion was made by Mr. Banning, seconded by Mr. Derrick to appoint Mr. Steven Smith.

Ms. Summers opened the meeting for discussion; no discussion occurred.

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

Central Midlands Regional Transit Authority (CMRTA) - William B. Banning, Sr. - Mr. Jeffcoat made a motion, seconded by Mr. Davis to appoint Mr. William Banning, Sr. to the CMRTA as a non-voting member.

Ms. Summers opened the meeting for discussion; no discussion occurred.

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

Abstained: Mr. Banning

Accommodations Tax Board - Ms. Jackie McNeil - Ms. Summers made a motion, seconded by Mr. Jeffcoat to reappoint Ms. Jackie McNeil.

Ms. Summers opened the meeting for discussion; no discussion occurred.

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

Board of Zoning Appeals - Mr. Marvin S. Smith - Mr. Cullum made a motion, seconded by Mr. Davis to reappoint Mr. Marvin Smith.

Ms. Summers opened the meeting for discussion; no discussion occurred.

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

Lexington County Stormwater Advisory Board - Mr. Cullum asked staff to bring back to Council three possible candidates to be considered for appointment.

Resolutions – 2009/10 I-CAR Auto Collision Repair Instructor of the Year - Phil Tanner and Central Midlands Regional Transit Authority (CMRTA) - Mr. Jeffcoat made a motion, seconded by Mr. Derrick to approve the resolutions.

Ms. Summers opened the meeting for discussion; no discussion occurred.

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

Bids/Purchases/RFPs - A motion was made by Mr. Banning, seconded by Mr. Keisler to approve the following Bids/Purchases/RFPs (Tabs - M, N, O, and P).

Five (5) Replacement Servers for Automation System - Library Services - Staff recommended the purchase of five replacement servers for the automation system for Library Services from Dell through State Contract Number WN27ACA. Total cost, including tax, is \$29,427.74.

Construction Management Services for the Lexington County Airport Project at Pelion - Airport - Staff recommended The LPA Group to provide construction management services for the Lexington County Airport at Pelion. The estimated cost for services is \$68,976. The FAA will fund 95 percent of the cost and the State and County will each provide 2.5 percent.

Computer Software and Accessories - Sheriff's Department - Staff recommended the purchase of VCenter and VSphere licenses and other various support components and accessories for the Sheriff's Department from Dell Marketing, L.P. through State Contract Number 5000008961. Total cost, including tax and shipping, is \$50,244.20.

Carpet and Flooring Products - Sheriff's Department - Staff recommended the purchase of carpet and flooring replacement for the Sherriff's Department from Builders Specialties, Inc. through County Contract Number B2007-035. Total cost, including tax, is not to exceed \$106,685.

Ms. Summers opened the meeting for discussion; no discussion occurred.

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

Mr. Cullum

Zoning Map Amendment M09-05 - North Lake Drive - 3rd and Final Reading - At the request of Mr. Jeffcoat, Ms. Summers delayed taking action on Zoning Map Amendment M09-05 until the next meeting to allow SCANA to provide Council with additional requested information.

Solid Waste Processing Facility Amendment 09-03 - Pascon, LLC - Final Reading - Mr. Keisler made a motion, seconded by Mr. Davis to approve final reading.

Ms. Summers opened the meeting for discussion; no discussion occurred.

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

Ordinances - Ordinance 09-07 - An Ordinance Authorizing Pursuant to Chapter 44 of Title 12, South Carolina Code of Laws, 1976 as Amended, the Execution and Delivery of a Fee Agreement between Lexington County, South Carolina and Harsco Corporation; and Matters Relating Thereto - 3rd & Final Reading - Mr. Cullum made a motion, seconded by Mr. Banning to approve third and final reading.

Ms. Summers opened the meeting for discussion; no discussion occurred.

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

Ordinance 09-08 - Ordinance to Amend Ordinance 95-12 as Amended by Subsequent Ordinances Relating to the Joint County Industrial Park of Lexington County and Calhoun Counties so as to Enlarge the Park to Include Property of the Harsco Corporation - 3rd & Final Reading - A motion was made by Mr. Cullum, seconded by Mr. Kinard to approve third and final reading.

Ms. Summers opened the meeting for discussion; no discussion occurred.

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

Ordinance 09-09 - An Ordinance Adopting Supplemental Appropriation of One Hundred Sixty-Four Thousand (\$164,000) Dollars for the Riverbanks Parks Commission - 3rd & Final Reading - Mr. Banning made a motion, seconded by Mr. Cullum to approve third and final reading.

Ms. Summers opened the meeting for discussion; no discussion occurred.

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

Ordinance 09-10 - An Ordinance Authorizing (1) The Execution and Delivery of a Fee Agreement Between Lexington County and Flextronics America, LLC; (2) The County to Covenant in Such Incentive Agreement to Accept Certain Fees in Lieu of Ad Valorem Taxes with Respect to the Expansion Project; (3) Benefits of a Multi-County Park; (4) the Re-Documentation Within Such Incentive Agreement of Certain Lease Purchase Agreements Pertaining to a Project Established by the Company within the County in 1999 - 2nd Reading - Mr. Banning made a motion, seconded by Mr. Cullum to approve second reading.

Ms. Summers opened the meeting for discussion; no discussion occurred.

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

Ordinance 09-14 - An Ordinance Authorizing the Irmo-Chapin Recreation Commission of the Irmo-Chapin Recreation District to Issue General Obligation Bonds in the Principal Amount of Not Exceeding \$1,030,000; and Other Matters Relating Thereto - 1st Reading - Mr. Jeffcoat made a motion, seconded by Mr. Davis to approve first reading.

Ms. Summers opened the meeting for discussion.

Mr. Derrick asked if the Lexington County Legislative Delegation is in complete support of the issuance of a general obligation bond for the recreation commission.

Mr. Jeffcoat replied, yes. The Irmo Chapin Recreation Commission has a letter from the Delegation supporting the general obligation bond.

Mr. Derrick asked that the Irmo Chapin Recreation Commission provide the Clerk to Council a copy of the support letter from the Delegation for the minutes (copy of letter attached).

Mr. Jeffcoat replied that the Delegation appoints the Irmo Chapin Recreation Commission's Board of Directors.

Mr. Derrick said Council has no jurisdiction over the recreation commissions other than to seek our approval to raise taxes.

Ms. Summers asked for further discussion; none occurred.

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

Ordinance 09-15 - An Ordinance Authorizing the Execution and Delivery of a Fee Agreement by and Among Lexington County and Husqvarna Consisting of a Tenant, Its Affiliates and Assigns, as Sponsor Affiliate, to Provide for a Fee in Lieu of Ad valorem Taxes Incentive, Including of the Company's Property in a Multi-County Park - 2nd

Reading - Mr. Davis made a motion, seconded by Mr. Banning to approve second reading contingent on the agreement being changed to reflect the amendments of our County attorney.

Ms. Summers opened the meeting for discussion; no discussion occurred.

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

Committee Reports - Justice, J. Kinard, Chairman - Clerk of Court's Request for Reorganization -

Mr. Kinard reported the Committee considered a reorganization request for the Clerk of Court's office. Ms. Carrigg is requesting to delete one part-time clerical assistant position and reclassify one full-time accounting manager and two full-time clerical assistant positions. The reorganization will result in a \$3,666 budget reduction. The Committee voted in favor to recommend to full Council for approval.

Mr. Kinard made a motion, seconded by Mr. Keisler to approve the reorganization request.

Ms. Summers opened the meeting for discussion; no discussion occurred.

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

FY09 Bulletproof Vest Partnership Grant Award - Also, the Committee considered a request to accept the FY09 Bulletproof Vest Partnership Grant award. The award in the amount of \$2,259 requires a 50 percent County match. Funds will be used to purchase bulletproof vests. The Committee voted in favor to recommend to full Council for approval.

Mr. Kinard made a motion, seconded by Mr. Davis to approve the acceptance of the grant award.

Ms. Summers opened the meeting for discussion; no discussion occurred.

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

Mr. Keisler	Mr. Jeffcoat
Mr. Carrigg	Mr. Banning
Mr. Cullum	

PalmettoPride Enforcement Grant Application - In addition, the Committee considered a request from the Sheriff's Department to submit the PalmettoPride Enforcement grant application. The grant request is for \$5,000 and requires no County match. The funds, if awarded, will be used to purchase seven digital cameras to photograph and document evidence for liter cases. The Committee voted in favor to recommend to full Council for approval.

Mr. Kinard made a motion, seconded by Mr. Derrick to approve staff's request to move forward with the submission of the grant application.

Ms. Summers opened the meeting for discussion; no discussion occurred.

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

Airport, J. Carrigg, Jr., Chairman - 2011-2015 Airport Capital Improvement Plan - Mr. Carrigg reported his Committee met to review the FY2011-2015 Airport Capital Improvement Plan. The Committee voted in favor to recommend to full Council for approval.

Mr. Carrigg made a motion, seconded by Mr. Cullum to approve the FY2011-2015 Airport Capital Improvement Plan for the Lexington County Airport at Pelion.

Ms. Summers opened the meeting for discussion; no discussion occurred.

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

Landscaping/Beautification Project Proposal for Lexington County Airport at Pelion - Mr. Carrigg reported the Airport Committee met on Tuesday, October 27, 2009, to discuss a proposed landscaping and beautification project for the Lexington County Airport at Pelion. Below is the committee report:

Jim Starling, Public Works Engineering Associate III, presented a proposal for a landscaping and beautification project from Mr. Derek Kaczmariski, an Eagle Scout, pilot, and student at Heathwood Hall. As part of his Eagle Scout training certification, Mr. Kaczmariski is required to perform a community service project and has chosen the Airport at Pelion for his project. As a pilot, Mr. Kaczmariski is at the airport facility often and plans for the project to last two years until his graduation from high school. The proposed project would allow Mr. Kaczmariski to provide ongoing routine facility and landscape maintenance at the airport. Staff has indicated that the project is acceptable and requests permission to move forward.

The Airport Committee voted unanimously to recommend that full Council approve staff's recommendation for the proposed Eagle Scout project.

Mr. Carrigg made a motion, seconded by Mr. Jeffcoat to allow Mr. Kaczmarksi to move forward with his proposed Eagle Scout project at the Lexington County Airport at Pelion.

Ms. Summers opened the meeting for discussion; no discussion occurred.

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

Solid Waste, J. Jeffcoat, Chairman - DHEC Used Oil Recycling Grant Award Supplement - Mr. Jeffcoat reported the Committee met to consider the acceptance of the supplement award from the DHEC Used Oil Recycling grant. The additional award of \$39,378 requires no County. The Committee voted in favor to recommend to full Council for approval.

Mr. Jeffcoat made a motion, seconded by Mr. Keisler to approve the acceptance of the supplement award from DHEC.

Ms. Summers opened the meeting for discussion; no discussion occurred.

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

PalmettoPride Community Pride Grant Application - Also, the Committee considered the request from Solid Waste Management to apply for the PalmettoPride Community Pride Grant. The grant in the amount of \$8,000 requires no County match and, if awarded, will be used to purchase recycling containers for Lexington County parks and sports complexes. The Committee voted in favor to recommend to full Council for approval.

Mr. Jeffcoat made a motion, seconded by Mr. Derrick to approve staff's request to move forward with the submittal of the grant application.

Ms. Summers opened the meeting for discussion; no discussion occurred.

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

Solid Waste Processing Facility Application 09-04 - Carolina Materials Corp. - 1st Reading - Mr. Jeffcoat reported the Committee reviewed Carolina Material Corp. application 09-04 and voted in favor to recommend to full Council for approval.

Mr. Jeffcoat made a motion, seconded by Mr. Keisler to approve first reading of Solid Waste Processing Facility Application 09-04.

Ms. Summers opened the meeting for discussion; no discussion occurred.

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

Solid Waste Processing Facility Application 09-05 - Platt Springs Scrap and Recycling - 1st Reading - Mr. Jeffcoat reported the Committee delayed action to allow Councilman Keisler the opportunity to review and meet with surrounding neighbors.

Committee of the Whole, D. Summers, Chairman - State Museum Grant Agreement - Ms. Summers reported the Committee met to discuss and consider the State Museum grant agreement. The County will provide \$100,000 to the SC State Museum Foundation for FY 2009/2010 and consider four (4) additional years of grants annually in its budget process. The funds are to be used solely for capital improvements or to retire debt issued by the SC Jobs-Economic Development Authority to defray the cost of capital improvements of the SC State Museum. Funds will come from Economic Development. The Committee voted in favor to recommend to full Council for approval.

Mr. Banning made a motion, seconded by Mr. Davis to approve the SC State Museum Grant Agreement.

Ms. Summers opened the meeting for discussion; no discussion occurred.

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

Opposed:	Mr. Derrick	Mr. Keisler
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Budget Amendment Resolutions - The following BARs were distributed and signed:

10-012 - A supplemental appropriation increase of \$784 to appropriate carryover EMS funds from FY09 for the 2006 and 2007 State Homeland Security program grants.

10-068 - A supplemental appropriation increase of \$164,000 in accordance to Ordinance 09-09 for the Riverbanks Park Commission for FY2009-2010. The funds will be used to pay a judgment against the Commission as a result of litigation concerning a road access to the zoo.

10-069 - A supplemental appropriation increase of \$1,217 to establish a budget for the Lexington County

Delegation office expense fund.

10-070 - An appropriation transfer of \$46,627 to establish the budget for the taxiway realignment at the Lexington County Airport at Pelion.

10-071 - A supplemental appropriation decrease of \$22,674 for Library Services as a result of a reduction in the library state aid.

10-072 - An appropriation transfer of \$1,741 and a supplemental appropriation decrease of \$3,482 to adjust the Sheriff's Department Bulletproof Vest program budget to match the award received.

10-073 - A supplemental appropriation increase of \$30,278 to adjust the Solid Waste DHEC Used Oil grant budget to match the supplemental award received.

10-074 - An appropriation transfer of \$17,501 to adjust the Clerk of Court's budget to match the reorganization request.

Executive Session/Legal Briefing - Ms. Summers reported that Council completed its Executive Session material during the Committee of the Whole.

Motion to Recess - Mr. Jeffcoat made a motion, seconded by Mr. Kinard to take a 15 minute recess. Council had completed its business and could not start the scheduled public hearings until 6:00 p.m.

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

Chairman Summers called the meeting back to order.

6:00 P.M. - Public Hearings - Prior to opening the public hearings, Ms. Summers reviewed the guidelines for public hearings. She stated that the purpose of the hearing is to obtain comments from proponents and opponents regarding specific subject matter. She asked that each speaker provide their name and mailing address and that comments be limited to three (3) minutes. Ms. Summers asked that if there was anyone present who had signed up to speak but chose not to speak, but wanted to concur with what has been said, it was acceptable to indicate concurrence. Also, Ms. Summers said there will be no disruptions including cheering, clapping, head counts, etc.

Ordinance 09-15 - An Ordinance Authorizing the Execution and Delivery of a Fee Agreement by and Among Lexington County and Husqvarna Consisting of a Tenant, Its Affiliates and Assigns, as Sponsor Affiliate, to Provide for a Fee in Lieu of Ad Valorem Taxes Incentive, Including of the Company's Property in a Multi-County Park - Ms. Summers opened the public hearing for Ordinance 09-15.

Ms. Summers stated no one had signed up in favor or opposition and closed the public hearing.

Zoning Map Amendment M09-06 - Garden Valley Lane - Mr. Walt McPherson, Zoning Administrator

with Community Development, presented the information for Zoning Map Amendment M09-06. He stated that the applicant, Steve Ware, has requested a change in zoning classification from Low Density Residential (R1) to Neighborhood Commercial (C1). The reason for the request, as presented by the applicant, is that a change in zoning is needed to utilize the property to provide underprivileged children, through the public school system, a place of learning through sports activities.

Mr. Carrigg replied what we are trying to achieve is Group Assembly Limited, correct?

Mr. McPherson replied, yes.

Mr. Carrigg replied that it is allowed according to the chart under the current zoning.

Mr. McPherson replied, it is allowed if it is a part of a membership activity like an amenity area. So, if there is a subdivision there and they wanted to use this as their amenity area, then it would be allowed. This site used to be the old Gardendale Swimming and Racquet Club established in 1969/70. However, zoning did not go into effect until 1971 and at that time it was zoned Low Density Residential (R1).

Mr. Carrigg asked, what is the most restrictive zoning that would allow this use?

Mr. McPherson replied, Recreational Agricultural (RA). The only issue with that is if we zoned it Recreational Agricultural (RA), you will have some setback from the road right-of-way, which would be from Garden Valley Lane and the side frontage road. If approved, the applicant would have to go before the Board of Zoning Appeals and ask for a variance to reduce the setback from the road right-of-way for some of the activity. Being Neighborhood Commercial (C1), he would not have to go before the Board for setback from road right-of-way.

Mr. Carrigg asked if Neighborhood Commercial (C1) is the only zoning that would allow the activity that is being requested by the applicant.

Mr. McPherson replied, we can grant the Recreational Agricultural (RA), which would be more restrictive. Again, with the Recreational Agricultural (RA) he is going to have some setback issues from the road right-of-way and would have to go before the Board of Zoning Appeals.

Mr. Carrigg said when it was operated as the Gardendale Swimming and Racquet Club it was a membership type club and not associated with the Gardendale neighborhood.

Mr. McPherson said the main reason for this zoning map amendment is because there is a stipulation in the County's Zoning Ordinance that deals with non-conformities. The Zoning Ordinance basically states that if you have a non-conforming disallowed use that discontinues operation for a period exceeding 12 months, it cannot be re-established. The property was sold in 2005 and the applicant did not purchase until 2007. If the club was currently open and had decided to close at the end of the year and the applicant purchased it in the spring, it would not have been an issue.

Mr. McPherson reviewed the maps and area by using a Power Point presentation as well as the type of allowable activities in a Low Density Residential (R1) and Neighborhood Commercial (C1).

Mr. McPherson explained the reason why staff was including a portion of Lot 4 (referring to the map). He said a 1992 survey revealed that a portion of the basketball court actually encroached on Mr. Davis'

property. So, Mr. Ware had the option of removing that portion of the court so it would be on his property. Mr. Ware had a Letter of Agency and followed the correct procedure and met with Mr. Davis and he signed a Letter of Agency for him to rezone a portion (a 25-28 foot strip). The distance of Mr. Davis' property is approximately 25-28 in width and approximately 400 in length, which is included with the six acres for the map amendment request.

Ms. Summers opened the public hearing for those in favor of Zoning Map Amendment M09-06.

In Favor:

Steve Ware, 1100 Bluff Road, Columbia, SC 29210 - I am the one that is the investor and bought the property. I am president of AA Holding Company. This was a personal endeavor on my part. To give you a little background – I grew up in a children's home and the thing that got me out of it was to get involved in an activity that got me out of the streets. I went to 13 different homes in one year and ended up at a rescue mission in downtown Greenville at age 14 and ended up going to UTC and Tennessee Temple on a basketball scholarship. Having said that – I want to use this property to help underprivileged kids and get them out of the public school arena in the afternoons to find an activity or talent or something they can specialize in to give them some kind of self-identity and use that to give them some confidence to build ethics, morality, and educate them to let them know that somebody is there for them.

As far as the deed restrictions - I've gone through a lot for the last year with Edwin Davis, the adjoining neighbor, property owner, and I am sure it is public and will get that information for you. But, we have negotiated back and forth for about a year, my attorney to his attorney, in order to make the restrictions on this property a lot tougher than what the normal C1 would be. This is untrodden territory for me. I came in to open up a kid's retreat, and I am getting involved standing in front of you, which is a new adventure. We have put a lot of restrictions on the property as far as night clubs, restaurants, retail businesses, etc. in order to make the neighborhood feel more comfortable about the zoning coming in, because I know it makes everybody nervous. While commercial for a kids retreat sounds great, but what if it does not work out. What about the next property owner? And, I understand the reservations. So, we tried to address that as much as possible, and I think we've done a good job of it.

Mr. Carrigg asked if the operation would be something like an afterschool program, daycare.

Mr. Ware said he hates to use the word daycare, but in some practical purposes it might be. It is going to be volunteer run. We will have one paying administrator/manager on the property.

Mr. Carrigg replied, therefore, you will be providing an education afterschool program for children and asked what time the operation will be closed.

Mr. Ware replied that a lot of details still have to be worked out pending the outcome here, but it is not going to be late because it is going to be school kids, so up to 7:00 p.m. We do plan on funding the project. I have put \$120,000 - \$140,000 of upgrades on these facilities. I have redone the basketball and tennis courts and have completely redone the club house and theater room in order to make the facilities nice enough to rent out to churches and small businesses in order to fund the scholarships for these kids coming in for a two or three week program through the public schools.

Mr. Carrigg replied, then you will be operating something other than just the children's program, correct?

Mr. Ware replied, yes, under a non-profit, 501C-3. I have addressed with Edwin Davis the facilities and

all of it is written out as far as not being able to rent to fraternities, sororities, etc.

Mr. Carrigg asked what activities he planned to have.

Mr. Ware replied, weddings, rock climbing, rope courses, a lot of team building. So, if you have a 30/40/50 member business they could rent the facilities. We have to have some type of income stream in order to fund the scholarships for kids. We plan to go to principals at public schools and offer scholarships that they can give to their kids based on performance and who meet the criteria for underprivileged, economically challenged, etc.

Ms. Summers reported no one else had signed up in favor and closed that portion of the hearing.

Opposition

LeClaire Welborn, 908 Rollingwood Trail, Columbia, SC 29210 - I am the current president of the Gardendale/Grenadier Home Association. The Board and I met last night and we have some concern about the property and not about him using the property for a center for disadvantaged children. We think that is really commendable for him to want to do that. But our concern is the rentals, who would he be renting to, the noise it may create, and alcohol perhaps being sold or distributed. If this shouldn't work out and he should decide to sell the property, and it is already listed as Commercial 1 (C1), what could possibly come after that? According to what I have observed on the sheet, it could be mobile homes, professional services, business parks, transport services, vehicle services, etc. So, our major concern is what would come after that should it not be a success and has already been transferred from residential to commercial.

Ann Dowdy, 7 Pine Shadow Court, Columbia, SC 29210 - I concur with Ms. Welborn.

Ms. Summers reported no one else had signed up in opposition and closed the public hearing.

Zoning Text Amendment T09-07 - Article 2 - Application of Regulations - Chapter 5 - Signs, and Other Related Sections of Zoning Ordinance as Applicable - Ms. Summers opened the public hearing for Zoning Text Amendment T09-07.

Ms. Summers stated no one had signed up in favor or opposition, but asked Mr. Charlie Compton, Director of Planning & GIS, to review the changes.

Mr. Compton said the primary reason for the zoning text amendment was to integrate the scenic corridors into the sign ordinance and the ability to work with municipalities, where possible, to have fewer non-conforming sign situations as property was annexed. Mr. Compton refreshed in detail the following changes of Zoning Text Amendment T09-07 as well as Landscape Ordinance 09-01: Section 26.40 Temporary Signs – Subsection Real Estate Signs; Section 26.50 Business Signs – Subsection 26.52 Maximum Display Area, Height, and Number of Signs and 26.55 Business Signs on Scenic Corridors and/or in Restricted Development Districts, and Section 26.60 Advertising Signs - Subsections 26.61 Location and 26.66 Digital Technology.

Mr. Compton said it is being proposed to the Planning Commission to use earth-tone colors for Scenic Corridors 1 and 2 because of the low-key nature and if a business has a registered mark with a patent trademark, it goes on as it is registered.

Mr. Jeffcoat asked how 10 and 20-foot signs are determined.

Mr. Compton said with business signs, it is the actual height of the sign itself.

Mr. Jeffcoat feels that if a business is in a low-lying area there would be no need to erect a sign because you cannot see it and says something needs to be done about that. He asked staff to review that issue.

Mr. Compton replied that staff would review that concern and come back with a solution that is perhaps similar to the existing techniques for measuring heights with advertising signs.

Mr. Compton said Section 26.60, Subsection 26.61 Location that Scenic Corridors 1 and 2, if they are arterials, are not candidates for advertising signs. But, is recommending that no advertising signs on Arterial (A) streets with only two lanes unless the location of the sign meets the proposed three criteria. He said this is important because it is not just for Scenic Corridor 3.

Mr. Jeffcoat asked how staff derived the 600 feet.

Mr. Compton says there is a 600 foot distance that SCDOT is going to impose, in terms of having to have some commercial within 600 feet, so that was the starting point. Our rules are stricter than theirs, but that is where the 600 feet was derived from.

Subsection 26.66 Small Advertising Signs heading was changed to read Digital Technology. Mr. Compton said the new Digital Technology rules will be applied to the smaller signs because you can have a timer and control the percent of the output.

Mr. Davis asked if there is a time of day or night for the sign to be off.

Mr. Compton replied there is an illumination requirement and the sign companies will have to control that. If you are looking at a period for them to be cut off, then that could be added as a rule.

Mr. Compton said as a result of the August meeting, staff has made a change in Chapter 3. Nonconforming Signs requires a 90-day period on Sections 113.12 Advertising Signs and 113.13 Business Signs to bring them into compliance. It also imposes a 30-day notice rather than a six-month notice.

Mr. Derrick asked how the County is going to solve all the problems making the scenic corridors beautiful because the utilities lines have already destroyed the scenic portions.

Mr. Compton replied, in some cases we are going to lose out on that, but will have additional trees planted on the development part of it.

Ms. Summers closed the public hearing.

Old Business/New Business - ROD Electronic Recording Contract- Mr. Kinard made a motion, seconded by Mr. Davis to approve the contract with E-recording Partners Network for the Electronic recording of documents in the Register of Deeds office subject to the changes as recommended by our County Attorney.

Ms. Summers opened the meeting for discussion; no discussion occurred.

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

Not Present: Mr. Banning *

*Mr. Banning left immediately following Executive Session.

Motion to Adjourn - Mr. Kinard made a motion, seconded by Mr. Derrick to adjourn.

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

Not Present: Mr. Banning

There being no further business, the meeting was adjourned.

Respectfully submitted,

Diana W. Burnett
Clerk

Debra B. Summers
Chairman

LEXINGTON COUNTY LEGISLATIVE DELEGATION

John M. "Jake" Knotts, Jr.
Chairman
Senator
District 23

Edward H. "Ted" Pitts, Jr.
Vice Chairman
Representative
District 69



October 20, 2009

State Senate
Nikki G. Setzler, Dist. 26
John M. "Jake" Knotts, Jr., Dist. 23
John E. Courson, Dist. 20
Ronnie Cromer, Dist. 18

House of Representatives
Marion B. Frye, Dist. 39
Chip Huggins, Dist. 85
Kenny Bingham, Dist. 89
Mac Toole, Dist. 88
Edward H. "Ted" Pitts, Jr., Dist. 69
Walton J. McLeod, Dist. 40
Harry Ott, Dist. 93
Nikki Haley, Dist. 87
Nathan Ballentine, Dist. 71
Kit Spires, Dist. 96

Ms. Elizabeth Taylor
Executive Director
Irmo Chapin Recreation Commission
5605 Bush River Road
Columbia, SC 29212

Dear Elizabeth:

The Lexington County Legislative Delegation met recently and on our agenda was your letter dated September 25, 2009 asking for support of the action taken by ICRC regarding the approval to issue a general obligation bond to pay for land acquisition and capital improvements and repairs to facilities within the District.

The Delegation voted unanimously to support this general obligation bond with the understanding that there would be "no tax increase" to property owners.

Best wishes to you as you move forward on this issue.

Very truly yours,

John M. Knotts, Jr., Chairman
Lexington County Legislative Delegation

JMK:chm