

MINUTES
LEXINGTON COUNTY COUNCIL
FEBRUARY 13, 2007

Lexington County Council held its regular meeting on Tuesday, February 13, 2007 in Council Chambers, beginning at 4:30 p.m. Mr. Derrick presided. Mr. Davis gave the Invocation and Mr. Keisler 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.

Appointment of Parliamentarian - Mr. Derrick appointed Mr. Cullum to serve as Council's Parliamentarian.

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

Employee Recognition - Katherine Hubbard, County Administrator - Ms. Hubbard recognized Lt. Billy Aiken who serves as a mentor for Red Bank Elementary School. She said Lt. Aiken provides a positive influence as an adult role model for those in need.

South Carolina Counties Workers' Compensation 2006 Outstanding Safety Achievement Award - Mr. John Henderson, Director of Risk Management Services with South Carolina Association of Counties, presented the South Carolina Counties Workers' Compensation 2006 Outstanding Safety Achievement Award to Lexington County in recognition of the County's "Safety Counts Program" initiated by Solid Waste Management.

Appointments - Children's Shelter - Mr. Jerald E. Sanders - A motion was made by Mr. Cullum, seconded by Mr. Kinard to appoint Mr. Jerald E. Sanders to the Children's Shelter.

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

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

Midlands Authority for Convention, Sports & Tourism - Mr. Robert Livingston - A motion was made by Mr. Banning, seconded by Mr. Davis to appoint Mr. Robert Livingston to the Midlands Authority for Convention, Sports & Tourism Board of Directors. Mr. Livingston replaces Councilman Banning.

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

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

Health Services District - Ms. Elizabeth Shockley - A motion was made by Mr. Kinard, seconded by Mr. Keisler to reappoint Ms. Elizabeth Shockley to the Health Services District Board of Directors.

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

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

Mr. Jeffcoat indicated during the Council meeting of January 23, Council re-appointed Mr. Todd Sease to the River Alliance Board of Directors even though records indicated he was ineligible for reappointment and wanted to know if Council is abandoning its rule on terms of service.

Mr. Derrick asked that discussion be postponed in order to obtain additional information.

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

One (1) Slide-In Animal Box - Animal Services - Competitive telephone quotations were solicited for the purchase of one (1) slide-in animal box for Animal Services. The new slide-in animal box is to replace a nine-year old box that has been repaired numerous times. The box is a vital piece of equipment for the transportation of animals during the hot temperature days. Three (3) bids were received. Staff recommended award of the bid to Jones Slide-in Units as the low

bidder meeting specifications. Total cost including tax is \$7,080.47.

Four (4) Replacement Furnaces - Fleet Services - Competitive telephone quotations were solicited for the purchase of four (4) replacement furnaces for Fleet Services. Three (3) bids were received. The replacement furnaces are to replace some of the propane/hot air furnaces in the shop area of Fleet Services that are costly to operate and require constant repairs. The replacement units are infrared types, which are more efficient. Staff recommended award of the bid to Palmetto Propane as the low bidder meeting specifications. Total cost including tax is \$8,549.21.

Four (4) 2008 Taylor Made Type I F-350 Ambulances - Public Safety/EMS - Staff recommended the purchase of four (4) 2008 Taylor Made Type I F-350 ambulances for Public Safety/EMS from Taylor Made Ambulances through County Contract Number C06018-03/16/06H. The County's capital fleet replacement plan calls for the purchase of four units per year in order to maintain a fleet of 15 operating units. The "spare" fleet allows for scheduled maintenance, emergency repairs, bodywork and factory recalls to be performed without taking the front line units out of service. Total cost including tax is \$319,940.

(2) 750 GPM Tankers and (1) 1500 GPM Pumper - Public Safety/Fire Service - Bids were advertise and solicited for two (2) 750 GPM tankers and one (1) 1500 GPM pumper for Public Safety/Fire Service. Three (3) bids and one (1) no bid were received. The bid document was set up to provide pricing for pumper equipment as an option. A replacement schedule has been established to replace aging tankers as well as increase their water carrying capacity. The new tankers carry 1500 gallons of water instead of 1000 gallons, which in some cases reduces the number of tankers that are needed to obtain necessary water supply. The current pumper in service was purchased in 1975 and has pumping capacities of 750 GPM to 1000 GPM. This pumper has an anticipated life expectancy of approximately 12-15 years. Staff recommended to award the pumper and equipment to Crimson Fire for a total cost of \$314,005, which includes the base price, option #1, and option #2 and to award the two (2) 750 GPM tankers to KME Fire Apparatus for a cost of \$488,412, which includes the base price and two (2) of option #1. Total cost for all equipment, including optional equipment and tax is \$802,417.

2006 - 2007 Resurfacing Program - Public Works - Bids were advertise and solicited from qualified contractors for the 2006-2007 Resurfacing Program for 47 asphalt surfaced roads and 4 concrete roads. The project includes the resurfacing of approximately 65,337 L.F. / 12.37 miles of roadway. The project consists of approximately 12,061 tons of HLAC Type 4, 200 tons HLAC binder course, 100 tons of CR-14 asphalt, 500 L.F. of 4" french drain pipe, and 100 C.Y. of unclassified excavation. Four (4) bids were received. Staff recommended the award to CR Jackson, Inc. as the low bidder. The total bid for this project, based on estimated quantities, is \$1,017,122.26 including tax. Mr. Ben Whetstone, President of CR Jackson, Inc. is aware that the award will be for \$800,000, which is the amount budgeted.

Four (4) Video Camera Systems - Sheriff's Department - Telephone quotations were solicited for the purchase of four (4) video camera systems for the Sheriff's Department that will be utilized at collection stations that have continual problems with illegal dumping. The systems, like digital cameras, will be used to document cases and aid in prosecution. Three (3) bids were

received. Staff recommended the award to Supercircuits. Total cost including shipping and tax is \$6,514.08.

Clothing for Patrol Personnel - Sole Source Procurement - Sheriff's Department - Staff recommended the purchase of Blauer brand clothing for patrol personnel through the sole source provider, Wright-Johnston Uniforms as they are the sole authorized dealer for South Carolina. The annual cost of the contract including tax is \$48,314.80. The award of the contract shall be for a period of one (1) year with the option to extend the contract for two (2) additional one (1) year periods, if deemed to be in the best interest of the County.

Mr. Derrick opened the meeting for discussion.

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

Chairman's Report - Chairman Derrick reminded everyone that the Fire Service banquet will be Tuesday, February 20 at the Lexington Municipal Convention Center.

Mr. Derrick reported that he, Council members Bill Banning and Debbie Summers and County Administrator, Katherine Hubbard attended Lobby Day with the South Carolina Association of Counties at the State House on Tuesday, February 6. Also, later that evening he attended the Small Business celebration sponsored by the Lexington Chamber of Commerce whereby Ms. Ginger Macaulay, owner of Cherokee Trail Veterinary Hospital, was named the 2007 Small Business Person of the Year. On Monday, January 29, attended the Lexington County Farm Bureau Legislative dinner at Harmon Farms.

Mr. Kinard reported he and Al Burns, Director of Economic Development, attended the Trade Boot Camp at Nucor Industries on Friday, January 26.

Administrator's Report - Ms. Hubbard reminded everyone that the County will be closed Monday, February 19 in observance of President's Day and Friday, March 16 Lexington County will hold its Employee Service Awards Banquet.

Ms. Hubbard reported that work continues on the Strategic Planning and department head champions have been assigned to all Council objectives. In addition, we are in the process of having the County's mission and vision statements printed on all County business cards.

Approval of Minutes - Meeting of January 09, 2007 - A motion was made by Mr. Jeffcoat, seconded by Mr. Kinard to approve the minutes of January 09, 2007 as submitted.

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

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

Committee Reports - Economic Development, S. Davis, Chairman - Project Z - Adoption of the Inducement Resolution - Mr. Davis reported the Committee met to consider an incentive and inducement agreement for Project Z. The company had requested confidentiality in the first reading with the name being disclosed at second reading.

Mr. Davis made a motion, seconded by Mr. Banning to approve the adoption of the Inducement Resolution for Project Z.

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

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

Project Otis - Approving the Resolution Authorizing the Execution and Delivery of an Inducement and Millage Rate Agreement - Mr. Davis reported the Committee met to consider an Inducement and Millage rate agreement for Project Otis. He reported Project Otis is a \$25 million expansion of a local business that includes an incentive agreement and grant.

Mr. Davis made a motion, seconded by Mr. Kinard to approve the adoption of the Resolution Authorizing the Execution and Delivery of an Inducement Millage Rate Agreement between Lexington County and Project Otis and that the grant will be paid at the expenditure of that expansion.

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

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

Ordinance 07-01 - Authorizing the Execution and Delivery of a Fee Agreement Between Lexington County and a Corporation or one of its Subsidiaries - 1st Reading - A motion was made by Mr. Davis and seconded by Mr. Keisler that Ordinance 07-01 receive first reading.

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

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

Ordinance - Ordinance 07-02 - An Ordinance to Approve a Contract to Sell Approximately 70 Acres of Real Property in the Saxe Gotha Park - First Reading by Title - Mr. Banning made a motion, seconded by Mr. Kinard that Ordinance 07-02 receive first reading by title.

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

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

Abstaining: Mr. Cullum *

* Mr. Cullum abstained as his spouse is employed by SCE&G.

Planning & Administration, J. Jeffcoat, Chairman - Zoning Map Amendment M06-14 - 146 & 153 Banbury Rd., 158, 161, 165, & 234 St. Andrews Road - 2nd Reading - Mr. Jeffcoat reported his committee met to discuss and consider second reading of Zoning Map Amendment M06-14. The applicant, Mr. Gary R. Smith, had requested the property be reclassified from Low Density Residential (R1) to Neighborhood Commercial (C1). The committee voted in favor to recommend to full Council that Zoning Map Amendment M06-14 be denied.

Mr. Jeffcoat made a motion, seconded by Mr. Carrigg to deny second reading of Zoning Map Amendment M06-14.

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

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

Health & Human Services, J. Carrigg, Jr., Chairman - Mr. Carrigg reported the Health & Human Services Committee met to consider the following grants:

Local Emergency Management Performance Grant - The Local Emergency Management Performance grant in the amount of \$122,328 will be used to support personnel costs for Emergency Management. The original local match called for a 50 percent or \$32,076. However, because the Emergency Management personnel costs are greater than the \$32,076, the local match from the General Fund is \$90,252.

Local Emergency Management Performance Special Project Grant - The Local Emergency Management Performance Special Project grant in the amount of \$20,000 will be used to fund a full scale Emergency Operation Center exercise. The local required match of 50 percent or \$10,000 would come from the General Fund.

State Farm Good Neighbor Citizenship Funds Grant - The State Farm Good Neighbor Citizenship Funds grant in the amount of \$2,500 will be used to update the Fire Prevention Puppet Show for Fire Service. The puppet show is used in daycares and elementary schools throughout Lexington County to teach children about fire prevention. There is no local match required.

A motion was made by Mr. Carrigg, seconded by Ms. Summers that staff be allowed to move forward with the grant applications.

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

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

208 Plan, B. Keisler, Chairman - Revised 208 Management Area Request (Goal 2) - Mr. Keisler reported the 208 Plan Sub-committee convened on Tuesday, January 23, 2007 to review the Revised 208 Management Area Request from Lexington County Joint Municipal Water and Sewer Commission.

Mr. Bill Bull, General Manager, of the Lexington County Joint Municipal Water and Sewer Commission advised the Committee that the Commission is revising its request to expand its Management Agency area to include only the Congaree Creek basin. The need for this request is the result of proposed development within the area by several developers who have been in contact with both Lexington County and the Commission. The Commission requests the entire Congaree Creek basin because it is more cost effective and efficient to plan sewer services on the basis of drainage basins. A map outlining the area in more detail has been included (attached).

It was recommended that the Commission consider removing "Lexington County" from the Lexington County Joint Municipal Water and Sewer Commission name. Mr. Bull agreed to present this request to the Commission for consideration.

The Committee voted to recommend that full Council approve the Revised 208 Management Area Request from Lexington County Joint Municipal Water and Sewer Commission.

Mr. Keisler made a motion, seconded by Mr. Cullum to approve the Revised 208 Management Area request.

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

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

Executive Session/Legal Briefing - Mr. Derrick stated Executive Session will consist of four contractual matters and ten legal matters for discussion.

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

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

Mr. Derrick reconvened the meeting in open session.

6:00 P.M. – Public Hearing – Zoning Map Amendment M06-15 – Old Chapin Road from Lexington Town Limits 260’ North Towards Maxie Road and Maxie Road from the Intersection of Old Chapin Road 1000’ North Towards Ashley Hills Drive -

Point of Privilege - My 9-1-1 - Mr. Davis asked prior to moving forward with the public hearing that he would like to ask those in attendance to participate in the County’s My 9-1-1 program. He said the My 9-1-1 program contains vital information about your health that will be entered into the County’s 9-1-1 database in case there is ever a need for EMS. In addition, a vial can be obtained from a pharmacy, to be placed in your refrigerator, for the participant to place the list of medications he/she is currently using, which is particularly helpful for first responders when responding to an emergency.

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

Mr. Hiller stated that the applicant, Mr. Albert J. Sanders, has requested a road classification change from Residential Local Four (RL4) to Local (L). He stated Mr. Sanders indicated on the application that the reason for the request is that the property would be more beneficial as a commercial type activity.

Mr. Hiller reviewed the maps and area by using a Power Point presentation as well as the type of allowable activities in RL4 and L. Mr. Hiller’s presentation included an existing commercial activity, but said it was built before full zoning went into the central planning district area.

Mr. Carrigg asked Mr. Hiller to point out the applicant's parcel and asked why the street classification would have to be extended?

Mr. Hiller replied, because he has purchased, or has a contract to purchase, the adjoining property.

Mr. Jeffcoat stated it is always a concern of his when an applicant indicates the reason for the request is "the property would be more beneficial as a commercial type activity" and asked beneficial to whom and for what? Is it beneficial to all the people in the area or just beneficial to one person?

Mr. Hiller stated that the residence that is referred to as the "Castle" was built to residential building code standards and used as a residence, but said if Zoning Map Amendment M06-15 were to be approved for non-residential activities, then the applicant would more than likely have to go before the Board of Zoning Appeals asking for variances on buffers, setbacks, and screening. In addition, he would need to comply with stormwater management requirements, submit for landscape ordinance requirements, and the building would have to be modified to commercial building code.

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, clapping, etc.

Mr. Derrick opened the meeting for comments from those in favor to Zoning Map Amendment M06-15.

In Favor:

Mr. Jim Poag, P.O. Box 6422, West Columbia, SC 29171 - Good evening, I am the attorney representing Mr. Sanders. Jerry owns the large house known as the "Castle." Mr. Hiller was right about a lot of things he said, but I think the house is actually built to commercial standards. It has 16-17 inch thick walls. It's really quite a structure. My client's intention is to develop it as a reception area/room for weddings, maybe professional office meeting groups, things like that.

The office building next door, office complex, has, I think, an attorney's office in it and some other offices in it; professional type offices. So that portion of Maxie Road from Chapin Road down to the edge of ours is already being used or traveled for people that are using that property for that area. We are only asking that it be extended two lots down to cover my client's property. As for conferring a benefit, I think that it obviously would confer a benefit to my client because he can use it in another way other than his residence. The way the house is built, if you have ever seen it, you can see exactly what I am saying. But, also, I think, that professional offices, meeting rooms, or places for wedding receptions or business meetings also would benefit the community and it would be a very small disruption to the neighborhood. Especially if you are only going down to the two lots that we own. I would say that down below that, on down further below that, I think is the Rikard Nursing Home. So we've got bracketed on each side of

us; we've got commercial activities. We've got an office park and we've got the Rikard Nursing Home. My client is only seeking to change the road designation from Chapin Road down to the end of his two lots. He bought the lot next door to develop parking, etc. things like that. The house that he has, as you can see, is very huge. But it really could be developed very nicely for meetings and receptions, and I think it would be an asset to the community.

Mr. Carrigg asked, how large is the house?

Mr. Albert J. Sanders, 117 Maxie Road, Lexington, SC - My name is Albert Jerry Sanders, known as Jerry Sanders. The main structure of the house is 4700 square foot, the house itself. Then you've got a garage that is built like the house. Then you've got an upstairs FROG that is exactly built like the house. I'm not asking to add on that house. The house is really a non-salable house. I bought it at foreclosure because they tried to sell it for a year and a half. They couldn't sell it as a house and so I bought the lot but it's no parking. So I bought the lot next door to it at a market price for parking. The reason I bought the lot because you couldn't, you had no place to park. If anybody in here would love to buy that house, I'll be more than glad to write a contract on the spot with no questions asked and I've got pictures in the house. It looks like an old dungeon castle.

Mr. Carrigg asked, when you bought it, did you know that you did not have the zoning to do this with it?

Mr. Sanders replied, I bought it as a house; it's just no market for the house. It's not a market for the house. The question has always been, what person wants to live in an old dungeon castle? If anybody would like to buy it, let's write a contract.

Mr. Poag, interjected to say he did represent Mr. Sanders in the purchase of the lot and it was in foreclosure to sell, probably close to two years. They kept reducing the price, reducing the price and even went on the auction block and, I think they had a reserve minimum, that they would not accept the bid. I think, it was like \$300,000 all they could get for it. So I think to utilize it and be an asset to the community, it is an unusual structure as you can see.

Mr. Sanders interjected, the gentleman who built that house is also the one who built the war monument in front of the Courthouse here. The walls are this thick. And then you've got sheet rock and 2x6 walls. If I'm able to get it done, it will be to a class act operation. It will be to code. I am a licensed builder.

Mr. Carrigg replied, you said no one wants to buy it and live in an old dark dungeon, and asked, who would want to go to a meeting in an old dark dungeon?

Mr. Sanders replied, what it would be good for is a wedding reception type of place. Castle type of wedding. That's what it would be. Unless

Mr. Poag interjected, it might not be suitable for yours, but people have different taste. And he has bought two properties and he is just trying to develop it and not change the neighborhood.

Mr. Sanders stated, I have paid my fair share of property taxes on it. The property taxes this year were \$7,000 and it was well paid. That is just for the house itself.

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

Mr. Derrick opened the public hearing for those in opposition to Zoning Map Amendment M06-15.

In Opposition:

Ms. Theresa Hodge, 104 Ashley Oaks Drive, Lexington, SC 29072 - Good evening. I am an engineer so I like to engineer everything and in reviewing the residences around, what is referred to as the "Castle" house, I find that there are over 30 homes within a 1000 feet of that castle house. And what concerns me is, if Mr. Sanders is going to develop this as an events facility, how about the noise and the traffic that is going to be generated by this facility. It is going to affect people in the neighborhood. The castle house is approximately 200 feet from the closest residential unit. It is approximately 1000 feet from Ashley Hills entrance and it is about 1300 feet from Ashley Oaks entrance. And like I said, there are over 30 homes within a 1000 foot radius and that doesn't even include the Waverly Place which is north of Reed Street. And what I would ask you to take into consideration is Wintergreen Woods, which is over there off Corley Mills Road, I think that is an events facility; it operates after hours, so it is not as conducive to the neighborhood as some of the commercial facilities are in the triangle area which operate during hours. There will be noise associated with this events facility. To my knowledge, I have been in Ashley Oaks for over 10 years and there has been no major construction along Maxie Road within that time period so I don't see why we need to reclassify that road. Thank you.

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

Ms. Tomassina Fitzpatrick, 141 Ashley Hills Drive, Lexington, SC 29072 - I agree with Theresa Hodge and I oppose.

Mr. William Andress, 301 Ashley Oaks Court, Lexington, SC 29072 - I think that Theresa has done a wonderful job expressing what I have to say. I would like to add just a couple of things. The impact on the neighborhood will be significant. If you go and look at the home, which is adjacent to the property, which the person is requesting to turn into a parking lot, go see that it is already for sale. I don't know if there is a cause and effect relationship there, but I can't help but understand why that person might want to be selling the home. The Maxie Road is a narrow road. There is already a moderate amount of traffic on that road because, as it was pointed out, the Lexington Extended Care facility is on the far end of it. Adding to the traffic on that narrow road would certainly be dangerous, but my greater concern than anything else, is that if an events facility is there, there is going to be music at night, there is going to be traffic, there will be probably be alcoholic beverages served, there will probably be accidents and it will change the character of the neighborhood. So I would ask that you please consider not approving this.

Mr. Address asked for the record, I understand that the procedure for this is that it is forwarded to a zoning group or a Planning Commission following this and then there will be a second hearing and asked, do you know when the second hearing will be?

Mr. Hiller replied, the chain of events that happen with any map amendment request is that Council has first reading, announcement by title only, which has already taken place. The next step is the opportunity for public comment, which is the public hearing that we are at tonight. Following that, the same presentation that is given tonight is made to the Planning Commission and we will take a summary of tonight's comments, both in favor and in opposition, and relay that information to the Planning Commission. After that the Planning Commission will take a vote to make a recommendation to County Council, which is the one with the authority to approve or disapprove the request. At that time, it will be placed in the Planning and Administration Committee of Council for second reading. If Council chooses to disapprove any request, they may do so at second reading, but in order to approve a request, it will require a third and final reading. Mr. Hiller wanted everyone to know that they are welcome to attend the Planning Commission meeting, as it is open to the public, but it is not for public comment.

Mr. Charles Stafford, 105 Ashley Hills Drive, Lexington, SC 29072 - I represent the Ashley Hills Homeowners' Association and asked if Mr. Mark Taylor, who is a resident of the community, be allowed sufficient time to represent several other homeowners' organizations.

Mr. Mark Taylor, 143 Sharon Lake Court, Lexington, SC 29072 - I am a local attorney. I have lived in Sharon Lake since 1992; a long-term resident of this neighborhood.

Prior to his presentation, Mr. Taylor asked permission to recognize the five people from the local neighborhood associations whose Presidents are here tonight so Council understands that he is speaking on their behalf as well. Sharon Lake – Linda Smith, Ashley Hills – Charles Stafford, Ashley Oaks – Jill Menhart (not present), Mable Spring Farms – Chris McLane, and Rose Lake – Gary Duncan.

As Mr. Hiller pointed out to you by changing this property from RL4 to L, I think, Councilman Jeffcoat has hit the nail on the head. To go to a L designation, the question certainly has to be asked, who is it beneficial to? And already we are beginning to hear the answer to that. It is beneficial to one person. And, I think when one puts that into perspective of the neighborhoods that are being affected here, the community at large, other facilities of this type that he is alleging to put here, I think when you take the sum total of the parts you will conclude that such a designation should not be changed. It is also important, I think to remember, for all of us to remember, that a zoning change would be a variance in the road classification, not simply for this property. And since he has asked for this extension to go up for the two lots, we have to also remember that, that area in red, everything on either side of the road, be it on Old Chapin or on Maxie Road would be changed to L, which again could impact those particular parcels for commercial development as well. So, and then additionally the fact that he is presenting to you a fairly generic, this is for the benefit for the community, type approach tonight does not limit him simply to putting in some sort of center as he may have said to you as you are certainly well aware.

Maxie Road, I don't live on Maxie Road, but a lot of these folks do and the homeowners' association's presidents are here on their behalf. That has a speed limit of 35 mph and as it has already been described, if you are not familiar with Maxie Road, it is a very narrow road; has very narrow shoulders, access is very limited. I'm not sure what the photo showed from the engineer back here, but it is a very narrow road. Old Chapin, itself, in that area is 35 mph accelerating to 45 mph by the time you get up around our subdivision, Sharon Lake. It too has narrow shoulders. There are also sharp curves in Maxie Road so when you heard a couple of other people here talk about safety factors and the like coming out of commercial property, they know of which they speak.

Old Chapin Road, as you also know, is now becoming somewhat of a major connector, unfortunately, between Old Cherokee Road and the Town of Lexington. The Town of Lexington, as I am sure you are aware, comes right up to the red line at the bottom of the map so the County's area begins where the red area now starts. Which again, you will also notice that on the map, the Rose Lake Road literally is essentially across the street from the entrance to Maxie Road and these folks have a difficult ingress/egress problem already. And if this becomes a commercial zone under an L classification, they're going to really have even more problems along with the rest of us. As you have already seen and heard, it is a very high-density family single unit type area. The traffic patterns, the flow, the ingress/egress issues, and the setbacks will all be negatively affected by a zoning change. Another very important point in the consideration is that we have an enormous growth in our county as we know and as I recall it, we were number one in the nation fairly recently in terms of our growth pattern. There is a lot of commercial development as well as residential in our county. It is exploding and still exploding. Which again we can all celebrate in, except when we are trying to drive here. In that regard, one of the things that we shouldn't lose sight of is the esthetic appeal of where we live. And by virtue of the fact that, what I will call the Wilkins' Triangle, which has already been described to you and for those who are familiar with that particular little triangle, it is very nice. Its got a dentist office in there, a law office in there; very quiet scenario. Also came before zoning, came fully preceding the zoning changes. But, again, they are non-invasive. The traffic patterns are basically insignificant in terms of what they attract or detract. They primarily operate as a daytime operation, all the people there. And there is no noise affect. The Lexington Medical Center, which is just beyond the aerial view here, but is on the same side of the road as the property here as well as the Campbell Alzheimer facility, which is right at the end of Maxie Road just over Old Cherokee, have occupied their space for obviously a large number of years, as you are well aware. And there is, as you are probably also aware, because these facilities take care of a lot of our elderly and sick, there is a fairly high volume of emergency traffic that comes through there as well. So Maxie Road is already burdened fairly significantly with emergency vehicles coming in and out of there. And, again less than a mile going down Old Chapin, you are obviously aware that there are a couple of convenience stores, gas stations, there are office complexes, and buildings. There is a dentist office. There are new office condominiums up there and now there is an elementary school that is being cleared in that area as well. So there is a right significant amount of commercial and, as well as school activity going on up in that area.

Essentially, in closing what I would like to say is this: I was thinking about what to tell you that would be applicable tonight and I was thinking back to 1994 when this group behind me, as we

were living in these homes, there was a tornado that bounced through there, as you recall that did right significant damage to Lexington, and a lot of these homes were affected by that pretty significantly but we were all very blessed, for the most part. That which was torn down has been rebuilt and that hop, skip, and jump that the tornado did, thankfully, missed this area. And one thing in the legal profession, we call the tornado an act of God. Well, this particular act as being requested of you tonight is an act of human and with responsible management of this and taking in consideration all of the factors that we've discussed with you, we ask you to reject this amendment by voting no. Thank you.

Mr. Mike Horton, 104 Ashley Hills Drive, Lexington, SC 29072 - I agree with Mr. Taylor and have nothing to add to the comments that you have heard.

Ms. Rhonda Dotman, 112 Maxie Road, Lexington, SC 29072 - Good evening. The triangle shaped property that has most of the red is where I live. When the castle was being built, it was large amounts of cement trucks and concrete trucks and our road is extremely narrow. I could look out my window and it blocked cars and cars had to go in the other lane. I can just imagine what will happen if this gets approved with the traffic. Our road is narrow and I had one more comment about the gentleman had the yellow, that triangular square is actually my aunt's property; it's her yard. So it's not a vacant piece of property. It was purchased later, but it is on that area. I just wanted to say I do oppose this. My grandmother and I have lived in this house since 1972 and we choose not to have it commercialized. Thank you for your time.

Ms. Caroline Alexander, 300 Ashley Hill Court, Lexington, SC 29072 - I oppose this amendment.

Mr. Ronald Hook, 356 Old Chapin Road, Lexington, SC 29072 - I don't have any comments to make at this time. I just oppose this.

Ms. Marie Hook, 356 Old Chapin Road, Lexington, SC 29072 - I agree.

Mr. Clifford Ross, 116 Ashley Hills Drive, Lexington, SC 29072 - I have nothing to add, and I agree with the opposition.

Ms. Linda Smith, 101 Sharon Lake Drive, Lexington, SC 29072 - I agree with Mr. Taylor.

Mr. Gary Duncan, 151 Rose Lake Road, Lexington, SC 29072 - Mr. Taylor has covered my comments.

Mr. Mike Collins, 1020 Reece Court, Lexington, SC 29072 - I have nothing further to add.

Ms. Patsy Kiser, 116 Maxie Road, Lexington, SC 29072 - My husband and I agree with everything that has been said. As a professional caterer, everything that has been said is true.

Mr. Daryl J. Kiser, 116 Maxie Road, Lexington, SC 29072 - This is my wife, I agree with everything she said.

Ms. Kellie S. Howell, 132 Maxie Road, Lexington, SC 29072 - I oppose to this as well. I have lived there all my life.

Ms. Shirley Burkett, 128 Maxie Road, Lexington, SC 29072 - And there is one thing that I would like to add. What about the children living in the neighborhood? We've lived there 65 years and all those little children running up and down Maxie Road doesn't need any extra traffic.

Ms. Hope Burkett Monaco, 128 Maxie Road, Lexington, SC 29072 - Ms. Shirley Burkett's comments were on behalf of Ms. Monaco as well.

Ms. Brenda Christopher, 144 Maxie Road, Lexington, SC 29072 - Ms. Shirley Burkett's comments were on behalf of Ms. Christopher as well.

Ms. Mary B. Steele, 122 Maxie Road, Lexington, SC 29072 - Ms. Steele's comments were not made at the podium and, therefore, were not audible.

Mr. Thomas F. Howell, 132 Maxie Road, Lexington, SC 29072 – I am the gentleman who lives right across the street from that lot. I watched it get built from the ground up. I sit on my porch every evening. Every evening, every morning people see me sitting on my front porch. I really don't like the idea of in the evening of having people raising cane across that street. It is a very pleasant neighborhood. Love it to death. Want to keep it as a neighborhood. Appreciate it.

Mr. Fred Farley, 119 Ashley Hills Drive, Lexington, SC 29072 - I didn't particularly know the goings on once the house was built about the change of ownership and such. But, obviously, there was some financial problems going on there. The house went up for auction. The guy didn't get the price he wanted and to be short and blunt, Mr. Sanders was looking for a deal. He got a 4700 square foot house for under \$300,000 as I understand it. You take your chances when you are going for a deal like that. He made a comment that he is paying \$7,000 in property taxes, I guarantee you that the 30 homes that are within a 1000 feet of that home and the 230 homes that are within a quarter mile, we pay our share of property taxes too. We would like to be looked out for. This is a very high-density residential area. It's a very narrow road, some of your questions to the preceding folks indicate to me that you are really not familiar with it. I would just like to ask all of you to take a few minutes, drive down the neighborhood, physically see the road, the homes around there and what we are talking about. Get a visual identity of it before you make a vote on something you haven't seen. Thank you very much.

Mr. Dan Winker, 138 Ashley Hills Drive, Lexington, SC 29072 - I agree with Mr. Taylor. Only one issue that maybe you gentlemen could address little bit. As Mr. Taylor said, it is a very narrow road and there are little children. It is impossible when the emergency vehicles are coming behind you, even to have a spot to pull off on, and this could create several different problems under normal traffic. So if you gentlemen could address that issue, also, or take it to the right people it would be very helpful. Thank you.

Ms. Kathleen H. Burkett, 112 Maxie Road, Lexington, SC 29072 - Someone spoke on behalf

of Ms. Burkett indicating that she opposes.

Mr. Duane Burkett, 111 Sharon Lake Court, Lexington, SC 29072 - I would just like to say that I agree with those comments.

Mr. Derrick stated no one else had signed up to speak in opposition, but said if anyone has anything to add, whether in favor or opposition, to please send the information to the Clerk to Council and she will distribute to all members of Council so a final decision can be based on all the information.

Mr. Derrick closed the public hearing.

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

07-042 - A supplemental appropriation decrease in the amount of \$2,478 to reduce the EMS grant-in-aid budget to reflect the award from DHEC to Lexington County and to add line items to the budget.

07-065 - A supplemental appropriation decrease in the amount of \$58,835 to reduce the amount of funds received from DHEC for the Waste Tire grant. Also, to appropriate the award to public education supplies and conference and meeting expenses

07-066 - A supplemental appropriation decrease in the amount of \$6,950 to reduce the amount of funds received from DHEC for the Used Oil grant. Also, to appropriate the funds to match the grant award.

07-068 - A supplemental appropriation increase in the amount of \$332,545 to appropriate the supplemental Homeland Security grant funds received from SLED.

07-070 - A supplemental appropriation increase in the amount of \$40,545.75 to appropriate an incentive check received from DSS for the Clerk to Court passing their federal audit for federal fiscal year 2005.

07-071 - An appropriation transfer in the amount of \$23,716 for various accounts in Economic Development. When the new position, Senior Project Manager, was approved for Economic Development, the position was to be partially funded with CDBG funds. Because the position is not spent on CDBG projects, funding cannot be charged to CDBG funds.

Old Business/New Business - None.

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.

There being no further business, the meeting was adjourned.

Respectfully submitted,
Diana W. Burnett
Clerk

William C. Derrick
Chairman