

**MINUTES**  
**LEXINGTON COUNTY COUNCIL**  
**MARCH 14, 2006**

Lexington County Council held its regular meeting on Tuesday, March 14, 2006 in Council Chambers, beginning at 4:30 p.m. Mr. Cullum presided; Mr. Davis gave the invocation; Mr. Derrick led the Pledge of Allegiance.

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

Also attending: Art Brooks, County Administrator; Larry Porth; Finance Director/Deputy County Administrator; Katherine Doucett, Personnel 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.

**Employee Recognition - Art Brooks, County Administrator** - Mr. Brooks recognized Sheri Armstrong, Stormwater Manager, Public Works; Bill Caldon, Engineering Associate III, Public Works; and Janet Turner, Development Coordinator, Community Development, who were commended for assisting a business person conducting property research for a client. The individual wrote that the staff was most helpful, returned his calls promptly, clarified the problems, and offered advice on how to remedy the situation.

**Appointments - Library Board - Mr. Brant Taylor** - A motion was made by Mr. Davis, seconded by Mr. Derrick to appoint Mr. Brant Taylor to the Library Board. Mr. Taylor replaces the late Mr. Guerry K. Taylor.

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

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

**Health Services District - Mr. Ronald L. Moore** - A motion was made by Mr. Owens, seconded

by Mr. Kinard to reappoint Mr. Ronald Moore to the Health Services District Board of Directors.

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

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

Mr. Derrick asked if Council had ever established a policy for rotating the At-Large appointment on the Health Services District Board of Directors.

Mr. Jeffcoat asked that the At-Large appointment be placed in the Health and Human Services Committee for discussion.

**Chairman's Report** - No report.

**Administrator's Report** - No report.

**Approval of Minutes - Meetings of February 14 and 28, 2006** - A motion was made by Mr. Derrick, seconded by Mr. Kinard to approve the minutes of February 14 and 28, 2006 as submitted.

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

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

**Ordinance - Ordinance 06-01 - Authorizing the Execution and Delivery of a Fee-in-Lieu Agreement Between Lexington County and Project Elizabeth - First Reading** - Ordinance 06-01 was removed from the agenda.

**Committee Reports - Planning & Administration, J. Owens, Chairman - Help America Vote Act (HAVA) & Election Assistance for Individuals With Disabilities (EAID) Grant - Registration and Elections** - Mr. Owens reported that the Planning and Administration Committee met on Tuesday, February 28, 2006 to consider a request to accept a \$9,950 grant from the South Carolina Election Commission.

Mr. Dean Crepes, Director of Registration and Elections, stated the Help American Vote ACT and Election Assistance for Individuals With Disabilities grant will be used for "Vote Here" curbside signs and to upgrade voting precincts to be handicap accessible. There are no matching funds or

personnel required by the County.

The Committee voted that full Council approve to accept the \$9,950 grant from the South Carolina Election Commission.

A motion was made by Mr. Owens and seconded by Mr. Keisler that the Committee Report be adopted.

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

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

**Economic Development, J. Jeffcoat, Chairman - Approval of Contract for Property Purchase (Tentative) Economic Development** - The approval of contract for property purchase was deferred to a later date.

**Resolution - Pascal E. Shirey** - A motion was made by Mr. Derrick and seconded by Mr. Jeffcoat that the resolution be adopted.

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

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

**Executive Session/Legal Briefing** - A motion was made by Mr. Kinard, seconded by Mr. Owens that Council go into executive session to discuss contractual, legal, and personnel issues.

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

**Clif LeBlanc, reporter, The State Newspaper** - Mr. Clif LeBlanc, reporter for *The State* newspaper, asked that he be put on record that *The State* opposes entering into executive session because of insufficient specificity.

Mr. Cullum reconvened the meeting in open session and reported no motions were to be considered.

**6:00 P.M. - Public Hearings - Zoning Map Amendment M06-01 - Lake Estates Drive (intersection of Timberlake Drive to Water Links Drive, approx. 1030 feet) and Timberlake Drive (approx. 460 feet starting at TMS# 01526-01-001 ending at the intersection of Timberlake Drive and Club Court) -** Mr. Cullum opened the public hearing and recognized Mr. Bruce Hiller, Development Coordinator, Community Development Department.

Mr. Hiller stated that the applicant Mr. George Duke has requested that Lakes Estates Drive (intersection of Timberlake Drive to Water Links Drive, approximately 1030 feet), and Timberlake Drive (approximately 460 feet starting at TMS# 01526-01-001, ending at the intersection of Timberlake Drive and Club Court) be changed from Local (L) to Residential Local Four (RL4). He stated that Mr. Duke indicated on the application that the reason for the request is since the original master plan, these areas that have been developed are residential only, the RL4 designation would be consistent with the single family residential use. Prior to Mr. Hiller reviewing the maps and area by using a Power Point presentation, he stated there were two main issues that he would like to address to clarify some misinformation. First of all, as a lot of people are aware there is a proposed high-rise condominium project that is anticipated. This map amendment (M06-01) does not have any relationship to the height amendments that Council and the Planning Commission are now currently considering. That will be a public hearing at another date, yet to be determined. The other issue that seems to be also in relationship to the proposed condominium project is that this map amendment would in essence affect that project and not allow it. That is not true.

Mr. Jeffcoat stated for clarification that this map amendment does not restrict any development in the Bay Communities' proposed development, correct?

Mr. Hiller replied, right. That is correct.

Mr. Jeffcoat replied, they will have no problem with that based on this change.

Mr. Hiller replied, no sir, it will not affect that at all. They will have the same access as they currently have.

Mr. Jeffcoat asked what will Lake Estates Drive do?

Mr. Hiller said it is the same situation. When you look at a RL4 classification versus a Local classification as it is now, certain activities that may be allowed to access off a Local street classification would not be allowed to access off of a RL4 classification. RL4 is mainly low density residential, we refer to that as residential detached or single family residential, or residential attached two, which are duplexes. Once you get above that, you are in a residential attached three or more which could be town homes, condos, apartments, those types of things. There are some other activities that are allowed off of a RL4 classification mainly churches and certainly less intensive type activities. The Local classification allows certainly not intense activities but more so than a RL4 classification would allow. With this one, Lake Estates Drive, then it could restrict the use of,

if anyone planned in this area (the parcel on the south side of Lake Estates Drive that is located in between the golf course fairways) could actually restrict multi-family residential detached three or more dwelling units. Mr. Hiller corrected to say duplexes would not be allowed.

Mr. Jeffcoat asked, it is all single-family there.

Mr. Hiller replied, it would only be single-family residential.

Mr. Cullum asked for clarification that RL4 will not allow duplexes, correct?

Mr. Hiller replied, correct.

Mr. Cullum asked, but L classification (Local) will?

Mr. Hiller replied, correct. He stated L (Local) will also allow residential attached three or more.

Mr. Cullum stated it is L (Local) now which allows for the duplex or the multi-family three or more units attached and the application is to make it more restrictive.

Mr. Hiller replied, that's correct and, of course, Mr. Duke, the applicant, as I understand, does plan to speak and hopefully he can clarify his desires. But as I understand it, his desire is to maintain the more single-family residential setting on those two road ways.

Mr. Derrick asked Mr. Hiller if he had any historical data as to why, on the Timberlake portion, that it was initially classified as a L (Local) rather than a RL4? He said it appeared that it was inappropriately classified in the beginning.

Mr. Hiller replied, it could have been because of the golf course, the clubhouse and related type activities.

Mr. Derrick said, but the small parcels (reference to the section on Timberlake Drive) start right where this proposal starts.

Mr. Hiller replied, that's true, and I really don't have an answer for your question. I was only trying to speculate on what possibly could have been when it was originally zoned and could do some research.

Mr. Cullum asked what is the age of Timberlake?

The consensus of the audience was 1987.

Mr. Jeffcoat asked Mr. Hiller to revisit Lake Estates Drive on the presentation and asked whether the golf courses are on each side.

Mr. Hiller replied, yes sir.

Mr. Jeffcoat stated, if we don't change it then you can have apartment complexes, etc., in there now (reference to property adjacent to Lake Estates Drive).

Mr. Hiller replied, that would be allowed if it met the buffers and setbacks and screening requirements. There are obviously other issues at stake here too. But to a RL4, would not allow that (duplexes or greater) activity.

Mr. Jeffcoat reiterated, the other one (reference to the Timberlake Drive section), once again, with Bay Communities and that development they could continue on and build that if that is what their desire is at this time.

Mr. Hiller replied, it would have no affect if the golf course remained a golf course. Now then we get back to an old issue that we visited several months ago, if the golf course wished to be utilized for other activities, then yes, we certainly would have a different situation.

Mr. Jeffcoat stated that he wanted to make it real clear that Council is not trying to kill any project but Council does want to make sure whatever is built there that it conforms with what is already there. Whether it be four stories, five, six, nine, or whatever it might be, it needs to fit the neighborhood. He advised the residents to be cautious about some of the developers that might come in and make a bid to develop in that area, be cautious about promises made and what is actually built because we have had experience on this Council that come in and paint real pretty pictures and come in with fancy architects and drawings and it turns out nothing like what was promised. So, I want to caution you on that side of the issue also. It is our intent as a Council that we are not here to kill development in the County, we are here to support, but we want to make sure that you folks are not affected in a negative way in the quality of life that you have been accustomed to in that area. He stated he was always open for any discussions, questions, etc., and would be glad to meet with individuals or attend meetings. He wanted to assure everyone that Council was not here to kill anything, but we're here to make sure that you folks get what you are promised you are going to get and to make sure that whatever project is there, is going to fit your neighborhood and something that you will be proud of rather than empty promises and I'm not referring to any particular developer when I say that, but just be real careful about some of the things that you are told; try to get as much assurance from whoever that it's actually going to happen because it can easily not happen and you can have a big white elephant sitting out there that you won't be proud of. So, I just want to pass that on and thank you Mr. Chairman for the time.

Mr. Cullum opened the meeting for the public hearing and reviewed the guidelines for public hearing. The public hearing is for information only, it was not a time to engage back and forth with Council, there may be questions and those will try to be answered at a given time; the purpose is to receive feedback in support or in opposition to the application for zoning change. Mr. Cullum asked that each speaker provide name and address for the record. Speakers are allotted three minutes and with the number of people signed up to speak the time would be adhered to as much as possible. If

someone has spoken and has represented comments and there is nothing new to add to what has been said it was acceptable to indicate concurrence. Mr. Cullum added that no one would be denied the opportunity to speak.

Mr. Cullum opened the meeting for comments from those in favor.

**Mr. George Duke, 637 Webster Pointe Drive, Chapin** - Mr. Chairman members of Council my name is George Duke, I live at 637 Webster Pointe Drive, and I'm the one that signed the application. I speak to you as President of the Timberlake Estates Homeowners Association and as a homeowner and resident of Lexington County since 1968, lake dweller since '72 and a resident at Timberlake Estates since 2000. The issue of the status of the current zoning was brought to our attention when we had a meeting on another matter about the lake with the county administrators and they brought it to our attention. It was then when we, the group that met, decided that we would take it upon ourself to file a zoning change to make the entrance of Timberlake (that yellow strip there) change it from Local to Residential and the thought was if you were not to rezone this parcel it would leave us exposed to development that was not consistent with the existing neighborhood and as I looked over the list back there it includes such things as zoos, airports and car places so that's kind of frightening. We wish to maintain the quality and character of the subdivision that we try to so diligently to maintain through the RL4 zoning that begins at Waterlakes, we vigorously enforce our restrictive covenants and our architectural guidelines. The rigid enforcement of these maintain the value of our residence and a solid tax base for Lexington County. The Timberlake Estates Homeowners Association has maintained the right-of-way along that road, Lake Estates Drive, for the last 10 years as well as the security lights along that road for the last 10 years. The sign for the entrance to Timberlake Estates is on Timberlake Drive and the corner at the top so as you drive in it looks like it's part of Timberlake Estates. It has never been the intent of our group, or me personally, to restrict the development of Bay Communities and Mr. Jeffcoat addressed that. As far as I was concerned there was no apparent connection between the rezoning and this project; it appears as if there is none. The only way a change could impact Bay Communities is if there is an agenda that is not set on the table, an agenda inconsistent with the current R4 zoning throughout the existing neighborhood. With that I ask you to accept the change in the zoning and I have these notes if anyone would like to have a copy.

Mr. Cullum asked that Mr. Duke leave a copy of the notes with the Clerk.

**Carl Connelly, 1677 Amicks Ferry Road, Chapin** - I'm Carl Connelly, live at 1677 Amicks Ferry Road, my family owns the property on the north/northwest side of Timberlake Estates Drive there. To me this issue pertains to the quality of life and the environment that we have in this area. I've lived in the area most of my life. I've seen in the last 20 years the area go from being a rural community where people raised crops and livestock to where we now raise subdivisions more than anything else. I think you have opposing views, maybe, but my view is that we need, like I say, it's a question of environment and quality of life and we don't need intensive housing development more than what we're asking for here is the RL4. There are things that George mentioned already that come under the L category that I don't think anybody would want to see in that area. We need to be

concerned about the individual lot owner, landowner and keeping the atmosphere and the climate there as Mr. Jeffcoat said earlier, maintaining it up to the par with what has been there and what is expected to be there and we have to balance, which I'm sure Mr. Hiller is trying to do, between the interests of the landowner and the lot owner as opposed to the real estate developer who's more concerned perhaps with how much money can be squeezed out of a piece of land than what it can be used for on a good sound environmental basis. Thank you.

**Don Weaver, 378 Oxenbridge Way, Chapin** - Did not speak.

**Karen Weaver, 378 Oxenbridge Way, Chapin** - Did not speak.

**J. Suzanne Batey, 224 Pointe Overlook Drive, Chapin** - I concur with what has already been said.

**Thomas Batey, 224 Pointe Overlook Drive, Chapin** - I also concur with what has been said.

**Rebecca Connelly, 1677 Amicks Ferry Road, Chapin** - Ms. Connelly requested that Mr. Hiller display one of the maps.

My name is Rebecca Connelly, I have a residency at 1677 Amicks Ferry Road, I grew up here, spent 32 years in this area, I also currently live in Columbia, but my main interest is in my land here and my family here. I wanted to add just a few things of what the current zoning of L would bring about and they mentioned a few and I was going to run through them real quick. The L zoning leaves room for nursing homes, personal convenience center, plant nurseries, professional services, recycling center, research services, residential detached, residential attached (two dwellings), residential attached (three dwellings or more), retirement centers, assisted living, salvage and wrecking yards, scrap operation, business park, shopping centers, industrial parks, towing/impoundment lot, trade enterprises, transient habitation, transport and warehouses, transport services, undertaking, utilities, vehicle parking, vehicle repair, vehicle sales, vehicle servicing, veterinarian and zoos and that leaves a lot open for this area and one problem that this brings is...two areas - one, this area right here which is part of my family's property is not part of Timberlake; it's a lot of area that could be left open for any type of development that's listed in this part for L and that is on that section of road. The section below it, I'm not sure it is part of Timberlake, but I'm not sure who owns it. Part down at the bottom is already divided into residential lots but those could be bought and put together in a plat, this would raise concern. Another concern it would raise and I believe it's a concern that some people came in here is high density housing that could be placed, especially in these two areas at the top. My specialty is civil engineering and transportation and I brought about a little bit of information I'll quickly go over. Currently the traffic on Amicks Ferry Road right here in front of Timberlake is 2,800 average daily traffic count for 2004. When you get up closer to Bear Creek Bridge it's 6,500 average daily count for 2004. I ran some numbers from the Institute of Transportation Engineers to trip generations and for a hundred dwelling units of single-family detached, the average weekday volume is 1,040. Now, to take these areas and to leave them wide open to any development is going to cause problems. We're already low on our services, our public services. They're under budget and understaffed. How that services would be maintained to look outside of just this area and also the roadway and how would it handle this type of capacity. Those

are my added notes for the reasoning for the rezoning.

Mr. Cullum asked if anyone else wished to speak in favor of the zoning change. No response. Mr. Cullum closed that portion of the hearing.

Mr. Cullum opened the hearing for those in opposition of the zoning change. Mr. Cullum recognized Mr. Hiller.

Mr. Hiller stated that there may have been some confusion on the sign up sheet that very possibly not all that had signed wish to speak.

**Wayne Smith, 913 Eastridge Court, Chapin** - I am part of the confusion.

**Ed Devaney, Edgewood Drive, Chapin** - Asked to defer his comments.

**W. J. Harris, 916 Eastridge Court, Chapin** - Part of the confusion.

Mr. Cullum asked if there was a community spokesperson.

**John Sellers, 121 Club Court, Chapin** - I'm John Sellers and I live at 121 Club Court. We're just a few yards away from one of the zoning changes and I used to grow cows and corn but I moved out to Timberlake to have a little more fun so I went out there to try to capture a dream that was proposed some time in '87 and I saw that dream then and made plans that some day I would go to Timberlake and enjoy the golf and the amenity packages that were proposed by the original developer. But as we all know, the financial problems, bankruptcies, the FTC and all the history that came about, we've seen several golf course owners come and go in 13 years that I've been there with Susan. We have been in great hopes that some guy would ride in on a white horse and develop our community for us before we got old and passed away. So, we've been waiting a while, a lot of us out here have been waiting longer than me and some not so longer, but we have been looking forward to the day when somebody would come forward that had the expertise, the financial ability, the experience that Bay Communities has. I don't propose to speak for them in any sense. I'm speaking tonight as a homeowner who has been looking for a dream and chasing a dream to retire in Timberlake and have the things that I was looking forward to when I bought out there. So, we're here tonight and I'm speaking for 185 people on a list that we've signed where we oppose this rezoning. Don't know about all the intricacies about this will not itself stop Timberlake Green, but I do know that the engineers, Power Engineering and Consulting, I called them today and I said what in the world's going on, I'm going to be going there tonight to speak, I'd like to appear that I know something about it, I heard now that it will not affect at all and it would be addressed tonight that it will not affect Timberlake Green, and he said well that's true, it won't affect Timberlake Green the way it is being proposed tonight, it won't, but it will open the door so that somebody can come in and stop Timberlake Green. I don't know how much time I've got left to wait on the next developer to come riding in. But while I'm here now I can tell you that if you would like I'd be glad to ask everybody in opposition simply because we fear the loss of this developer and we know that he has studied very, very deeply, very strongly, very sincerely and with the experts that he has at his

disposal they tell him that if this zoning is approved tonight that it would open such doors that he would sell out and move out. So that would leave us back again to where we've been for the last 13 years. I don't know, and I appreciate your comments, Mr. Jeffcoat, because I think you are absolutely right. What we fear is not what you said that is right, what we fear is what we don't know and that's why we are in opposition tonight. Would those of you in opposition please stand. This is from all the different neighborhoods in Timberlake. I'd be glad to leave this list with you.

Mr. Cullum stated that instead of going through the list of those who signed to speak in opposition, unless those attending chose otherwise, is ask if you wish to speak he would recognize you and go from there.

**Bobby Alexander, 616 Timberlake Drive, Chapin** - I live on the, right near the bottom parcel near Johnny. One thing you need to recognize about the bottom part is it's already subdivided into lots, it's already part of Timberlake Plantation, it's already under the restrictions and covenants of Timberlake Plantation, it already has to adhere to minimum square footage per house, it already has to be approved before you break ground, there's no need to rezone that parcel. I'm with Johnny as well as everyone else here, when it comes to the developer and you speak of the white elephant, you obviously haven't seen the condition of the white elephant we currently have as a clubhouse and as a dilapidated building and an empty pool that we have to look at now. Our developer owns not just the parcel he wants to develop, he owns a house there. He's part of the community there and rather than come in, in an adversarial relationship with him, we'd rather partner with him and come in and say, you know, thank you, come in here and help us make our community better and that's really what I want to say here, you know, you guys are at least the ones opposing and the ones that are skeptical, be careful. We have lived with a golf course with potential for years and we finally have somebody that's not only willing to come in and develop the area but has the golf course under contract. If the man's willing to buy the golf course, he's going to put the money into it and I agree that this is an attempt to open the doors to stop the Green at Timberlake and I believe that the 70 here and the 185 you have signed there as a show of support, there are five, I know that Mr. Duke is the President of Timberlake Estates, there are five associations there. I will bet you there are constituents from Timberlake Estates here, there are also from all five here, so he's not speaking for all of us, he's speaking for himself. We are here to support the developer who is also a neighbor of ours. We're here to support each other and support this community. And I hope you guys will listen to all of us as one here.

**Ed Devaney, 228 Edgewood Drive, Chapin** - My name's Ed Devaney and I live at 228 Edgewood Drive, one of the Timberlake communities. I am not a member of that homeowners association either. One of my real concerns, I lived in Irmo for a while and I've been around some golf courses and it takes a lot of members to make a golf course work. Lexington Country Club has got the same issue. Coldstream had an issue. Now the county has an issue with what's going on with Coldstream. If this golf course succeeds, it will be because there's a number of people that live there and it takes a large enough community because everybody is not going to join the golf course or the golf club, but you need a large enough population that you get enough members to support the golf club. People that care, people that care about their neighborhoods and that's throughout Timberlake. I don't care where you live in there. There's one stretch that they're talking about down at the bottom,

they were talking about the land on the left, there's already houses on that land, on at least one of those lots now, it's under construction there now so why change that. It's not going to be anything but what it is right now. I would really hate to look up there and say ....just like Coldstream. I don't think the County wants that either. This is an opportunity for this community, this golf club to succeed. It's going to put some more traffic on the streets. It's going to require more infrastructure. Lexington County can't back up. We gotta go forward. I grew up in a farming community myself, but I moved out.

**Greg Robinson, Executive Vice President, Bay Communities, 5 ....., Palm Coast, Florida 32137** - Good evening, my name is Greg Robinson, I'm the Executive Vice President of Bay Communities, who would love to do this project for the people here, for the county, for the area around Chapin and Timberlake. It was our intention a while ago to create a condominium and townhouse development here, partner up with the golf course, build them a new club house, open up some additional amenities to the community. We have since gone into contract on the golf course, we would love to take this community to fruition, we know the potential of that golf course, we know what we can do for the golf course, for the general community. Our biggest concern here is not so much that the two areas in question may possibly be rezoned. My thinking on this is that some day somebody is going to come back and say well, this area is zoned RL4, this area up there is zoned RL4, we should connect the dots and we should do all of Timberlake Drive in that area as RL4 which means that we could not create the development that we have in mind and it would just no longer be viable for us to even be here. As a few of the people have stated, our president Mr. Harkins has a home on Little Gap Court, he loves this area, he picked this area for his family as his summer residence and would really knows what the community is looking at, has had many, many meetings with members of the community and we have gotten tremendous feedback from the community. So it's not like we're coming in and just going to go, we're building this. We have entertained ideas from the community. We intend to keep doing that and provide something that is not only good for Bay Communities but is good for the general Timberlake area and we are obviously opposed. Thank you.

**John Denise, 124 Quiet Cove Drive, Chapin** - I live in the Peninsula at Timberlake which is one of the other neighborhoods. Again, I think it's important for you all to understand that there are five Timberlake neighborhoods. The person who filed for this petition or the zoning change doesn't even represent one of those. He's a member of one of those and he sits on the board, but if you notice they're several people in favor of this zoning change and a whole bunch of people opposed to it. I want to talk to you a little bit about what I see is a bigger issue and that's the vocal minority trying to control what happens against the wishes of the majority of people. Not only that, but property rights ownership. The people who bought this land and all these parcels involved bought it knowing what the zoning is. They might not have bought that had the zoning been what they're asking for it to be changed to and I think there's a big movement in this country of people trying to change the way things are and if they, you know if they want to change it they should buy that property themselves if they're that opposed to it, that's what they ought to do with it. We've actually talked as members of Timberlake about the members buying the golf course because the golf course is essential to that property. Our property values have done very well, the tax base in Lexington County has done very well because of that property value rising and I think everybody here will tell

you we all got reassessed recently and we're paying a whole lot in taxes. You take away that golf course, the value of what's out there is gone. The lake is always great, but not everybody in Timberlake lives on the lake. I, fortunately, I live on the water too, but I bought out there based on the premise in 1987 I saw a master planned community modeled on something like Harbor Town. It was a golf course and resort community with a clubhouse, a pool, a marina, all the things you could want so you'd never have to leave Chapin on the weekend. It's basically living at a resort, but you're close enough to town. Why change that master plan now? The plan was done with the zoning that's currently there and it's done OK, the County's done okay, I don't see any reason to change that because of the opinions of a small number of people who are willing to spend time, homeowners association legal fees to try to ram something through that is not supported by almost anybody in the neighborhood and I agree with everybody else here, the survival of the golf course depends on the community doing well, depends on us having a clubhouse, having a true country club atmosphere. That's what we were sold when Timberlake was first built and first developed and first conceived is that you've got a country club atmosphere. We don't have a country club. We have a golf course. We basically have a public golf course out there where we live and, you know, the people who are members of the club have a vested interest, and you know, keeping the golf course, but everybody out there whose property values have done well whether they in Timberlake or not in Timberlake, basically all of Chapin has done well partially because of Timberlake Plantation and because of that golf course. Also because of the school system. But, you know, which comes first. Are the good schools out there, because the high priced housing is out there or is it vice versa? I mean, we need to recognize the value of that property and make sure that we stick with the plan that was originally proposed. Thank you.

**Joe Frederick, 157 Lake Vista Drive, Chapin** - I'm here to talk to you tonight because I feel it's very important that we make sure that you all understand the feelings of the people that live in this community and there's one very important thing that you people have to look at and that is our school district is rated number one in the state and it's rated that way because of the taxes. This community and this planned development will bring in more taxes. It's going to bring in senior citizens that do not have children that go to school. It's going to bring in cars, it's going to bring in boats. Everyone who pays school taxes to this county. If you turn it down, you're turning down a lot of revenue, and I believe that it would be unjustifiable to listen to a few people instead of the majority. I worked at the golf course for many years and I know the golf course business and if it keeps going the way it is, it's going to end up a development not a golf course. For years we fought and fought to try and keep it alive and you could just about make it, right now they're not making money and why, because they don't have any people that are willing to come out here because it's not a true number one golf course and that's about all I have to say. Thank you very much.

**Andy Aun, 107 Inlet Place, Chapin** - Members of Council, my name is Andy Aun I am a lawyer here in town and a resident of Timberlake. I actually grew up right across the street and I think I might have gone to school with your daughter (referring to Mr. Davis) Carrie and grew up in Lexington and as the story goes, ain't but one vote in my family and I ain't got it so we moved out to Chapin and I went out there with a lot of uncertainty not knowing what to expect, not knowing, you know, about the community, but the, at the end of the day, I have fell in love with the community, absolutely fell in love with the community. A lot of the issues raised, little over my

head, you know, I haven't studied the zoning out in that area, you know, I was kind of in the half of the class that made the top half possible when it came to zoning, okay? But my main thrust here tonight is to suggest to you that we're dealing with risks either way we go out there, okay. And Mr. Johnny, you raised a good point. It is a risky situation either way we go out there. Whether we partner up with the developer, whether we change this zoning, we're dealing with risks. There's uncertainty. But I am willing to bank my family's future on the risks of partnering up with a developer who is a resident of our community and putting trust in my County Council, because guess what, I just got this hunch that even though L zoning or RL zoning allows for airports and nursing homes and all this that my Council has the sufficient wisdom to listen to the community on those issues. So in my opinion, it's a lot of scare tactics, in my opinion, you have to look at really the soft science out there and the fact that we have had kind of a house of cards over the last almost two decades and to have a real opportunity to develop this area in such a way where we're not looking at an eyesore or a potential lawsuit with an empty, you know, pool, to be able to have an opportunity to actually gather the amenities and use the amenities that we were promised when we bought the property, that'd be wonderful and that would be a wonderful thing for you all because we're going to want to live there and want to pay whatever we got to pay to live there. So having said that, I oppose this zoning change and really would hope that, would hope that you all listen to the majority tonight and I appreciate your time.

**John Clark, 212 Bays End Court, Chapin, President, Bay Pointe at Timberlake** - Members of the Council, my name is John Clark. I am President of one of the newer sections of Timberlake, Bay Pointe at Timberlake. We've got, we're going to have 29 homes when we get them finished and we about got it done. When my wife and I moved here from Cary, North Carolina, we were looking for a golf club, a golf course, a swimming pool. When we moved here we had that, but now we've got an empty cement hole and I know that the golf course or the golf club is losing money. My biggest fear is what happened down in Myrtle Beach at a big golf course down there. I live on the golf course on the number two fairway. I am concerned about houses being built in my back yard if that golf club fails, so therefore, I urge you to not change this zoning. We need that condominium project. Thank you.

No one else asked to speak. Mr. Cullum closed the public hearing.

Mr. Jeffcoat stated those in favor and those opposed, we really appreciate your being here and letting us know exactly how you feel and sometimes it's good to know who's listening and who's paying attention to what's going on in your neighborhoods and this Council can tell you many times we have decisions to make and we don't have very much feedback and sometimes no feedback at all. I can honestly tell you that I think most of the time there are any changes made in the Chapin or Irmo area this is what we see and I just want to tell you how much I really honestly appreciate each and everyone of you being here and to let you know how much I appreciate the opportunity of being your representative and let you also know that I have two ears and one mouth and I try to do double listening. So I think most of the Council has heard you tonight and heard you very loud and what we had hoped to do and what we will continue to strive to do is work with Bay Communities. We have had very little contact with those folks. There have been, you know, rumors flying in every direction but there has been no request for any approvals of any plans, there has been no request for

any permitting of any kind, there has been nothing except basically conversation. So we haven't, I don't think we've been hard to live with. We'll strive to do what we can do to make this work. At the same time, as I said at the very beginning, we want it to fit the neighborhood and be consistent with what you folks have been accustomed to as far as the quality of life in that area. Beautiful area. I live in the same, well, I live in your district so certainly I enjoy the same type, I live on the lake, on the water, enjoy it, pay high taxes just like you do, work every day to make a living and also give time to try to make our communities a better place to live. So I appreciate your being here and again I appreciate very much your support and I'm here if you need me. My phone numbers are available to you if you need them. Thanks for being here and let me hear from you if you need me.

Mr. Cullum expressed his appreciation to those attending and taking interest in their community and their most valuable asset they have and asked Mr. Hiller to explain how the process will work; first reading has occurred, the public hearing tonight.

Mr. Hiller stated first reading was held on February 14, 2006 and the second step, the public hearing; after this the Planning Commission meets this Thursday at 8:00 a.m. and at the meeting, I will make exactly the same power point presentation to them that you have seen tonight. In addition to that, the Zoning Administrator has been taking notes on the comments for and against that were made and a summary of those comments will be presented to the Planning Commission. At that time, the Planning Commission will vote to make a recommendation, and I highlight the word recommendation, to County Council because ultimately County Council has the, and only has the authority to either approve or deny this map amendment request. After it goes to the Planning Commission, it will go to Committee and the results of the Planning Commission will be reported to the appropriate committee and it will come out of committee as a recommendation to either someone make a motion to vote for or against this action at third reading. It does take two more readings for that to take place. Mr. Hiller stated at the Planning Commission it is not a public hearing; there is not the opportunity to speak again, that was the purpose of the public hearing tonight.

**Zoning Map Amendment M06-02 - 407 Bay Pointe Road, Cherokee Shores Cabana Pool Area. TMS#03216-01-047 p/o** - Mr. Cullum opened the public hearing on Zoning Map Amendment M06-02 - 407 Bay Pointe Road, Cherokee Shores Cabana Pool Area. He stated that Mr. Hiller will present the information after which public input will be taken.

Bruce Hiller, Development Administrator, Map Amendment 06-02, the applicant is Kevin Berry of Earthsource Engineering out of Mt. Pleasant, South Carolina. This map amendment is for 407 Bay Pointe Road, Cherokee Shores Cabana Pool Area TMS# 003216-01-047 part of. The request is to change the zoning classification for that lot which is currently zoned RD to ID. If I may, at this time, as I did on the first one, there may be a little bit of confusion on this one too that this zoning map amendment affected the entire subdivision or entire area - it does not. It affects only one lot within this subdivision. There were also some rumors that the reason for the amendment was so that high-rise condominiums could be placed on the property. We, the county, zoning, have not received any such submittal. This area is approved for single-family or residential detached use only. Cherokee Shores is a 46 lot subdivision. This area is in Council District Three which is represented by

Councilman Davis. Mr. Hiller reviewed the amendment with a power point presentation. The subdivision is mainly undeveloped lots, it is a new subdivision, a few houses are under construction. There is existing residential surrounding the subdivision. All of the area is RD; the nearest existing ID is, as the crow flies, approximately 1.7 miles away. When the plat was submitted and all lots were approved under a preliminary plat, the common area was not shown or not properly detailed to zoning; the common areas such as pools and cabanas are permitted separately because they are group assembly activities. When approached for approval of the pool and the cabana it did not meet setbacks from road rights-of-way. As in any residential subdivision before the lots are sold, the developer can waive interior setbacks so that's done up front by the developer, but setbacks from road rights-of-way can not be waived. Knowing that situation, the developer, or representative of the developer, requested a variance before the Zoning Board for a reduction in setbacks from road right-of-way. The Zoning Board denied that request and is why the amendment was submitted in an attempt to somewhat salvage their plans. Mr. Hiller stated that the lot next to it, even though it was indicated at the Zoning Board that it was sold, he had not seen anything in the Register of Deeds that a sale had occurred. He stated they do have some options to meet setbacks from right-of-way and that is to take whatever property is necessary to situate the site plan. For group assembly limited the setback for road right-of-way is 40 feet; the request before the Zoning Board was to reduce that to nine feet.

Mr. Davis asked if the adjacent lot was included in the pool and house area could it meet the setback requirements?

Mr. Hiller responded that he believed they could have but he could not say for sure without the submission of a site plan showing the orientation and how the cabana and pool would be situated. There is a flood plain that comes up into the properties but that would not prohibit a pool which is not a structure, an insurable structure.

Mr. Cullum explained the guidelines for public hearing. The purpose of the hearing is to receive comments in favor and/or opposed; that comments be limited to three minutes inasmuch as possible; state name and address.

Mr. Cullum opened the public hearing for comments from those in favor of the amendment.

**Kevin Berry, 250 Mathis Ferry Road, Suite 102, Mt. Pleasant, SC 29464** - Mr. Chairman, members of Council I appreciate the opportunity tonight to come before you. I am the civil engineer, my address is 250 Mathis Ferry Road, Suite 102, and just to kind of recap some of the statements Mr. Hiller said we have a 46 lot subdivision; we've got four HOA areas proposed in the development, we've got the pool area, we've got the, there's two HOA areas up-front that are dedicated green space for the neighborhood; we've got the community boat ramp and dock area which also ties in, as illustrated on this drawing here, to the back of the pool and we've got a small beachfront area out off of that boardwalk also. The project, Mr. Hiller recapped kind of the process we've gone through. We started in 2003 with preliminary meetings with staff looking at the project, gone through a couple of different iterations and the project kind of has evolved to where it is now and we feel like there are some definite benefits to the location of the pool, the boat ramp and the

amenity areas for the overall development.

We've got, the style of the community when we were looking at this was going to be a small community that was going to have a visual streetscape and to do that we wanted to pull the houses up close to the street to make a visual corridor with landscaping, trees down the street corridor and that was the intent also for the pool area. And as you can see in the rendering we've got five foot front yard setbacks that are out there now on the front yards and then we've got five foot side yard setbacks so the community is kind of designed around a small streetscape feel.

The proposed pool location, we had planned to have a nine foot setback along the street frontage. As Mr. Hiller stated, when we submitted plans actually for a building permit on that property and that's when the issue has arisen about the 40 foot setback requirement off of street rights-of-way. Originally we were, designing the site, we were planning for the five foot front yards also off of street rights-of-way on that property. The planned pool site is located at the intersection of Cherokee Shores Way and Bay Pointe and we feel like it's a good central location for the neighborhood.

Also, as I stated earlier, Cherokee Point is our neighbor that is going to have interconnectivity with our neighborhood via the stub out that we've got now and those are currently under construction. All these lots are platted and all are, a portion of the lots have been sold already with owners planning to have that pool in that location and then also for Cherokee Point neighborhood everything is planned for that location.

We feel like that the ID zoning would be a spot, isolated zoning that would not have a detriment to the area because the lots around it are all going to be sold. They're all for sale at this time. We've got a number of houses that are under construction currently and it would be spot zoning location just for that pool. We've got plans put together for the pool and again, pending the approval of zoning we would submit and go ahead and begin construction. This is a two-tenths of an acre site, it's a very small site and we are prepared to go ahead and construct that pool and cabana at this time. So it's not going to be any kind of fall on zoning that we're going to do anything different than this pool. That's the only intent we've got with this.

In conclusion, we feel like that granting the approval of the ID zoning will allow us to build the pool on the location and the cabana and it would visually match the overall streetscape that we're trying to achieve out there. It's an ideal location from our standpoint to have it at that intersection. We've got some parking that's already been constructed also in this general location (referring to the slide); that coincides with the boardwalk to go to it and it's adjacent to the pool property. So we feel like this is an ideal location for us to have that. We do not want to do anything that's going to detriment the area or be a detriment to the neighbors which is why, you know, we're asking just for this spot zoning on this piece of property. Those are the key things I wanted to bring out tonight and I'd be happy to answer any questions if Council has any at this time.

Mr. Cullum asked if this was a new development?

Mr. Berry responded, yes, sir. The plans were approved in 2004, the roads and infrastructure were completed in '05 and there are currently home sites being built.

Mr. Cullum asked Mr. Berry are you the developer or just the engineer?

Mr. Berry replied, I'm the engineer.

Mr. Cullum asked Mr. Berry if he knew if the developer was selling the lots with this amenity being listed?

Mr. Berry responded, yes, sir, this amenity is being listed, it has been on all the concept drawings, everything that's been planned throughout the process.

Mr. Cullum asked, you don't have zoning for it and they're listing it as an amenity?

Mr. Berry replied, we do have zoning, the setback issue, sir, is I guess what.....

Mr. Cullum stated, what I'm saying is you have to get a variance.

Mr. Berry replied, yes, sir, right.

Mr. Cullum asked if there was anyone else who wished to speak in favor of the amendment; that Mr. Berry was the only person signed up to speak.

**Diana Wood, Wood Realty, 315 Porth Circle, Lexington** - I am Diana Wood of Wood Realty, I also live on Porth Circle so I'm very close by there. I think my neighbors misunderstood and thought this was going to affect the whole area when really, I told them it's only one lot so it's really not going to make any difference to the area and it's not a vote on the community because we've already been approved for the community obviously. I wanted just to speak briefly and tell you about the lots that we've already sold, the houses going up, we have about six families that will be moving in sometime this summer and they are expecting that pool across the street. The four lots we've sold across the street now three houses are under construction for custom built homes and when they purchased their lot and spent their money to build a house, they know the pool's across the street, or hope it's going to be across the street and don't mind it being there. The other thing is, when you're doing a development, of course, you push your amenity package to make your sales and when we tell them we're going to have a pool I sure don't want to look like we're not going to do what we say, so it's real important not to hold it up if there's some way we can work around it whether it takes one lot or two lots, we want to get this moving forward so that it doesn't hurt the development and obviously the more houses we sell the more tax dollars the county gets, right? So that will help us out.

Mr. Derrick asked Ms. Wood if she knew all the lots that had been sold?

Ms. Wood asked, do I know them?

Mr. Derrick responded, yes.

Ms. Wood stated I did not bring them with me but I can pretty much tell you.

Mr. Derrick asked if the one right next to the pool had been sold?

Ms. Wood responded, no, neither one of the ones on either side....

Mr. Derrick stated, Mr. Hiller was told they had been sold.

Ms. Wood stated, on one side, I don't think so, unless, they sold four or five lots before I became involved in the marketing so that could be.....

Mr. Derrick stated it's important because this amenity can be rearranged so that it's not a problem if it has not been sold.

Ms. Wood asked which lot number is it?

Mr. Hiller stated there wasn't a reference to the lot number, it was pointed out during the Zoning Board variance request. Matter of fact, it's in the minutes we have it where it was stated by Mr. Scott Bolo, another engineer who's the applicant for the variance stated that a Mr. Joe Clark had purchased that property. But like I say, I can't find that it has been conveyed.

Ms. Wood stated I think there were five or six lots that were sold by the developer before I was involved, so I can't answer that question, but I have not sold it personally.

No further comments in favor of the amendment were received.

Mr. Cullum opened the meeting for comments from those in opposition to the amendment.

**Phil Black, 337 Porth Circle, Lexington** - Thank you for giving me the opportunity to speak. What I'd like to address really is the big picture. One, of course, we understand that the zoning's been done and from what you say there is a possibility it could be handled very easily with the utilization of an adjacent lot.

So having said that, what I really want the Council to think about is take a real look at that portion of Old Cherokee Road. Okay. We're talking about from St. Peters Church down to the dead end. I've been traveling that road for roughly 30 years. I've lived there for the past 20 years. Daily I go back and forth. So I've traveled the road at least eight thousand times in those 30 years. So I'm pretty familiar with what happens to Old Cherokee, it should be renamed, not Cherokee Road, but Cherokee Trail because it still is a trail. I mean we have two curves on there that are banked improperly. One of the curves, the second curve comes off of a steep hill and the kids think it's a roller coaster. I think it was about 12 years ago and, of course, most of the people on my side of the circle, we're about the same age so we had a bunch of teenagers; one year we had 14 countable accidents on that portion of Old Cherokee Road. Each year we have two to three where you can see where they've hit trees because of the embankment or the traffic we have now. So it is a dangerous road.

So any more development, if I understand rural development, the first thing we need to look at is

infrastructure and the most important of that, your road structure and that section of Old Cherokee needs to have a review because it is not, I guess you say appropriate or can not really accommodate much more development.

In fact, if some of you all remember a few years back they wanted to put eight or ten slots down there for the fishermen, for the boaters on Bundrick Island. So some of us got together and we said, you know, this is a dangerous road. So we took two bass boats, we parked them facing each other as if they will be meeting on the road. Both of them, the outside tires were on the pavement, okay, on the edge of the pavement. Inside tires were actually across the yellow line, the fenders were hitting each other, so we made a video, we showed it to the committee who actually was looking at putting the docks in there. They didn't do it. They put it back on the table. So we still have the same problem. This road still is dangerous. It is not something we can continue.

Okay, we're going to put 60 lots in there. Each one of those people are going to have boats. Okay. They're not going to be taking them every day, but when they do take the boats you are still going to increase the traffic of boat/trailer on that particular road and there will be another 60, 80 plus cars on that road on a daily basis. It can not continue on a safe, like you say a safe trail to continue to have development. To my knowledge, there has only been two people that have been killed on that particular stretch of Old Cherokee. So, you know, we have the deaths, we have the actual numbers of people who have had the accidents, you know, this type thing.

So what I'd like the Council to do is don't look at more intensive zoning, yes, this is a situation where it is inside a development, but the problem with that is, if I understand adjacents are continuation, this particular lot does border the street. So in the future we can look at continuation of intensive zoning as a possibility and there ain't no way. That road will just not take, restrictive is bad, but intensive and I guess in the future, it can not handle it. So what I'm asking the Council is go to the big picture. Look at Old Cherokee and I'll rename it, Old Cherokee Indian Trail and see what can be done so that we can make it safer, you know, for the people who live there and especially if you all are going to do anymore development. It needs to be dealt with. Thank you.

**A. G. Askew, 336 Porth Circle, Lexington** - Mr. Black said enough.

**Polly Askew, 336 Porth Circle, Lexington** - I concur with Mr. Black.

**Nancy Price, 227 Porth Circle, Lexington** - I feel the same, thank you.

**Ted Price, Sr., 227 Porth Circle, Lexington** - I concur with Mr. Black.

**David Watson, 1319 Brady Porth Road, Lexington** - I have been in the area for about 11 years. I'm going to keep it simple because if I starting speaking it might be a little bit too much talking so I wrote just something real simple because I just think it would be, you know, we need to stay simple with this. We know that we the people of this community and the wrecks and the things that happened. Personally, this development, for the most part, is too much now for it. Intensive, on a large map, and I'm looking at this entire area and we see the picture intensive it only opens up a can of worms for all the big money and developers wanting to do a lot more than this. I'm going to start

off my speech and read it so we can go through it real quick instead of carrying on with it. I want to say thank you for allowing me to speak out against the zoning change in Cherokee Shores. I'm not in favor of allowing an area in Old Cherokee/Brady Porth Road location to be zoned from restrictive to intensive in any way shape or form.

If the Zoning Board of Appeals ..... our county employees has already denied this request then I believe they did it for safety reasons. If you see how many young people are swerving off the roads or whatever, they bring this thing in closer it might be a safety concern. If you look at the way the road is coming down, it's going to come up from further up, this road almost heads right into the pool and club house location. Setbacks are there for a safety reason. I don't believe the Zoning Board of Appeals made that judgment improperly and if they did, then maybe they're not doing the job, but I don't believe that's the case. Like I said I believe it was due to safety concerns. The way the road is designed is an RL4 road and, of course, we know that the way, even the road does not allow it and I know this a special circumstance.

But I don't want to open this can of worms because I believe if we look there's talk about Cherokee Point actually shows as far as lots but we also know there's a large area that is not up for zoning. By the way, zoning hasn't decided on Cherokee they might have set plots out there but no zoning has decided on Cherokee Point. Okay. Plus there's an open, large area of property there that very well with water and sewage could go for intensive, 20, you know, intensive maybe they could go for intensive and get far more development I guess up to 20 homes per acre.

So I prefer our neighborhood to stay a neighborhood. Never have intensive development. I have a 12 and a 14 year old. It's almost unsafe at this point. We know if Bundrick Island ever develops it definitely going to be unsafe, too noisy and dangerous.

I'd like for us to send a warning to the developers, this one and the future ones that Lexington County, to follow our Lexington County rules for zoning. That's what I'd like to see. Let's follow our rules. Zoning has rules and the rules are that this road is not for intensive development. RL4 you don't do it, you can see the picture, you know 378 intensive. So I ask you all to continue to maintain our safe family oriented environment for our future generations because that's where we need to really think about, the children that are still there. I'm one of the, like I said eleven year old member of this community.

My 12 year old walked around with placing signs. We didn't know anything about this until Saturday evening at 9:00 and in a panic and concern about intensive development that may be allowed down in there I thought it was time for us to put signs out. Didn't know really what the intent was. I understand that maybe it's a minor attempt. I believe they have enough property, enough undeveloped property, enough that they can follow the rules of our County and our Zoning Board.

So, I want it to be known, I want to thank you our Council members. I will be...whatever your decision is made, of course, I'm, I'll be happy with that, but I do want to deny any level of intensive development and I don't want to see a large map sitting out here and a spot over here 1.7 miles in our neighborhood establishing a precedent for future development. Thank you very much.

Appreciate you all's work for Lexington County. I'm real proud, I came out of St. Andrews, family's all up in Irmo, the Younginers, Richardsons, and Weeds and all that, we know what farmland turned into. I know, I called our area Broad River Road, the Broad River Road of Lexington County, we know what's happening, we need to do something about that. So, I'm hoping, maybe I'll get a little bit more involved and do what benefits we the people of Lexington County. It's a wonderful county to live in. I'm happy to be here; for growing up in St. Andrews and Irmo area, so thank you very much for you all's time.

**Charlene Fulmer, 2142 Old Cherokee Road, Lexington** - I agree with what has been said.

**Meredith Arnold, 1862 Old Cherokee Road, Lexington** - I agree.

**Linda Moore, 108 Mark I Road, Lexington** - I agree.

**Jack Moore, 108 Mark I Road, Lexington** - I agree.

**Norman Doster, 1204 Brady Porth Road, Lexington** - I concur with Mr. Black and Mr. Watson fully; I live right off Cherokee Trail and it is an Indian trail by the way.

**Connie Doster, 1204 Brady Porth Road, Lexington** - I concur.

**Larry Sheppard, 1216 Brady Porth Road, Lexington** - I concur.

**Linda Sheppard, 1216 Brady Porth Road, Lexington** - I concur with everything. I witnessed a wreck the other day, last week, a car was flipped over going around the second curve, couldn't even stop to go help them, I had to call 9-1-1 because there was no where to pull off.

**Ronald Bartlett, 225 Porth Circle, Lexington** - Good evening, I am Colonel Ron Barlett, retired Air Force, live at 225 Porth Circle just adjacent to Cherokee Point which is going to be connected to this. I concur with everything that the two previous gentlemen have said. The only thing I would like to add is the safety factor. That cabana right there, as they are indicating, it is going to be 12 feet from the road right-of-way. You're going to have school buses coming through there I assume because you are probably going to have children with these 46 lots. There's another 30 lots just on this side connecting by that connecting road. The infrastructure road, infrastructure is already in place with a road disturbance or ground disturbance permit. So that is already in fact while as David said it has not been platted out yet through zoning, there is a notional platting of another 30 lots there. I have a copy of that if you'd like to see it, I received from zoning, or from the road people. I guess my main concern, I'm not as concerned as the others are. I think this is an isolated ID type thing; I understand that you and the Zoning Board can control that. I'm not as concerned with that one lot. I'm more concerned about the safety of some 70 to 80 new homes going in there and trying to turn that corner with a building only nine feet from the street. Thank you.

**Carolyn Bartlett, 225 Porth Circle, Lexington** - Mr. Bartlett indicated that she had to leave.

Mr. Cullum opened the meeting for any further comments from those who had not signed up to

speak.

**Ed Phillips, 119 Mark I Road, Lexington** - Members of Council, my name is Ed Phillips, I live at 119 Mark I Road and I've been a resident of that area for about 15 years now and I concur with most everything that was said, especially about the traffic on Old Cherokee Road. But I think it's very, very important for Council to consider one primary thing here and that's allowing intensive development within the center of something that is zoned for residential use only. Yes, this may be an isolated case but I ask you to suggest or suggest to you that you consider the possibility of the possible legal challenges that will come up in the future as a result of this. The precedence that you set by allowing this could create substantial problems not only for our area but for areas across Lexington County and you will be opening up the County to all types of legal entanglements if you permit this to happen now. That's basically all I want to say. Thank you.

**Jack Moore, 108 Mark I Road, Lexington** - I'm Jack Moore I live at 108 Mark I Road, been there for about 20 years and was talking with somebody the other day about the lake situation and it said, the guy that's in charge of lake watch as a matter of fact, Mr. Bell, and he said you know people do things around the lake and then afterwards they say, gees, I didn't know that and we have a way around Lexington of saying well since you've already done it just go ahead and leave it like it is. I know you've cut all those trees down, know you put in that driveway and it appears that this is something that's happening here that, as Todd brought up a few minutes ago, did we question this before this development went in there, did we not have the knowledge to know that we needed that extra space there and I say, yes we did and what I'm looking at is the nice greenery here that we have around this area, looks beautiful, I pull it up on the computer and I would like to live there. The fact of the matter is, I walk down there about every day as a matter of fact, but the people in Lexington, motorcycle riders have found that this is a beautiful place to ride their motorcycles. We had to get off the road at least five times the other day on Sunday afternoon because of motorcycles coming into that area. So things are not always as you see here. And I agree with what Ed and David have said here that there's a lot of things that we're looking at as far as intensive development and intensive development in that area to me is not an appropriate thing. Thank you.

**Jo Rhoads, 1323 Brady Porth Road, Lexington** - I firmly believe that this would lead to intensive development. One of the signs being that we, we've never been able to get us any sewer line or water line run into that area and all of a sudden when this development shows up they're out there in a week, they've got it all run, straight down and tried to get us to hook up with it for like \$26,000 to save the developer some money. The main point though is the intensive development affecting the water quality. I've had two wave runners since 1995, the water has dissolved the impeller housing on one of them and I had to take the other one out of the water after two months because of the over development on the lake and the poor water quality. My next door neighbor gets an infection in his eyes every time he goes in the water to swim and that's what this development leads to.

No further comments were received. Mr. Cullum closed the public hearing.

Mr. Davis thanked everyone for attending the meeting; he appreciated hearing from everyone. Citizenship is an important thing and we always need to stay involved. Don't ever slack up.

Mr. Cullum asked Mr. Hiller to explain the process.

Mr. Hiller stated that first reading occurred on February 14, 2006; the second step occurred, the public hearing; after that I will make this same presentation to the Planning Commission this Thursday morning, which is not a public hearing, the public can attend but the opportunity for comment has taken place tonight and then after that the Planning Commission will take a vote to make a recommendation back to County Council and it will go to the proper committee, County Council Committee, for discussion and out of that two more readings, then County Council will either vote to approve or deny the request.

**Budget Amendment Resolutions** - There were no BARs.

**Executive Session** - Mr. Cullum stated that there was some unfinished business to take care of, contractual and personnel issues.

A motion was made by Mr. Owens and seconded by Mr. Derrick that Council go into executive session to discuss contractual and personnel issues.

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

**Clif LeBlanc, reporter, *The State Newspaper*** - Mr. LeBlanc, reporter for *The State* newspaper, asked that he be put on record that the “State newspaper renews its objection to an executive session to discuss personnel and contractual matters as not being consistent with the State FOI law.”

Mr. Cullum reconvened the meeting in open session.

**Matters Requiring a Vote as a Result of Executive Session** - Mr. Cullum reported that as a result of Executive Session, there were no motions to be considered.

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

There being no further business, the meeting was adjourned.

Respectfully submitted,

Diana W. Burnett  
Clerk

M. Todd Cullum  
Chairman