

MINUTES
LEXINGTON COUNTY COUNCIL
MARCH 11, 2008

Lexington County Council held its regular meeting on Tuesday, March 11, 2008 in Council Chambers, beginning at 4:30 p.m. Mr. Derrick presided.

Rev. Gary Horton, Chaplain at Lexington Medical Center gave the Invocation. Councilman Cullum 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.	M. Todd Cullum

Not Present: William B. Banning, Sr. *

*Mr. Banning was not present as he was attending a prior commitment out-of-town.

Also attending: Katherine Hubbard, County Administrator; Joe Mergo, III, Deputy County Administrator; Larry Porth, Finance Director/Assistant County Administrator; John Fachtel, Director of Public Works/Assistant County Administrator; Jeff Anderson, County Attorney; other staff members, citizens of the county and representatives of the media.

In accordance with the Freedom of Information Act, a copy of the agenda was sent to radio and TV stations, newspapers, and posted on the bulletin board located in the lobby of the County Administration Building.

Chairman's Report - No report.

Irmo and Lexington High Schools Economic and Government Class - Mr. Derrick recognized students from Irmo and Lexington High Schools attending as part of their economic and government classes.

Administrator's Report - Procurement Manager - Reggie Murphy - Ms. Hubbard formally introduced Mr. Reggie Murphy as the new Procurement Manager.

South Region Service Center Open House - Ms. Hubbard announced the open house for the South Region Service Center, which is adjacent to the Lexington County Airport at Pelion, will be Thursday, March 27 at 10:00 a.m.

Employee Recognition - Ms. Hubbard recognized Helene Dove, Appraiser I and Kathy Well, Chief Appraiser with Assessment and Equalization. Ms. Hubbard related that Ms. Dove received a letter from a gentleman relocating to Lexington from Maryland who said both employees were very courteous and efficient. He went on to say that efficiency accompanied by courtesy is a rare combination in today's work place and was very impressed with their personal assistance.

Ms. Hubbard recognized Janet Turner, Development Coordinator in Community Development for her assistance in helping a developer get his plats bonded and approved.

Leadership Hour-Glass Award - John Fachtel, Director of Public Works - Ms. Hubbard presented

John with the Leadership Hour-Glass Award.

Ms. Hubbard said last year Council began a tradition of leadership recognition for managers within the County's organization that is intended to honor managers who stand out for their leadership and commitment of time and effort. She said because the County has a number of exceptionally strong leaders, whom she is very proud of, who quietly and consistently carry the County to the next highest level of achievement that this is a humbling and daunting task.

Ms. Hubbard said the hour-glass award represents time as opportunity and challenges for all to lead by example. The hour-glass is engraved with the inscriptions of "Lead by Example" and "Time is Opportunity" on each end of the hour glass. She said John has truly shown a commitment year after year to this organization, to Council, to the current and past Administrators, to Department Heads, staff and to our citizens. She said John is often referred to as the "go-to guy" for special projects which have evolved now into a long list of accomplishments. He takes on tasks that have tight deadlines, tough hurdles, and high stakes and works to help mentor new managers and department heads.

Presentation of Resolution - Chief Chris Garner Presented by Councilman Jim Kinard -

Councilman Kinard presented a framed resolution to Chief Garner in recognition of receiving the 2007 Strom Thurmond Award for Excellence in Law Enforcement as the Outstanding City Law Enforcement Officer by the Office of the U.S. Attorney on January 25, 2008.

Appointments - No appointments.

Bids/Purchases/RFPs - A motion was made by Mr. Keisler, seconded by Mr. Jeffcoat that the following Bids/Purchases/RFPs (Q-S) be approved.

Four 800 MHZ Radios with Accessories (Cedar Grove) - Public Safety/Fire Service - Staff recommended the purchase of four (4) 800 MHZ radios with accessories for the new Cedar Grove Fire Department directly from the manufacturer, Motorola, through State Contract Number OIR2002.07. Total cost, including tax, is \$14,137.91.

Four 800 MHZ Radios with Accessories (Corley Mill) - Public Safety/Fire Service - Staff recommended the purchase of four (4) 800 MHZ radios with accessories for the new Corley Mill Fire Department directly from the manufacturer, Motorola, through State Contract Number OIR2002.07. Total cost, including tax, is \$14,137.91.

Hydraulic Excavator - Public Works - Bids were solicited and advertised for one (1) hydraulic excavator for Public Works. Three (3) bids and three (3) no bids were received. Staff recommended the award of the bid to Altman Tractor Company as the lowest responsible bidder. The total cost, including tax, is \$176,599.22. There is a 7-year buy back guarantee in the amount of \$43,470.

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

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

Approval of Minutes - Meetings of January 22 and February 12, 2008 - Mr. Cullum made a motion, seconded by Mr. Keisler to approve the January 22 and February 12, 2008 minutes as submitted.

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

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

Zoning Amendment - Zoning Map Amendment M07-09 - 3512 Bush River Road - 3rd and Final Reading - Mr. Jeffcoat made a motion, seconded by Mr. Kinard to approve third and final reading of Zoning Map Amendment M07-09.

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

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

Ordinances - Ordinance 08-02- An Ordinance Approving Contracts for the Conveyance of Real Estate From the County of Lexington to the Lexington County Health Service District - 2nd Reading - Mr. Davis made a motion, seconded by Mr. Cullum to approve second reading of Ordinance 08-02.

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

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

Ordinance 08-04 - An Ordinance Approving the Transfer of 3.42 Acres From the County of Lexington to Do-it-Best - 2nd Reading - Mr. Keisler made a motion, seconded by Ms. Summers to approve second reading of Ordinance 08-04.

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

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

Ordinance 08-05 - An Ordinance Authorizing the Execution and Delivery of a Fee Agreement by and Between Lexington County, South Carolina and Shaw Industries Group, Inc. Providing for a Fee in Lieu of Taxes - 1st Reading - Mr. Cullum made a motion, seconded by Mr. Carrigg to approve first reading of Ordinance 08-05.

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

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

Ordinance 08-06 - An Ordinance to Amend that Certain Agreement for the Development of a Joint Industrial and Business Park Between Lexington County and Newberry County to Add Certain Property Owned by Shaw Industries Group, Inc. - 1st Reading - Following the reading of the ordinance, Mr. Davis stated the joint industrial and business park is between Lexington County and Calhoun County and not Newberry County.

Mr. Davis made a motion, seconded by Mr. Kinard to approve first reading of Ordinance 08-06. The joint industrial and business park is between Lexington County and Calhoun County to add certain property owned by Shaw Industries Group, Inc.

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. Cullum

Ordinance 08-07 - An Ordinance Authorizing the Issuance, Sale and Delivery of Refunding and Improvement General Obligation Bonds of Lexington County, South Carolina; Fixing the Form and Details of the Bonds; Authorizing the County Administrator and Finance Director to Determine Certain Matters Relating to the Bonds; Providing for the Payment of the Bonds and the Disposition of the Proceeds Thereof, and Other Matters Relating Thereto - 1st Reading by Title - Mr. Keisler made a motion, seconded by Mr. Jeffcoat that Ordinance 08-07 receive first reading by title.

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

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

Committee Reports – Economic Development, S. Davis, Chairman - Approval of a Resolution Authorizing the Entering into a Sublease Agreement between Carolina Culinary Foods, L.P. f/k/a Columbia Farms - OSI, L.P. - Mr. Davis reported during the afternoon Economic Development meeting, the committee met to consider a request from Carolina Culinary Foods, LP to sublease the property located at 1964 Old Dunbar Road to FPL Food LLC.

Mr. Davis made a motion, seconded by Mr. Jeffcoat to approve the resolution.

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

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

Project Stewart - Approval of a Grant Application - Mr. Davis reported during the afternoon committee meeting, the Committee considered a grant application from the South Carolina Coordinating Council for Economic Development for Project Stewart. The Committee voted unanimous to recommend to Council for approval.

Mr. Davis made a motion, seconded by Mr. Cullum to approve the grant application for Project Stewart for which the County will only be the conduit.

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

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

Public Works, D. Summers, Chairman - 2008 Electric Lawn Mower Exchange - Ms. Summers reported during the afternoon, the Committee met to consider approval of funding for the 2008 Electric Lawn Mower Exchange program. The 2008 Electric Lawn Mower Exchange is scheduled for Saturday, April 19 at the S.C. State Museum. Partners in the exchange are: Lexington and Richland Counties, SC DHEC, Keep the Midlands Beautiful, the S.C. State Museum, and the City of Columbia. Neutron Mower Company will provide their electric mowers at a discounted rate of \$289. However, the goal is to reduce the price of 130 mowers by \$90 and sell them for \$199 as an incentive to citizens who trade in a gas powered mower.

Ms. Summers made a motion, seconded by Mr. Keisler to approve \$4,000 from the department's FY07-08 Air Quality Supplies account #521210 for the 2008 Electric Lawn Mower Exchange program.

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

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

Water Quality Buffers and Stormwater Credits - Ms. Summers reported the Public Works Committee met on Tuesday, February 26, 2008 to hear staff's recommendations for revisions to the Water Quality Buffer Requirements, Section 3.4.4, and Stormwater Credits, Section 3.10, as pertaining to the Land Development Manual.

Ms. Synithia Williams, Environmental Coordinator presented a power-point presentation on water quality buffers including definitions of various buffers as well as its benefits to the environment. She noted the proposed water quality buffer requirement increase from a 50 foot to a 100 foot buffer on perennial streams and a 25 foot to a 50 foot buffer on wetland areas.

Ms. Sheri Armstrong, Stormwater Manager, reported on the revisions to the water quality buffer requirements and including details concerning requirements for buffer design, management and maintenance, platting procedures, buffer averaging procedures, width adjustments, and variance procedures. She reviewed the differences between streamline and shoreline buffers. Concerns were discussed about the change from the 50 foot buffer to the 100 buffer on perennial streams. The Committee asked staff to produce a blue line map outlining the buffers for perennial steams. Ms. Armstrong indicated that a request for a variance can be considered if the request meets any of the criteria listed in Section 3.4.4.12.1 Buffer Variance Criteria.

Ms. Armstrong also reviewed the new section, Stormwater Credits, Section 3.10 which provides credit for conservation areas, including water quality buffers. Conservation area credits allow the areas that are set aside in water quality buffers, along with other preserved open space, to be subtracted from the area that must be treated for volume. Suggestions from the stakeholder's group and Planning Commission were

considered and incorporated as deemed appropriate. Staff requested approval to adopt the revisions to Section 3.4.4. and Section 3.10 of the Land Development Manual.

Guest speakers who were present were Mr. Robbie Wilkins with the Home Builders Association of Greater Columbia, Mr. Bill Marshall from the Lower Saluda River Advisory, Mr. Dwight Davis of the Lexington Soil and Water Conservation District, and Mr. Bill Mathias, Lexington County citizen.

The Public Works Committee voted to recommend that full Council approve staff's recommendations for the revisions to Section 3.4.4 and Section 3.10.

Ms. Summers made a motion, seconded by Mr. Cullum to approve the revisions to Section 3.4.4 and Section 3.10.

Mr. Davis made a motion to delay, seconded by Mr. Carrigg.

Mr. Derrick asked the reason for the delay.

Mr. Davis said he was in the process of gathering information that he would like to share with Council concerning buffers.

Vote on Motion to Delay

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

Motion fails.

Mr. Derrick opened the meeting for discussion.

Mr. Kinard asked if a study had been done as to the difference between 100 feet versus 50 versus 70 feet and wanted to know if there was a happy medium.

Mr. John Fechtel, Director of Public Works, said staff had investigated this pretty thoroughly since it was brought up by Council this past July/August. He said there are three reports – Vegetated Riparian Buffers and Buffers Ordinances that were put out by DHEC. There is a 90+ page report from the University of South Carolina, which is a final report on a Statewide Task Force on Repairing Buffers, and the University of Georgia did a lengthy report as well. He said what staff has lacked in presenting to Council is presenting what these ten TDML's (Total Daily Maximum Loads) mean as far as the County's NPDES program.

They (DHEC) are getting ready to put up 400 signs throughout the state. The signs could be posted on the Saluda River, Rawls Creek, etc. where we are 89 percent over our legal limit for fecal coliform at this point. Under our general permit, the federal government, through DHEC, is saying the County, as a MS4, is responsible for reducing this back to clean water standards. So the point being is, we see this as a way to keep any future development from contributing and we are going to have to be investigating septic tanks, sewer lines, this pollutant or any other pollutants that DHEC puts on us. By law, every piece of property in a watershed is going to have to show and demonstrate that they are not contributing but are actually decreasing the contaminate or other contaminates as deemed. What we (staff) have tried to do in meeting the County Council's goal of low impact development (LID) is to establish either a 50-foot or

100-foot buffer. A 50-foot buffer will give you a 60 percent trapping efficiency on pollutants; actually a buffer will help keep sediment and erosion control problems out of your streams. Mr. Fechtel said this is not a program just while the developer is permitted and building. This is a program that goes in from here on. He said he would like to see the day when he has a photo-op when the signs come down and said we have a big job ahead of us. How we approach it is going to be part of our permit process and what our goals are to reduce that and how we accomplish it. Bottom line – every parcel out there in a watershed that goes to one of these contaminated creeks, which is basically every creek in urbanized areas and there are even some in rural areas, are going to have to be dealt with. What staff came up with on a 50-foot buffer is saying, “We will give you right out the chute, a 60 percent reduction in all these pollutants.” You have to come up with the other 40 percent. With a 100-foot buffer, it is not a linear scale, we are saying, “We will give you 70 percent trapping efficiency.” We can drop the buffers, then the developers will have to come up with some mechanism to have 100 percent trapping efficiency and they are going to have to prove that to us. There are several ways you can do it. You can create wetlands; you can do live ponds; you can do sand filters. Those are high maintenance items. Who’s going to maintain them? Are the taxpayers of Lexington County going to maintain them or who? So, we have long-term issues that we have to live with. Staff came up with what we thought was a way to give the developers a break saying, “You leave a 50-foot buffer, a 100-foot buffer, we cut 60 or 70 percent of your load out of there. That is based on scientific studies and a lot of work has been done over the last ten years. We are going to have better research but that was our “best shot out of the box.” Mr. Fechtel said he thinks staff needs to come back to Council and go back to the developers and have an in-depth review of what these TDML’s really mean to this County, today and in the future. Mr. Fechtel said he didn’t think anybody wants to be out when DHEC is putting up a sign that says, “This is a polluted stream.” But in actuality that is what is going to happen. What we (staff/Council/citizens) need to strive for is the day we can go out and tear that sign down.

Mr. Davis said his main concern was the designating of streams that are not full-time streams and wanted to know if there is a way to determine that. He said he understands the geological staff is going to review that again.

Mr. Fechtel said DHEC is in the process of looking at that. He said what DHEC uses now is the USGS surveys and what the Corps of Engineers puts out there. There are some misconceptions that if you look on the County’s website you are going to see solid blue lines everywhere. There are no dash lines. However, one thing we (staff) determined with our new pictometry is that we can literally zoom in and pick a spot and look at it in pictometry. At the same time we can pull up the USGS maps and have that crosshair on there with the parcels laid out. From that we can tell if it’s an intermittent stream or a perennial stream.

Mr. Davis asked if we are going to change our designation as we find out perennials are intermittent?

Mr. Fechtel said that is a possibility with future information but did not know how we can go back on something that has been developed. The other thing we have not done, but staff has begun working on is, a lot of this is blue lines, perennial streams, and that may change and a lot of it is intermittent. A lot of this area that you look at on the map right now is also covered by the 100-year floodway. So you can see the floodway as it compares to the buffer. You can’t do anything in there anyway. But, we are allowing that floodway to be a part of the buffer. He agrees there have been issues and comments about takings, etc., but we (staff) don’t know what else to do at this point. He did say it is not an ordinance, it is something under further review, and would require only one vote to change it; lessening or increasing.

Mr. Cullum asked how long staff had been working on this project.

Mr. Fechtel replied that he started in early July/August for final approval in September. He said at that time staff was told they were not doing enough.

Mr. Cullum asked how long we have known that we were going to have this responsibility for keeping up with these TMDLs.

Mr. Fechtel replied that we actually got our permit on December 1.

Mr. Cullum replied, we knew all along as much as a year ahead of this, right? We knew something was coming out.

Mr. Fechtel replied, they had told us that it was going to be added into our program.

Mr. Cullum replied, then you have been studying this for nine/ten months.

Mr. Fechtel replied, yes, sir.

Mr. Cullum replied that other counties and states are dealing with the same issue we are dealing with and said we've got to establish a starting point somewhere. He said staff has given the best we can with what manpower, intellectually and physically, that we can come up with. And as you just said, it is a work in progress. We also have an appeals process where not everybody is going to be held to an ironclad's standard, is that correct?

Mr. Fechtel replied, that's correct.

Mr. Cullum said all he is asking at this time is let's use what staff has brought before us; we've got a starting point. If something is so invasive or aggressively taking, he believes we will use common sense and a reasonable approach to help some of these individuals if they think it is an unreasonable taking. We've got to have a starting point somewhere and as he said last time in committee, he is not certain 100 feet is the number. It may be 75; it may be 125. But, at least give staff the opportunity to start the process so we can take a look of what we do have when these issues come about. He agreed with Mr. Fechtel that every one of the streams have got some sort of floodway status to it already. Mr. Cullum said he understood Mr. Davis' concerns as he, too, has struggled with this issue because some of these have not been updated as they are fairly old with their mapping, but we can't keep beating it around. Mr. Cullum said he thinks we need to find a starting point.

Mr. Carrigg asked for clarification. The 100-foot is giving them 70 percent without any engineering to prove it or anything else?

Mr. Fechtel replied, that's correct.

Mr. Carrigg replied, so if they've got a piece of property and just to develop it, they've got to use all but 10 feet of it. They can come up with another way to handle it, correct?

Mr. Fechtel replied, right now as it stands if it's a blue line, a perennial or intermittent stream, we are saying the 50- or 100 feet. If they don't have that, they have the appeals process as Mr. Cullum spoke of, but before we permit it, they are going to have to show us that they are meeting the regulations. It may be if he can only do 10 feet and that only gives him 10 percent trapping efficiency, then somewhere on site he's going to take care of the other 90 percent.

Mr. Carrigg said what he is saying is- the way the stream flows through the piece of property, to develop it properly you can do all kind of stuff on the back, but on the front you need to build up to or close to the stream; it could be done.

Mr. Fechtel replied, it can be done. He said staff has had the stakeholders group involved in this once it was brought forth by Council and have asked over and over for the stakeholders to come up with some solutions. He said staff has not seen that, but does not know how much time they have spent on it, but did acknowledge there was a lot of good discussion and a lot of give and take on both sides. He said staff is not trying to be the "bad guys."

Mr. Davis replied, 70 percent at 100 and at 50 feet it is 60 percent, a 10 percent difference in 100 feet.

Mr. Fechtel replied, yes, sir. The documentation will tell you it is not a linear ratio, so if you had 60 percent removal in a 50-foot buffer, you only have 70 percent removal in 100 feet. That is based on the studies that they've got. But, my recommendation is to allow staff to make a presentation to not only this Council but to the Homebuilders' Association and developers on really what TMDLs mean to us. Mr. Fechtel said Council is seeing only one little portion of it. He said let's get DHEC involved and come back and let you know what we are facing as a county because if we don't do it, they are coming after us; that's the biggest thing.

Mr. Jeffcoat asked, 50 feet will give you 60 and another 50 feet will only give you 10 more percent?

Mr. Fechtel replied, that's correct; based on all the studies.

Mr. Jeffcoat asked if there is not a better way to get 10 percent than to take 50 feet of the property.

Mr. Fechtel replied, as stated earlier, the problem is keeping the erosion down in the stream. But, yes, there are other methods by which you can do it by. For an example is what has been going back and forth on the property on the Saluda River. They are going to have to show that they are reducing or trapping 89 percent. And that 89 percent is just the overage. That number is 400. That tells me that, that stream is at 700+ at this point on the count. Mr. Fechtel said to further our efforts, as a part of our budget for FY08-09, we have budgeted for our consultant to come up with a TMDL plan to help us with how do we look at it and how do we go about reducing all these things. We may find sewer lines that are leaking. There's going to be a whole variety of issues and it is going to be very expensive for us to meet our goals. But this is just one component of it. This is no different than the flooding over the years in some areas of Irmo. So what do we do if we have flooding in a creek, we require developers to hold back. We look at pre- and post-construction. If the pre-construction number is at 100 gallons a minute coming off that property, then their post-construction has to be held back to 50. Every time you do that, you help alleviate the flooding. Is that going to solve all the problems? No, but there are some alternate methods of how you can reduce the loading. Just none of them have been proposed yet.

Mr. Davis said that is what he has requested from Clemson and Auburn, two agricultural colleges. He said, according to the Assessor's office, over 70 percent of the land in our county is classified as agricultural, which was not exactly explained the other week. He said he wanted the two colleges to tell him what the best practice was that they knew of to filter sediment and hopes to get that information. He asked that staff provide a copy of the blue line map to all Council so they can be aware of where these so called permanent streams are located and suggested if a council member is in the neighborhood to see if there is a permanent stream there.

Mr. Fechtel suggested to go one step further and map above Irmo around Lexington and South Congaree and show all the impaired streams and what those impairments are. He said there are still a lot of areas that do not have impairment, but said if we don't take protective measures today as we go, then they can become impaired.

Mr. Davis said if we (County) have a fecal matter problem, it's serious and hopes that the 100 feet, if that is what we do, is going to take care of it. He said he is concerned there may be something else wrong in

the waterways of our County, may be caused in other areas or caused here, that's causing that kind of problem.

Mr. Fechtel replied, obviously there is. Now what it is, is going to be left up to us to determine. But the regulations, our permit, requires that anything that is permitted in a watershed that goes to any stream or river that's in the 303D list that we put that requirement on them that they reduce it at least by the amount over the clean water standard. One way or the other, whether it's buffers or sand traps or whatever the technology that comes out next week, they are going to have to meet those standards or we can't let it go out the door.

Mr. Davis said once we meet our requirements and ask for that then in ten years this fecal matter should be cleaned up.

Mr. Fechtel replied, yes. We are developing a TMDL implementation plan on how we can discover what those other contributors are and how we deal with them. We are hoping that some of it is going to be very easy. But as the federal government works, you have to show that and they have to start showing up on your monitoring stations and then we may get a little bit of relief.

Mr. Davis asked staff to make sure we show the impaired streams and what we call permanent and intermittent and the 100-year floodway.

Mr. Fechtel replied, so when we look at a piece of property we are not just looking at one aspect but looking at the other aspects.

Mr. Davis thanked Mr. Fechtel and asked him not to misinterpret his concerns.

Mr. Fechtel replied that he understood but said this County is under the gun to meet the federal regulations and the last thing he wants to do is wake up one morning to read an article in the paper where the County is not meeting the regulations.

Ms. Summers reiterated there is an appeals process. It is not something that we cannot adjust if we find other things that cause us the need to adjust. We have to start somewhere; we have to show we are serious about doing what is required of us.

Mr. Derrick mentioned that Colonel's Creek that runs through Fort Jackson, the most environmentally correct area probably in this region because it is controlled by the federal government, is in fact an impaired stream. So "big brother" is really taking care of us by putting these requirements on us but promises whenever we meet our goal in Lexington County, they will lower the bar.

Mr. Derrick called for further discussion; no occurred.

Vote on Original Motion

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

Opposed: Mr. Davis

Budget Amendment Resolutions - The following BAR's were distributed and signed.

08-082 - A supplemental appropriation increase in the amount of \$5,000 to appropriate donated funds

received from Harriett Kinard for the Judicial Center Fountain project.

08-081 - A supplemental appropriation increase in the amount of \$41,474 to appropriate an incentive check received from DSS for the Clerk of Court passing the Federal audit for Federal FY2006.

Old Business/New Business - None.

Executive Session/Legal Briefing - Mr. Derrick stated Executive Session will consist of one contractual matter and seven legal matters.

Mr. Jeffcoat made a motion, seconded by Ms. Summers to enter into Executive Session.

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

Matters Requiring a Vote as a Result of Executive Session - Mr. Derrick reconvened the meeting in open session and reported Council discussed the legal and contractual matters during the Executive Session and indicated there was one motion to be considered.

Supplemental Appropriation for Property Purchase - Mr. Carrigg made a motion, seconded by Mr. Davis to approve first reading by title for a supplemental appropriation for funds needed to purchase property.

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

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

Motion to adjourn - Mr. Kinard made a motion, seconded by Ms. Summers to adjourn.

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

There being no further business, the meeting was adjourned.

Respectfully submitted,

Diana W. Burnett
Clerk

William C. Derrick
Chairman