

M I N U T E S
LEXINGTON COUNTY COUNCIL
May 13, 2008

Lexington County Council held its regular meeting on Tuesday, May 13, 2008 in Council Chambers, beginning at 4:30 p.m. Mr. Derrick presided.

Rev. John Culp, Associate Chaplain with Lexington Medical Center and Pastor of Virginia Wingard United Methodist Church, gave the invocation. Several members of the Swansea High School Tigers Against Genocide (TAG) led the Pledge of Allegiance.

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

Also attending: Katherine Hubbard, County Administrator; 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.

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

Administrator's Report – Burn Ordinance Update – Darryl Jones, Forest Protection Chief with the South Carolina Forestry Commission gave a brief update on the success of the County's burn ordinance since it was put in place.

Mr. Jones said during the period of July 1, 2007 through March 1, 2008, they have seen a 51 percent reduction in the number of calls to their automated system and noted it was due to the cooperation between Lexington County Council, SC Forestry Commission, Fire Service, and the Sheriff's Department. He also noted that the number of wildfires were down 17 percent.

Employee Recognition - Katherine Hubbard, County Administrator - Ms. Hubbard recognized Ms. Sherry Brooks, Accounting & Collection Supervisor, and Gloria Czernecki, Part-time Clerk with Solid Waste Management. Ms. Hubbard said she received a letter from a citizen who said that Sherry had gone out of her way on two occasions to solve communication problems that had caused their family to be without trash pickup.

Trisha Priester, Special Projects and Development Assistant with Community Development was recognized for her "hands on" assistance in helping a custom builder obtain all the necessary permits, bond plats, and other administrative requirements that were required for a neighborhood he was developing.

Kitty Smith with Community Development was also recognized for her quality customer service in working with a citizen who was seeking information.

Bob Hall, Administrative Assistant and Indoor Environmentalist with Building Services, was recognized for his volunteer work with the Juvenile Arbitration Program. Bob serves as a trained and Certified Arbitrator conducting arbitration hearings between juvenile first-time offenders, victims, and law enforcement officers.

Presentation of Resolutions – W. Fremont Huggins - Mr. Keisler presented a framed resolution to Mr. Huggins recognizing him for his 12 years of volunteer service to the Library Board.

Andrea Lauren Bickley - Mr. Jeffcoat presented a framed resolution to Ms. Bickley recognizing her accomplishment in obtaining the Gold award in Girl Scouts.

Resolution – Kids Kamp - A motion was made by Mr. Keisler, seconded by Mr. Kinard to approve the resolution.

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

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

Appointments - Nancy K. Perry Children’s Shelter – Elizabeth B. (Beth) Partlow - Mr. Banning made a motion, seconded by Mr. Jeffcoat to appoint Ms. Elizabeth (Beth) Partlow to the Nancy K. Perry Children’s Shelter. Ms. Partlow replaces James E. Murray. The appointment is effective July 1, 2008.

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

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

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

Term Contract for Grounds Maintenance for Libraries in Lexington County – Library Services - Competitive bids were solicited and advertised for a term contract to provide ground maintenance for all Lexington County libraries. Five (5) bids were received. Staff recommended the award of the contract to Carolina Lawn Care as the lowest responsible bidder for an annual cost of \$27,000. The term of the contract shall be for the initial period of one (1) year with the option to extend the contract for three (3) additional one (1) year periods, if deemed to be in the best interest of the County.

Emergency Shelter with Accessories (Grant Funds) – Public Safety/EMS – Bids were solicited for emergency shelters with accessories for Public Safety/EMS. Bidders were allowed to submit bids on one or a multiple of items, depending on the products that they can provide. Two (2) bids were received. Staff recommended the award of the bid to EMS Innovations as the lowest bidder. Total cost, including tax, is \$66,161.61

Twenty-nine (29) Extrication Gear – Public Safety/EMS – Bids were solicited for 29 extrication gear for Public Safety/EMS. Bidders were allowed to submit bids on one or a multiple of items, depending on the products that they can provide. Five (5) bids and one (1) no bid were received. Staff recommended multiple awards to the following lowest bidders meeting specification: Slagle Fire Equipment - \$3,579 and Safe Industries/AllSource Enterprises - \$1,722.17. Total cost, including tax, is \$5,301.17.

Fire Ground & Special Equipment – Public Safety/Fire Service – Bids were solicited for fire hose and nozzles for Public Safety/Fire Service. Bidders were allowed to submit bids on one or a multiple of items, depending on the products that they can provide. Five (5) bids and three (3) no bids were received. Staff recommended multiple awards to the following lowest bidders meeting specification: AllSource/Safe Industries - \$6,531.28; Newton Fire & Safety - \$6,554.82; Wally's Fire & Safety - \$2,707.10; Anderson Fire & Safety - \$7,815.28; and Slagle Fire Equipment - \$5,552.34. Total cost, including tax, is \$29,160.82.

Ammunition – Term Contract – Sheriff's Department – Competitive bids were solicited and advertised for a term contract to provide ammunition for the Sheriff's Department. Four (4) bids and one (1) no bid were received. Staff recommended multiple awards to the following lowest bidders meeting specification: Lawmen's Safety Supply - \$18,521.70 and Craig's Firearm Supply - \$48,557.03. Total cost, including tax, is \$67,078.73. The term of the contract shall be for the initial period of one (1) year with the option to extend the contract for two (2) additional one (1) year periods, if deemed to be in the best interest of the County.

Fourteen (14) GPS Navigation Systems (Grant Funds) – Sheriff's Department – Bids were received for the purchase of 14 GPS navigation systems for the Sheriff's Department. Thirteen (13) bids and one (1) no bid were received. Staff recommended award of bid to Loherngrin Enterprises as the lowest responsible bidder. Total cost, including tax is \$7,798.14.

Mr. Derrick opened the meeting for discussion.

Mr. Carrigg noted that the bid awarded for the grounds maintenance term contract is \$2,500 higher than the lowest bidder and assumed the reason was because he did attend the mandatory pre-bid meeting.

Mr. Reggie Murphy, Procurement Manager, replied that is correct. The vendor who submitted the lowest bid did not attend the mandatory pre-bid conference.

Mr. Carrigg asked why the County took the bid.

Mr. Murphy replied, we only accepted the bid. We wanted the records to show that we did receive the bid from the vendor but the vendor was not eligible to bid because he did not attend the mandatory pre-bid conference.

Mr. Carrigg asked, what do we do at the mandatory meeting?

Mr. Murphy replied that the purpose of the mandatory meeting is to make sure that everyone is bidding the same information. He said a landscape contract can be bid several different ways, so the reason for the mandatory meeting is to make sure that everyone understood what they were bidding on and that the bids were equal to that respect.

Mr. Carrigg replied that he understood the reason but felt that we are spending an extra \$2,500 on lawn service.

Mr. Murphy replied that you cannot be assured you are spending an additional \$2,500 because the vendor may not have bid the way that everyone else had bid because he was not at the meeting to understand how to bid.

Mr. Derrick called for further discussion; none occurred.

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

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

Weapons Purchase and Disposal of Used and Confiscated Firearms – Competitive bids were solicited for the purchase of weapons and the disposal of used and confiscated firearms for the Sheriff’s Department. The Sheriff’s Department is selling seized and confiscated firearms and old service weapons to a firearms dealer in order to acquire new service weapons for their officers. The intent of the process is to purchase new weapons without using appropriated funds in existing accounts, thereby saving money.

Five (5) bids were received. Bids were set up to allow vendors to bid on four (4) separate lots. Lot #1 included the purchase of all items less the trade-in offer. Lot #2 and Lot #3 were for the purchase of guns and holsters respectively. Lot #4 was for the sale of the used service and confiscated weapons. Staff recommended the award of Lots #2 to Dana Safety d/b/a Palmetto Distributors as being the lowest responsible bidder meeting specifications for the weapons, Lot #3 to Lawmen’s Safety Supply as being the lowest responsible bidder meeting specifications for the holsters, and award Lot #4 to Craig’s Firearm Supply as being the highest offer for the sale of used service and confiscated weapons. Total cost, including sales option and tax, for a net positive difference to the County of \$15.87.

One (1) Farmer’s Used Oil Tank (Grant Funds) – Solid Waste Management- Bids were solicited for the purchase of one farmer’s used oil tank for Solid Waste Management. Two (2) bids were received. Staff recommended the award of the bid to S.E.W.E. Company as the lowest bidder. Total cost, including tax, is \$14,065.15.

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

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

Approval of Minutes - Meetings of April 8 and 22, 2008 - Mr. Banning made a motion, seconded by Ms. Summers to approve the April 8 and 22, 2008 minutes as submitted.

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

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

Mr. Cullum

Budget Worksession – May 27, 2008 – Mr. Derrick reported that the next budget worksession will be Tuesday, May 27 beginning at 10:00 a.m.

Summer Meeting Schedule - Mr. Jeffcoat made a motion, seconded by Mr. Keisler that Council meet on the 4th Tuesday of July, August, and September (July 22, August 26, and September 23, 2008) and cancel the 2nd Tuesday meetings (July 08, August 12, and September 09, 2008).

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

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

June 10, 2008 Regular Scheduled Council Meeting – Due to Primary elections falling on the regular scheduled Council meeting of June 10, Council discussed rescheduling the June 10th meeting.

Ms. Summers made a motion, seconded by Mr. Davis to cancel Tuesday, June 10 and meet on Thursday, June 12.

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

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

Zoning Amendment - Zoning Map Amendment M08-04 – East Side of Garden Valley Lane and South of the CSX Railroad – Announcement of 1st Reading - Mr. Derrick announced first reading of Zoning Map Amendment M08-04.

Committee Reports - Economic Development, S. Davis Chairman – Approval of Resolution – A Resolution Authorizing (1) the Execution and Delivery of a Fee in Lieu of Tax and Incentive Agreement (The “Incentive Agreement”) Between Lexington County, South Carolina (“The County”) and Owen Electric Steel Company of South Carolina D/B/A CMC Steel South Carolina, Acting for Itself or an Affiliate or Other Project Sponsor, (Collectively, the “Company”), Whereby, Under Certain Conditions, the County Shall Grant Incentives to the Company in Connection with the Expansion of Certain Manufacturing Facilities in the County (the “Expansion Project”); (2) the County to Covenant in Such Incentive Agreement to Accept Certain Fees in Lieu of Ad Valorem Taxes with Respect to the Expansion Project; (3) Special Source Credits to Reimburse the Company for a Portion of the Costs of Certain Infrastructure or Real Property Costs Incurred in Connection with the Expansion Project; (4) the Benefits of a Multi-County Park to be Made Available to the Company; and (5) Other Matters Relating Thereto – Mr. Davis reported that the Resolution was deferred to a later date.

Justice, B. Banning, Chairman – Violence Against Women Act (VAWA) Grant Application - Mr. Banning reported that the Justice Committee met on Tuesday, April 22, 2008, to review a request from

the Sheriff’s department to apply for Violence Against Women Act (VAWA) grant. The following is the April 22 Committee Report.

Colonel Allen Paavel presented a request to apply for the Violence Against Women Act (VAWA) Grant totaling \$203,217 with a 25% in-kind match of \$67,739. The match will be a percentage of salaries or operating expenses that will be paid by either the Sheriff’s Department General Fund or Special Revenue fund that is budgeted in the FY 2008-09 budget. The grant provides the prosecutor with one investigator and a program coordinator for the domestic criminal violence program.

The Justice Committee voted unanimously to recommend that Council approve staff’s request to apply for the Violence Against Women Act (VAWA) Grant.

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

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

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

Public Works, D. Summers, Chairman – SCDOT Match Requests - Ms. Summers reported the Public Works Committee met during the afternoon Committee meeting to consider requests for “C” fund matches from the Town of Gilbert and the Town of Lexington. The total of the requests is \$132,051.

The Town of Gilbert is requesting \$39,600 for the 20 percent required local match from “C” funds for the relocation and rehabilitation of the original train depot. The original cost of the project is estimated to be \$198,000. SCDOT will fund the additional \$158,400 or 80 percent.

The Town of Lexington is requesting \$92,451 from “C” funds for intersection improvements at the intersection of US Hwy. 378 and US Hwy. 1 as well as two other adjacent ancillary intersections. The Town has received a commitment of approximately \$5,000,000. The \$92,451 would match the \$369,804 of federal funds, a total of \$462,255 that can be used for right-of way acquisition.

Ms. Summers made a motion, seconded by Mr. Davis to approve both request for a total of \$132,051 from “C” funds.

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

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

Old Business/New Business - Pine Plain Road – Ms. Summers reported as an item of old business, Mr. Fechtel submitted a request from SCDOT to use approximately \$24,600 that is in contingency to build a sedimentation pond located at the corner of Stage Coach Road and Pine Plain Road and obtain the additional necessary right-of-ways for this project. Mr. Fechtel said this would result in no additional cost to the County as it will come from contingency that has already been paid. SCDOT will be responsible

for the maintenance of the sedimentation pond.

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

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

Committee of the Whole, B. Derrick, Chairman – Approval of Property Contract – Mr. Derrick reported during the Committee meeting, the committee considered approving the contract of sale for the purchase of two acres that is adjacent to the Red Bank Crossing (Winn Dixie). The purchase price is \$275,000.

Mr. Keisler made a motion, seconded by Ms. Summers to approve the contract of sale.

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. Banning
	Mr. Cullum	

Community Covenant - Mr. Derrick reported during the Committee meeting the Greater Columbia Chamber of Commerce has asked that he, as Chairman, along with the City of Columbia and Richland County participate in the signing of a Community Covenant in support of our armed services. Mr. Derrick asked for Council’s endorsement to allow him to sign the covenant. The committee voted unanimously to approve.

Mr. Davis made a motion, seconded by Ms. Summers to authorize the Chairman to sign the covenant.

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

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

Ordinances - Ordinance 08-08 - An Ordinance Adopting a Supplemental Appropriation for Fiscal Year 2007-008 - 3rd and Final Reading - Mr. Davis made a motion, seconded by Ms. Summers to approve third and final reading of Ordinance 08-08.

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

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

Ordinance 08-09 - An Ordinance Authorizing (1) the Execution and Delivery of a Fee In Lieu of Tax and Incentive Agreement (the “Incentive Agreement”) Between Lexington County, South Carolina (the “County”) and Owen Electric Steel Company of South Carolina D/B/A CMC Steel South Carolina, Acting for Itself or an Affiliate or Other Project Sponsor, (The “Company”), Whereby, Under Certain Conditions, the County Shall Grant Incentives to the Company in Connection with the Expansion of Certain Manufacturing Facilities in the County (the “Expansion Project”); (2) the County to Covenant in Such Incentive Agreement to Accept Certain Fees in Lieu of Ad Valorem Taxes With Respect to the Expansion Project; (3) Special Source Credits to Reimburse the Company for a Portion of the Costs of Certain Infrastructure or Real Property Costs Incurred; (4) the Benefits of a Multi-County Park to be Made Available to the Company; (5) the Redocumentation Within Such Incentive Agreement of That Certain Lease Purchase Agreement Between the County and the Company; and (6) Other Matters Relating Thereto - 2nd Reading – No action. Deferred to a later date.

Ordinance 08-11 - An Ordinance Approving the Sale of 24.90 Acres From the County of Lexington to U.S. Food Services, Inc. – 1st Reading by Title - Mr. Banning made a motion, seconded by Mr. Davis to approve first reading by title of Ordinance 08-11.

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

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

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

Mr. Davis made a motion, seconded by Mr. Kinard to enter into Executive Session.

In Favor:	Mr. Derrick	Mr. Davis
	Mr. Kinard	Ms. Summers
	Mr. Keisler	Mr. Jeffcoat
Abstained:	Mr. Carrigg	Mr. Banning
	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 contractual and legal matters during Executive Session and indicated there were no motions to be considered as a result.

Public Hearings – Zoning Map Amendment M08-03 – Change in Road Classification for Old Chapin Road from Lexington Town Limits 260’ North Towards Maxie Road and Maxie Road from the Intersection of Old Chapin Road 1000’ North Towards Ashley Hills Drive- Mr. Derrick opened the public hearing for Zoning Map Amendment M08-03 and reported two proponents signed up in favor and 23 opponents in opposition.

Mr. Bruce Hiller, Development Administrator, Community Development, presented the information for

Zoning Map Amendment Map M08-03. Mr. Hiller stated the applicant, Mr. Albert J. Sanders, has requested to change the portions of Old Chapin Road and Maxie Road from existing Residential Local 4 (RL4) to Local (L). Mr. Sanders indicated on his application the reason for the request is to allow medical and professional offices. Mr. Hiller stated that this map amendment is actually the same Map Amendment M06-15, which was unanimously denied by County Council little over a year ago. The public hearing for Zoning Map M06-15 was held February 13, 2007 and was denied February 27, 2007 at second reading. Mr. Hiller gave a brief zoning history, allowed activities, and reviewed the maps and area by using a Power Point presentation.

Mr. Hiller said the triangle portion at the intersection of Old Chapin Road and Maxie Road was property that was developed by Robbie Wilkins years ago and on that property, the permits were actually written for those commercial businesses just before that area was zoned. So it is a legal non-conformity. The original zoning that went in for those roads were actually collector or local. However, the citizens in the area asked Council to approve the RL4 zoning classification several years ago.

Mr. Carrigg asked, what is the legal nonconforming use?

Mr. Hiller replied, medical and professional offices.

Mr. Carrigg asked, it could not be just anything on the list they wanted it to be?

Mr. Hiller replied, no; not now.

Mr. Carrigg reiterated it could only be a medical or professional office.

Mr. Hiller replied, it could be what it is, unless there was a zoning classification change.

Mr. Carrigg replied, unless it is rezoned. Then it could become anything you wanted on that list because once the zoning is done they can become anything.

Mr. Hiller replied, that's correct. Now as it stands today, if they wanted to change the activity of one of the buildings out there to a more intensive activity, then the zoning would not allow that activity.

Mr. Carrigg replied that if this zoning is approved, then that corner can become anything it wants under the guidelines.

In Favor:

Mr. James W. Poag, Jr., 116 Pineview Road, West Columbia – I represent Mr. Jerry Sanders's with his application for this rezoning or variance. We were here last year and at that time he had plans to develop the "castle" as a reception area for weddings, parties, and things like that and it drew a lot of criticism because the people were afraid that it would increase traffic on their road and maybe drinking, late nights, that type of thing.

He has changed his application to a use of a medical or professional office building. He does own the property, which is up to the top of it, and he wants to use that for parking. This property was built by the original owner and has been for sale since March 2005 and there have no offers on the building, none. It went through foreclosure and my client brought it at foreclosure in October or November 2006. And at that time the only activity on the building was an auction by Hamer Down Auctioneers and it brought no results. The property currently is for sale and Mr. Sanders has received no bids or offers. He didn't construct this house. This house was constructed by its predecessor and it is there; we can't do much about it. Now the question is – what do we do with it? It hasn't been sold for a single-family residence. It can't be developed as a wedding reception area. It lends itself very nicely, though, to the development

as a professional office area. This would allow the structure to be more of an asset to the community rather than an eyesore. It is an unusual building, but it is there; it exists. Now my client owns it.

As doing whatever he wants on that list that a local road allows, that's just not going to be possible. Buffers and setbacks would restrict that property of most usage. As you can see, the building takes up a good bit of the lot. It is some 6- or 7,000 sq. ft. The lot next door can be used for parking. If it were developed, it could be one office or it could be five or six offices, probably somewhere in the middle. I think the traffic area in the community would not be much more than it is now. As I understand it on down Maxie Road exists Rikard Nursing Home. They use that road, all their visitors use that road, and I don't believe that the added traffic that Mr. Sanders would bring to the area in maybe 10 to 12 cars a day or maybe 20 would affect the area. I believe it is far enough away from local residences that came in objection to this last time and today that it would not affect them. It would be like as if it were a residence. The house in the corner between Old Chapin and where Maxie Road meets, those buildings are commercial; medical office, professional office buildings. So that has been introduced into the area already. There is a mobile home across the street. There are a lot of reasons this property hasn't sold; its uniqueness, over built for the area, the price, but it's there. And if it can't be developed in harmony with the area, and I think this proposal does that, then it's going to sit there and be a worse eyesore than it ever has been. I think that is a very restrictive change, just that area about 1000 ft. down his lot line from Old Chapin Road and the town's limit sign to Maxie Road on Old Chapin Road, to be changed to a local. We only request that because that has to be for it to be a commercial enterprise such as a medical office or professional building. Thank you for your time.

Mr. Derrick stated he failed to go over the rules for the public hearing. He said the purpose of the hearing is to receive comments from proponents and opponents regarding the application for zoning change. He asked that each speaker provide their name and mailing address and that comments be limited to three (3) minutes. Mr. Derrick also asked that there be no disruptions including cheering, clapping, etc.

Mr. Albert Jerry Sanders, 117 Maxie Road, Lexington, SC – I came here last time. I thought a reception hall would be great but the idea didn't go so for a year of thinking and a year of researching everything and talking with orthodontists, etc., I have had several to say it would be great for an orthodontist and pediatrician office to be together for kids coming into for medical reasons. That's what I am asking for - some kind of limited professional or medical office, stuff like that. That's the only thing I can think of to do with the house. I have tried to sell the house; I've lower the price, and I have had real estate companies spend a lot of money advertising. I don't know what more to do with it. Like I said, several professionals I've talked to have said it would go over pretty well as that type, like a pediatrician office for kids to go to a doctor in a castle. I can see their concern as far as the drinking and all this other stuff. I can't move the house. That house will not be moved. I bought a white elephant so I've got to deal with it. I'm not living there so, if anybody can suggest what to do with it, I would be more than glad to be open for that.

Mr. Carrigg asked Mr. Sanders why he purchased the house.

Mr. Sanders replied, I was a dumb fool; bottom line. I have to deal with it. I wish I had let the bank have it back, but I didn't.

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

In Opposition:

Mr. Mark Taylor, 143 Sharon Lake Court, Lexington, SC 29072 – I am here in two capacities; one as a resident and the other as the managing partner of Moore, Taylor, and Thomas in Lexington County. I

am currently here representing five separate neighborhoods that are located right around this area. Prior to his presentation, Mr. Taylor asked permission to recognize each of the five homeowner associations whose presidents are present so Council understands that he is speaking on their behalf as well. Sharon Lake – Linda Smith, Rose Lake – Gary Duncan, Ashley Oaks – Joel Menhart, Ashley Hills – Charles Stafford, and Mable Springs Farms secretary – Betty Comer. The president of Mable Springs Farms, Mr. Dan Roberts was not able to be here.

Essentially, we are back year again, about a year later, as was already pointed out. Essentially, what we've got is the same request. A little twist on the theme and admission of a bad purchase, but nonetheless, the twist on the theme. It is the same affected area. It is the identical map to that which was presented to you back in February of last year. The same concerns exist. There are setbacks, buffer issues, and this undeveloped lot that basically anything can be put on. I think he is talking about putting parking there. Again, what we are talking about is the stripping away of trees and having a parking lot on this particular road. We've got the narrowness of the road. We discussed that with you last year. No shoulders to this road and the emergency access back and forth to the Lexington Medical Extended Care (Rikards). And, again, the primary point is that it does not solely affect just his property as you know. What you are being asked to do is to reclassify the road, going from an RL4 to a L. And, by virtue of that, what that means is, that if that rezoning is allowed, that any of those businesses that had check marks by them, which was virtually the whole list, could be put in there. That would include mobile home parks; it could include any number of different businesses that could go in there. And, in fact, it would not necessarily even be restricted to what's being asked for because if approved into a L classification then Mr. Sanders or any successor purchaser or owner would not necessarily be restricted to that because they would be allowed to come back to you and seek a variance based on a request, submit you a site plan and there would no public hearing and you can see from the room here there are a lot of concerned people that I am speaking on behalf of. The setback, all those things, would still be an issue if it is turned into one of these other things. And, basically, I'm going to keep this abbreviated tonight. But, I was thinking about it driving over here and I recently did some research thinking about the concept of the castle. We are all familiar with the comment that "A man's home is his castle." That comes from an English common law as an attribute to the jurist Sir Edward Coke. Now Cook is spelled Coke. Jurist Coke back in the 16th century in affect said that a man's home is his castle, a proverbial expression that illustrates the principle of individual privacy, which is fundamental. And, again we can apply that fundamentalism to our American society; that individual privacy. But what we say collectively, back behind me, is, and what we will keep saying if we have to if we have to keep coming here year after year is that "A man's castle is his home." It's the reverse. And to change it from a home into a business invades our community privacy, which is also a fundamental issue to our American system. We ask you respectfully to turn down this request.

Ms. Jill Menhart, 216 Camden Court, Lexington, SC 29072- I just wanted to say we obviously concur with what Mr. Taylor has had to say. The house was built a residence; it should be kept as a residence, and we do not want to open it up to anything else since we can't restrict what it can be once the classification is changed.

Ms. Betty Comer, 824 Neighbor Lane, Lexington, SC 29072- I concur with what Mr. Taylor has said. We do have concerns for our neighborhoods and the potential of what the negative effects that could be should you change this. Thank you.

Ms. Theresa Hodge, 104 Ashley Oaks, Lexington, SC 29072 – I would like to concur with Mr. Taylor, but I would also like to point out a couple of other items that have not been brought up. In reviewing the area around the castle house, I find that there are over 38 single-family homes located within a 1000 feet of the castle house. I also find that there are 20 quadraplexes that are located within 1000 feet of the castle house. So you can see that this is a residential area and should remain as a residential community.

Mr. Fred Farley, 119 Ashley Hills Drive, Lexington, SC 29072- Appreciate the opportunity to talk to you again this year; I was in front of you last year. I think Mr. Poag and Mr. Sanders have almost made our case for us this year. They described that the property was developed as residential and built to residential building code, it's a home right now, it was on the market to be sold as a home, and it didn't. It went into foreclosure, Mr. Sanders got a great deal on it. He told us that last year. There is one word they are not using in their presentation and that is "speculation." He bought that home under speculation. I don't think that is the responsibility of over 1,000 homeowners in that area to watch out for his pocketbook because he can't get his money back right now. I am being very blunt, but I live in the area and I don't want anything to change the area that I've built in to as a residential development. Secondly, the Lexington Town Council recently, and it was in the State Newspaper, has passed an ordinance or rule, whatever you want to call it, about limiting trees being cut down. There are all sorts of information about buffers zones, etc. If that property adjacent to his is cut down, what's the need for passing these types of resolutions? It's just going to strip an area there. I've got a son who recently came home from 15 months in Afghanistan. He is with the 82nd Airborne Division; I'm proud as I can be of him. He said something that really stuck with me on our first drive down Maxie Road. He said, "Dad, you know this is beautiful. It is green; it's serene; this is something I haven't been around for 15 months." And I just hate to think that we've become so use to where we live that we don't appreciate it. With him coming back and saying that to me almost brought tears to my eyes. He has matured and he realizes things of that nature. That's where we live folks and that's how we want it to stay. If that property is rezoned, being a professional building may not be that bad a deal considering, however, Mr. Sanders wants to sell that property. It's going to go to the first people who buys it and if that's rezoned, we don't know what it is going to be after that. Thank you very much.

Mr. Coley Andrews, 109 Ashley Hills Drive, Lexington, SC 29072- I agree also with what Mark Taylor and Fred had to say but one thing that is being omitted from the map as I see it and not being shown, is where the property where the "red" line ends, that is right in the middle of a "S" configuration. I took some pictures to bring here but they didn't come out good enough to be presented. But, if you were to sit up there at the edge of that "green bar" and look down that road you cannot see the edge of that property. Anyone can ride there and the maps do not reflect that "S" curve. Also, the speed limit on that road is higher than posted, and that's proved by the Sheriff's Department clocking for radar on that road. Also, if it is going for professional and that fails then maybe he will back here next year looking to turn it into a social gathering place and at that time, with congestion and people having their favorite beverage at a social event, will that contribute to the traffic congestion. And if we have traffic congestion, is the Sheriff's Department going to be there to monitor it? And, if they are, is that going to be something incurred by the owner or would it be incurred by the citizens? So, I think if it is proposed, then a traffic flow analysis needs to be done. Thank you.

Ms. Shirley Burkett, 128 Maxie Road, Lexington, SC 29072 - I live across the road from the castle and Maxie Road is a residential neighborhood and it always has been. The kids are always playing, running, and having a good time. The road is too narrow for more traffic. More traffic blocks our driveway and we can't get into our homes, and it has happened already. And when the fire trucks are filling water right down the road a piece, you wouldn't be able to do that. And the ambulances going back and forth, so you wouldn't be able to do that with any more traffic than what it is. It is a residential.

Ms. Mary B. Steele, 122 Maxie Road, Lexington, SC 29072 - Not present.

Dr. Elvira B. Kisteneff, 517 Rose Sharon Drive, Lexington, SC 29072 – Mr. Taylor's eloquent description of how this would affect us is really almost all of us need to say, but I would like to add a few more things. I am a physician and there would be a blizzard in Lexington before I would put a professional office in that, in that it's an eyesore. I think that the owner may be diluting himself to think that a professional would want to situate herself there. So back to what's the real issue here and what's the real purpose. And, I doubt it is professional offices or if it is, it's unlikely to succeed. Frankly, it's an

eyesore. But, it would be worse of an eyesore and it would affect our quality of living if it were a different use. So, to Mr. Sanders, caveat emptor, and I hope you turn down his application. Thank you.

Ms. Lynn Hodge, 544 Rose Sharon Drive, Lexington, SC 29072 – I concur with the previous speakers.

Ms. Linda Smith, 101 Sharon Lake Court, Lexington, SC 29072 - Mark Taylor has spoken on my behalf.

Ms. Rhonda Dotman, 112 Maxie Road, Lexington, SC 29072 – I concur.

Ms. Brenda Christopher, 142 Maxie Road, Lexington, SC 29072 – I concur with the other speakers. Because Ms. Christopher did not speak at the podium, it was difficult to hear her further comments.

Ms. Kellie Howell, 132 Maxie Road, Lexington, SC 29072 – My house is across the street from the castle and I have to say I was raised on this piece of property with cows, horses, dogs, and my son brings home a lot of animals. And I will tell you I have dogs and sometimes they get out of their pen and I just don't need any more traffic. I know I am supposed to keep the pens up and everything and we try. But, there is a lot of traffic now with just with the castle being there. We do have nieces and nephews that come over and the traffic has gotten worse since the castle has been there. I would love for you to oppose it.

Mr. Thomas Howell, 132 Maxie Road, Lexington, SC 29072- I concur with what my wife said.

Mr. Charles Stafford, 105 Ashley Hills Drive, Lexington, SC 29072 – I concur with the previous speakers.

Mr. Gary Duncan, 151 Rose Lake Road, Lexington, SC 29072 – I concur with what has been said. Because Mr. Duncn did not speak at the podium, it was difficult to hear his further comments.

Mr. Clifford Ross, 116 Ashley Hills Drive, Lexington, SC 29072 – I concur with the previous speakers in opposition.

Ms. Patsy Kiser, 116 Maxie Road, Lexington, SC 29072- I concur with everything that everyone has said, but I would like to give a suggestion. What I would do if I were you, I would rebuild the house. Maybe take down the walls so that it doesn't look like a castle; build it another way. Let people move in. Finish the house for one. Half of the bathrooms aren't even working in the house. No wonder no one wants to live there. I know that would be horrible to move into a house and it's not completely finished but it is a residential area and needs to stay a residential area. So all of these other plans are not working, make it work. Make it become a home and we would welcome the neighbors. Thank you.

Mr. Derrick stated no one else signed up in opposition and closed the public hearing.

Ordinance 08-09 - An Ordinance Authorizing (1) the Execution and Delivery of a Fee In Lieu of Tax and Incentive Agreement (the "Incentive Agreement") Between Lexington County, South Carolina (the "County") and Owen Electric Steel Company of South Carolina D/B/A CMC Steel South Carolina, Acting for Itself or an Affiliate or Other Project Sponsor, (The "Company"), Whereby, Under Certain Conditions, the County Shall Grant Incentives to the Company in Connection with the Expansion of Certain Manufacturing Facilities in the County (the "Expansion Project"); (2) the County to Covenant in Such Incentive Agreement to Accept Certain Fees in Lieu of Ad Valorem Taxes With Respect to the Expansion Project; (3) Special Source Credits to Reimburse the Company for a Portion of the Costs of Certain Infrastructure or Real Property Costs

Incurred; (4) the Benefits of a Multi-County Park to be Made Available to the Company; (5) The Redocumentation Within Such Incentive Agreement of That Certain Lease Purchase Agreement Between the County and the Company; and (6) Other Matters Relating Thereto – Mr. Derrick opened the public hearing.

In Favor:

Mr. Gary Tomlin, 592 Anson Drive, Columbia, SC 29229 – I am the comptroller at CMC Steel. On the FILOT agreement it is better known as Owens Electric Steel Company. CMC would like to thank the Council and the County of Lexington for working with us and supporting us. Fee-in-Lieu agreements like this are where they really help companies like us. We are not only competing against Nucor Steel, other steel companies in South Carolina, but we competing on an international market and it is a tough industry. It is doing well right now but next year it could be where it was four years ago with 50 percent of the industry in bankruptcy. Again, we are competing not only against Nucor but even internally against our sister plants. We are competing for capital dollars. We are competing for dollars that allows us to continue to upgrade this plant, to continue employing people here locally and to continue growing our business. Again, we can't express enough our gratitude to Lexington County and the members here. We appreciate the support that we've gathered from everybody in this room and many others. Thank you very much and we greatly appreciate it.

Mr. Derrick closed that portion of the public hearing.

Mr. Derrick opened the public hearing to those in opposition and stated no one had signed up.

Mr. Derrick closed the public hearing.

Budget Amendment Resolutions – The following BAR was distributed and signed.

08-083A - A supplemental appropriation increase in the amount of \$10,000 to budget funds received for the 2007 Local Emergency Management Performance Grant (LEMPG) Special Project.

Old Business - None.

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

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

There being no further business, the meeting was adjourned.

Respectfully submitted,

Diana W. Burnett
Clerk

William C. Derrick
Chairman