

MINUTES
LEXINGTON COUNTY COUNCIL
June 12, 2008

Lexington County Council held its meeting on Tuesday, June 12, 2008 in Council Chambers, beginning at 4:30 p.m. rather than its regular scheduled meeting of June 10 due to the primary elections. Mr. Derrick presided.

Rev. James Gibson, Pastoral Care Manager with Lexington Medical Center and the Research Professor for Home Missions at Christ Central Institute gave the invocation. Amajah Langford, a 2008 honors graduate of Batesburg/Leesville High School led the Pledge of Allegiance.

Members attending:

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

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

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

Chairman's Report - Mr. Derrick congratulated all the incumbents on Council, who have no opposition in November, and all the constitutional officers who won in the primary on Tuesday, June 10.

Administrator's Report - Burn Foundation - Ms. Hubbard announced that the Burn Foundation in Augusta is having a dedication ceremony for the Jeffrey V. Chavis House on Saturday, June 14 at 2:00 p.m. In addition, Fire Service will be conducting their annual Boot Drive for the Jeffrey V. Chavis House on Friday, June 20 from 5:00 p.m. - 8:00 p.m. and on Saturday, June 21 from 8:00 a.m. - 5:00 p.m. at the area Wal-Marts and at intersections from 10:00 a.m. to 2:00 p.m.

Brenda Furtick - Administrative Assistant to the County Administrator - Ms. Hubbard recognized and thanked Ms. Furtick, who will be retiring Friday, June 20, for 21 years of faithful service to the County.

Comments from Councilman Davis - Girls' State - Councilman Davis said he was honored to be on a panel with Ms. Hubbard at Girls' State and thanked her for such a wonderful job.

Employee Recognition - Katherine Hubbard, County Administrator - Postponed to June 24.

Appointments - Nancy K. Perry Children's Shelter - Christine Westbrook - Mr. Jeffcoat made a motion, seconded by Mr. Cullum to reappoint Ms. Christine Westbrook.

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

In Favor:

Mr. Derrick	Mr. Jeffcoat
Mr. Cullum	Mr. Kinard

Mr. Davis Ms. Summers
Mr. Carrigg Mr. Banning

Not Present: Mr. Keisler *

*Mr. Keisler was not present when the vote was taken.

Bids/Purchases/RFPs - A motion was made by Mr. Davis, seconded by Mr. Jeffcoat that the following two Bids/Purchases/RFPs (I-O) be approved.

Toner, Cartridges, and Ribbons (Non-Refurbished) - Information Services/Central Stores - Bids were solicited for a term contract for toner, cartridges, and ribbons for Information Services and Central Stores. The term of the contract shall be for a period of one (1) year with the option to extend the contract for two (2) additional one (1) year periods, if deemed to be in the best interest of the County.

Thirty-three (33) bids and two (2) no bids were received. Staff recommended that the award be made to M&B Supplies as the lowest responsible bidder. Total cost, including tax, is \$25,028.09.

Pharmaceuticals - Public Safety/EMS - A requisition was submitted by Public Safety/EMS for pharmaceuticals from Lexington Medical Center. This has been deemed a sole source as Lexington Medical Center is the only vendor capable of providing the service of storage, rotation and maintaining the pharmacy cache and suture inventory. Total cost, including tax, is \$8,862.

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

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

Not Present: Mr. Keisler *

*Mr. Keisler was not present when the vote was taken.

Approval of Minutes - Minutes of May 13 and May 27, 2008 - Ms. Summers made a motion, seconded by Mr. Kinard to approve the May 13 and May 27, 2008 minutes as submitted.

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

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

Not Present: Mr. Keisler *

*Mr. Keisler was not present when the vote was taken.

Ordinances - Ordinance 08-10 - An Ordinance Adopting an Annual Budget for Fiscal Year 2008-09 – 3rd and Final Reading - Two motions were made almost simultaneously by Mr. Jeffcoat and Mr. Kinard; Chairman Derrick ruled that the motion made by Mr. Kinard was on the floor to be debated.

Mr. Kinard made a motion, seconded Mr. Cullum to suspend the rules of this meeting Pursuant to Rule 16 (3) of the County Council procedural rules, in regard to Rule 9 of County Council procedural rules by allowing an amendment to the budget ordinance on third reading so as to allow a reduction in the currently proposed millage increase.

Mr. Derrick opened the meeting for discussion.

Mr. Carrigg said our Parliamentary rules basically say you cannot amend the motion on the day of third reading and still vote on it. He said if we suspend the rules, what we are trying to do is get around the delay and not allow public comment.

Mr. Kinard replied, no, but was simply trying to get it done one way or another tonight.

Mr. Carrigg stated that we had a budget and it's certainly fair to have public comment. He said the reason for that rule was to allow the public to comment of what we were going to do. He said this body historically, before that rule was put in, would have a first reading, a second reading, a public hearing and then at the very end vote on something entirely different. And the whole reason behind that rule is to get something set and give the public an opportunity to comment on it. Mr. Carrigg said we are talking about maybe reducing some budget items or something which would be a reduction in services and thinks the public ought to have an opportunity to comment on that.

Mr. Cullum replied that it's an effort by Mr. Kinard to make a motion for a reduction in millage that we are asking taxpayers to pay and did not believe it is a reduction in services. He said it is a reduction in the budget, the cost of providing those services. Mr. Cullum said he did not believe there was enough public input to make it one way or another with the four people that attended the public hearing.

Mr. Jeffcoat said at the last meeting (May 27) Council had an opportunity to make any changes at that time. He said here we are two weeks later and now we are going to try and make changes. He said Council had directed the County Administrator to come back with a budget, and she did exactly what we asked her to do, and we went through the budget process. He said he did not think it was fair to the County Administrator and the department heads to make changes at the eleventh hour.

Mr. Davis said at the end of the motion he understood it to say to reduce the millage rate and had concerns because that appeared to include that as part of the motion to suspend the rules.

Mr. Kinard replied that he understood he had to give a reason for suspending the rules.

Mr. Derrick said the reason for suspending the rules is to possibly consider a millage rate reduction.

Mr. Cullum called for the question.

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

Opposed:	Mr. Davis	Mr. Jeffcoat
	Mr. Carrigg	Mr. Banning

Mr. Kinard made a motion, seconded by Mr. Cullum to amend Section 2 of the budget ordinance in regard to the millage to be levied by removing the millage increase as allowed in S.C. code Section 6-1-320 for the percentage of population increase from the previous fiscal year so that Section 2 would now read as follows:

SECTION 2 - COUNTY WIDE TAX LEVY - There shall be levied, for County operations for County designated millage agencies on all taxable property in Lexington County, sufficient taxes to fund the referenced budget in the number of mills allowed in Code Section 6-1-320 in regard to the allowance of the consumer price index from the previous fiscal year only. Also, I would like to move to amend Section 4, as part of this same motion in regard to the millage to be levied for the special propose of removing that millage increase as allowed in S.C. Code Section 6-1-320 for the percentage of population increase from the previous fiscal year so that Section 4 should now also read as: there shall be levied, for the special purpose districts on all taxable property in their respective districts, sufficient taxes to fund their respective budgets in the number of mills, allowed in Code Section 6-1-320 in regard to the allowance of the consumer price index increase from the previous fiscal year only.

Mr. Derrick asked Mr. Kinard to explain the motion.

Mr. Kinard said he was asking to remove the population increase.

Mr. Davis asked how much that would be.

Mr. Kinard replied, 2.07 across the board for all agencies; about \$1,556,696. Mr. Kinard said it is almost two mills.

Mr. Carrigg asked what that equates to on a \$100,000 house.

Mr. Kinard replied, about \$9 dollars.

Mr. Derrick asked Mr. Porth the worth of a mill.

Mr. Porth replied, \$900,000. But, it depends where you live.

Mr. Cullum asked Ms. Hubbard if any of the programs that Council approved thus far, if we reduced this millage by Mr. Kinard's request, would it affect anything that we've put in place for the ability to delivery services.

Ms. Hubbard replied, at this point the motion is just to reduce the revenue. She said the appropriations would remain as Council stated so Council would be budgeting in excess of the revenue estimate.

Mr. Carrigg replied, so we would pay the difference out of fund balance.

Ms. Hubbard replied, yes.

Mr. Carrigg asked if were to reduce the Lexington Recreation Commission's budget by \$150,000 and Irmo Fire District by \$35,000 were we going to give them funds out of fund balance.

Ms. Hubbard replied, no. Those needed funds would come from their fund balance.

Mr. Carrigg asked about the Sheriff's Department, who has a dedicated millage, Midlands Tec and Riverbanks Zoo that all rely on our millage.

Ms. Hubbard replied for clarification that Midlands Tec and Riverbanks Zoo are allotted a specified amount. She said the agency operations that would be impacted by Mr. Kinard's motion would be the Lexington County Recreation Commission, the Irmo-Chapin Recreation Commission, and Irmo Fire District. She said each of those agencies have a separate fund balance so does Library Services and Solid

Waste Management and other agencies in the general fund.

Mr. Carrigg asked for a total that we would have to fund for Library Services, Solid Waste Management, and the Irmo-Chapin Recreation Commission.

Mr. Porth replied, \$1.5 million dollars.

Mr. Carrigg asked, \$1.5 million dollars out of fund balance?

Mr. Porth replied, each respective fund would take out of their fund balance.

Mr. Carrigg asked, if Irmo-Chapin Recreation or Lexington Recreation Commission doesn't have a fund balance, how much do we have to take out of fund balance?

Mr. Porth replied that they do have a fund balance. He said for Council to take it out of the general fund and replace all these other funds; you would have to increase the appropriation of the general fund.

Mr. Cullum asked, across the board as it has been presented, is there any programs not going to be completed if we reduce this across the board?

Ms. Hubbard replied that she is familiar with the County ordinary portion of the budget but there are several other departments that are represented here, Law Enforcement, Fire Service, Library and Solid Waste Management, and would respectfully ask for them to answer the question

Sheriff Metts replied, half a million dollars that will affect us by personnel on the streets.

Mr. Cullum replied that the Sheriff's Department carried over a half a million dollar fund balance from last year.

Sheriff Metts replied, that's right.

Mr. Cullum replied, so that it would put you back to neutral.

Sheriff Metts replied, no, it won't. He said it's already figured in the budget; we would be affected by half a million dollars.

Mr. Derrick asked Sheriff Metts to come to the podium.

Sheriff Metts said it is stupid to be here at the last minute changing a budget after you had all the time to vote on it. He said he is upset about losing half a million dollars because that's service to the people on the streets of Lexington County. It means personnel to go out and answer calls.

Mr. Derrick asked for further discussion; none occurred.

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

Opposed:	Mr. Davis	Mr. Keisler
	Mr. Jeffcoat	Mr. Carrigg
	Mr. Banning	

The motion fails.

Ordinances - Ordinance 08-10 - An Ordinance Adopting an Annual Budget for Fiscal Year 2008-09 – 3rd and Final Reading - Mr. Jeffcoat made a motion, seconded by Mr. Carrigg to approve third and final reading of Ordinance 08-10.

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

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

Opposed: Mr. Derrick Mr. Cullum

Ordinance 08-12 - An Ordinance to Amend Ordinance No. 95-12 as Amended by Subsequent Ordinances Relating to the Joint County Industrial Park of Lexington and Calhoun Counties so as to Enlarge the Park to Add Certain Property Owned or Leased by Project Stewart - 1st Reading - Mr. Davis made a motion, seconded by Mr. Kinard to approve first reading of Ordinance 08-12.

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

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

Committee Reports - Health & Human Services, J. Carrigg, Jr., Chairman - Volunteer Fire Assistance Grant Award - Mr. Carrigg reported the Committee met earlier in the day to consider acceptance of the Volunteer Fire Assistance grant award. The grant in the amount of \$3,000 required a 50 percent in-kind County match resulting in an award of \$1,500. The funds will be used to purchase foam for Fire Service. The Committee voted unanimously to recommend to full Council for approval.

Mr. Carrigg made a motion, seconded by Mr. Jeffcoat to approve acceptance of the grant.

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

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

Public Works, D. Summers, Chairman - Portion of Platt Springs Road Dedication - Ms. Summers reported the Public Works Committee met during the afternoon to consider a request from SCDOT to fund \$500 from “C” funds toward the fabrication and installation of the dedication signs or markers to rename the portion of Platt Springs Road from SC Highway 6 to Kyzer Road to the Lance Corporal Joshua L. Torrence Memorial Highway. The Committee voted unanimously to recommend to full Council for approval.

Mr. Keisler made a motion, seconded by Mr. Cullum to approve the \$500 “C” Fund request.

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

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

Airport, T. Cullum, Chairman - Airport Improvement Program Grant Award - Mr. Cullum reported the Committee met earlier in the afternoon to consider the acceptance of the Airport Improvement Program award in the amount of \$75,230. The original grant in the amount of \$79,190 required a 2.5 percent match by both the County and State for a total of 5 percent. The County and State match is \$1,980 respectively. The Committee voted unanimously to recommend to full Council for approval.

Mr. Cullum made a motion, seconded by Mr. Kinard to approve acceptance of the \$75,230 grant award.

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

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

Solid Waste, J. Kinard, Chairman - FY09 DHEC Solid Waste Management Grant Award, FY09 DHEC Waste Tire Grant Award, and the FY09 DHEC Used Oil Grant Award - Mr. Kinard reported the Solid Waste Committee met to review the acceptance of the FY09 DHEC Solid Waste Management Grant Award, FY09 DHEC Waste Tire Grant Award, and the FY09 DHEC Used Oil Grant Award and voted to recommend to full Council for approval.

FY09 DHEC Solid Waste Management Grant Award is in the amount of \$39,485. The grant will be used to increase outreach, education, and collection for increase office paper, cardboard and plastic containers in the County's recycling collection programs. The grant requires no County match.

FY09 DHEC Waste Tire Grant Award is in the amount of \$6,000. The grant will be used to promote the County's tire recycling program as well as training and travel for the County's Recycling Coordinator. The grant requires no County match.

FY09 DHEC Used Oil Grant Award is in the amount of \$61,825. The grant will be used to improve and update the used oil recycling collection sites in Lexington County. The grant requires no County match.

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

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

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

Budget Amendment Resolutions - The following BAR was distributed and signed:

08-086 - A supplemental appropriation increase in the amount of \$1,500 to appropriate funds received from the Volunteer Fire Assistance grant award.

08-089 - A supplemental appropriation increase in the amount \$25,759 to appropriate funds received from the SC Emergency Management Division for the FY2007 Local Emergency Management Performance Deobligated grant award.

08-090 - A supplemental appropriation increase in the amount of \$20,250 to appropriate funds received from the sale of used and confiscated firearms by the Sheriff's Department. The revenue will be used to purchase new guns and holsters.

08-091 - A supplemental appropriation increase in the amount of \$11,660 to appropriate the value of the confiscated Dodge Charger to be added to the Sheriff's Department fleet.

Old Business/New Business - None.

Executive Session/Legal Briefing - Mr. Derrick stated Council will need to enter into Executive Session to discuss three contractual matters and eight legal matters.

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

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

Mr. Jeffcoat left immediately following the conclusion of the Executive Session and prior to the public hearing.

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.

6:00 P.M - Public Hearing - Zoning Text Amendment T08-05 - A Zoning Text Amendment to Amend the Lexington County Zoning Ordinance for the Purpose of Establishing Specific Exemptions to Section 24.10 Noise - Prior to opening the public hearing, Mr. Derrick reviewed the guidelines for the public hearing. He stated the purpose of the hearing is to receive comments from proponents and opponents regarding Zoning Text Amendment T08-05. He asked that each speaker provide their name and mailing address and that comments be limited to three (3) minutes. He asked 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. Mr. Derrick also asked that there be no disruptions including cheering, clapping, etc.

Mr. Bruce Hiller, Development Administrator in Community Development, said the reason for the request is to amend the Lexington County Zoning Ordinance for the purpose of establishing specific exemptions to Section 24.10 - Noise. Mr. Hiller reviewed the process for any zoning text or zoning map amendment, which requires three readings and a public hearing. However, Mr. Hiller said if an amendment is to be denied, it can be denied at second reading, but if it is to be approved, it must go for

third and final reading for approval.

Mr. Hiller clarified that Section 24.10 - Noise of the Lexington County Zoning Ordinance is an entirely different ordinance from what is commonly referred to as the Nuisance Noise Ordinance, which is part of the general Lexington County ordinance. However, this is a zoning ordinance. What is the difference? Generally, the nuisance noise ordinance pertains to noises associated with residences and residential communities such as weed eaters, lawn mowers, etc. He said the zoning section pertains to what is referred to as non-residential activity; commercial, business, etc.

Mr. Derrick opened the floor for questions from Council of Mr. Hiller.

Mr. Derrick asked if Zoning Text Amendment T08-05 were to pass, would it allow a race track to be built anywhere in Lexington County with regard to the noise portion of it.

Mr. Hiller replied, if the race track is allowed on the property because it is zoned properly for that type of activity, then the noise from that activity would be exempt under the zoning ordinance requirements.

Mr. Derrick asked if boat racing was established on Lake Murray would that noise be exempt.

Mr. Hiller replied, yes. The same would be true.

Mr. Banning ask about individual "banana boats" on Lake Murray.

Mr. Hiller replied, no. That would be part of the nuisance noise ordinance, which is maintained by the Sheriff's Department because watercraft and vehicles are part of individual use or highway use for those types of vehicles and are, therefore, not part of the noise section of the zoning ordinance.

Mr. Banning asked if this would allow a "banana boat" race on Lake Murray.

Mr. Hiller replied, if the activity was allowed, first of all a permit for a group assembly activity would have to be issued on the land, but would then have to get out in the water to do this thing. If this is part of that group assembly activity, then the race itself, if it were passed, then the noise from that race would be exempt from the zoning ordinance.

Mr. Derrick opened the meeting for comments from those in favor of Zoning Text Amendment T08-05.

In Favor:

Carol Buddy McCombs, 332 Ervin Jumper Road, Gaston, SC, 29053 - Good evening ladies and gentlemen. I am a 59-year old resident born and raised in Lexington County where I have attended motorsports races since the age of 4. I work for the Lexington County Chronicle, but I also own the Columbia Speedway in Gaston that was built in 1983. My love for stock-car racing began at the old Columbia Speedway built in the 1950s. I also attended events at the Pelion Drag strip, the Edmund Figure 8 Track, Thunder Valley, and the place we affectionally call the Hell Hole. All these venues were in Lexington County. Today, motorsports are still a huge tradition in Lexington County and, whether you are aware of it or not, there are go-cart tracks, lawn mower tracks in Southern Lexington County. There is one Hispanic horse racing track, Columbia Speedway, I-20 Speedway and a go-cart track in Leesville. The Edmund Tractor Pull and a new facility called Palmetto are going on Highway 6. Don't fail to mention, another noise maker, the Carolina Rifle Range. Although we are all somewhat different, we have common ground. We entertain people and give them a local outlet to pursue their hobby; the love of speed, competition, and sportsmanship. Not only do we promote races, but we are contributors in many ways to our communities. Since 1983, Columbia Speedway has paid over \$30,000 in County taxes. I-20 Speedway has paid over \$100,000 in County taxes. We have both paid entertainment on admissions tax

and tax on concessions. We have paid DHEC license and permit fees. Columbia Speedway has donated over \$20,000 to the S.C. Law Enforcement Victim's Fund. The I-20 Speedway has contributed over \$70,000 for cancer research, St. Judes and Children's Hospital. We have both donated weekly to local fire departments and EMS and have employed the local folks to work at our facilities. We have sponsored ball teams, boy scouts, and raised money for food for food banks. We are good neighbors and the spin off for other businesses associated with racing are too numerous to list. Not only do we have races, but we host other events such as tractor pulls, mud bogs, mud truck shows, and the Joie Chitwood. In addition, over 5,000 fans attended the Molly Hatchell/Jan Jett concert.

As our crisis with gasoline tightens, local venues of entertainment for families become more important. The motorsports industry offers all of this close to home in Lexington County. For over 40 years, racing has been my love and my passion and the love and the passion of people sitting here tonight.

I urge you to pass a fair noise ordinance to the motorsports industry and expand the curfew time limits to midnight to ensure that this Southern grass roots tradition continues. Thank you.

Connie S. Garner, 2033 Hwy. 178, Swansea, SC 29160 - Good evening. I'm here representing the Edmund Antique Tractor Pull and to support the amendment to the noise ordinance for all seasonal sports. We feel this is a great step for Lexington County to take to encourage and promote family oriented activities, which have a positive impact on our County and its future. Also, it promotes the betterment of the County as a whole. This ordinance encourages the "we" concept versus the "I" or "me." Just as a side note, the tractor pulls take place once a month for approximately seven pulls a year.

In closing we would like to thank each member of council for your willingness to be forward thinking and in promoting activities where parents, children, and grandparents can learn and play, and most of all, spend time together in Lexington County. Thank you.

Roger Hoover, 165 Pat Road, Lexington, SC 29073 - I support.

James M. Rollison, 4699 Fish Hatchery Road, Gaston, SC 29053 - I am in support of it.

George Bell, 276 Berlin Road, Salley, SC 29237- I am in support of it.

Danny Hoover, 510 St. Pauls Church Road, Gilbert, SC 29054 - I am in support of it.

Curtis Caneup, 820 St. Pauls Church Road, Gilbert, SC 29054 - I support it.

Chris Caneup, 820 St. Pauls Church Road, Gilbert, SC 29054 - I support it.

D. J. Hoover, 512 St. Pauls Church Road, Gilbert, SC 29054 - I am in support of it.

Jeff Hoover, 510 St. Pauls Church Road, Gilbert, SC 29054 - I am in support of it.

Delores Hoover, 165 Pat Road, Lexington, SC 29073 - I am in support.

Toni Hoover, 165 Pat Road, Lexington, SC 29073 - I support it.

Angie Dooley, 140 Macedon Drive, Lexington, SC 29073 - I support it.

Kayla Dooley, 140 Macedon Drive, Lexington, SC 29073 - I support it.

Donna Flowers, 155 Pat Road, Lexington, SC 29073 - I support it.

Dee Savage, 109 Downey Drive, Pelion, SC 29123 - I support it.

Mary Ann Martin, 220 Jones Wire Road, Swansea, SC 29160 - I support it.

William R. Savage, 109 Downey Drive, Pelion, SC 29123 - I support it.

Sam Jackson, P.O. Box 68, Pelion, SC 29123 - I support it.

Michael Shealy, 2682 S. Lake Drive, Lexington, SC 29073 - I support it.

Shawney Shealy, 2682 S. Lake Drive, Lexington, SC 29073- I support it.

Dwight Shealy, 2660 S. Lake Drive, Lexington, SC 29073 - I support it.

Lenelle Shealy, 2660 S. Lake Drive, Lexington, SC 29073 - I support it.

L.C. Smith, Jr., 353 Decie Road, Leesville, SC 29072 – I am in support of it.

Mike Bozard, 613 Shirway Road, Lexington, SC 29072 - I support it.

Harold Spires, 642 Sharpe Circle, Lexington, SC 29072 - I support it.

Allen M. Clayborn, Sr., 6252 Platt Springs Road, Lexington, SC 29072 - I support it.

Jennie Dugger, 2676 South Lake Drive, Lexington, SC 29072 - I support it.

Gary Dugger, Jr., 2676 South Lake Drive, Lexington, SC 29072 - I support it.

Terry Hoover, 1139 AC Bouknight Road, Gilbert, SC 29054 - I support it.

Eric Benton, 14720 Hwy. 15, Jefferson, SC 29718 - I support it.

Linda Benton, 14720 Hwy. 15, Jefferson, SC 29718 - I support it.

Jake Moore, Jr., 146 Leeward Road, Columbia, SC 29212 - I got to be honest with you. I have never been to Hell Hole and to be really honest with you, I've never been to a tractor pull in my entire life. But, what I have done is speak with people, like Ms. Combs, who are extremely passionate about this kind of thing. And they are passionate for very, very good reason. And the good reason is because of the good people you see here. I practice law in West Columbia and every day I deal with people's problems, and I see a lot of the negative things that go on in Lexington County. But, folks, these tractor pulls, these races, and especially the tractor pulls - you've got four generations of people coming out to these things. You've got families; you've got children; you've got a positive environment here in Lexington County and this ordinance basically guarantees that, that sort of thing is going to thrive and continue, and I think it is important. I think also if you look at how the ordinance is structured, it strikes a balance. It basically allows this to continue, but only on the weekends. It strikes a balance. I think it is fair; I think it is appropriate, and I am here in support of it. Thank you.

Al Melinders, 1413 Windy Wood Road, Pelion, SC 29123 - I support it.

Derrick Howard, 136 Wando Circle, Lexington, SC 29073 - I support it.

Robert Panno, 238 Jeff Sharpe Road, Gaston, SC 29053 - I support it.

Christine Corbett, 104 Cloudburst Court, West Columbia, SC 29172 - I support it.

Spencer Boatwright, 317 Tamwood Circle, Cayce, SC 29033 - I support it.

Olin D. Slice, 1739 Old Barnwell Road, Lexington, SC 29073 - I support it.

Robert Livingston, 1444 Wood Trail Drive, Gaston, SC 29053 - I support it.

Jeff Livingston, 1444 Wood Trail Drive, Gaston, SC 29053 - I support it.

Kyle Livingston, 1444 Wood Trail Drive, Gaston, SC 29053 - I support it.

Lonnie Keisler, 1126 Merle Road, West Columbia, SC 29169 - Not just on the tractor pull stuff, but, of course, I am building a motorsport complex myself, which involves children from the ages of 5 all the way to adults age 60 plus years old racing go-carts to racing motorcycle and things like that. It gives a place for people to come to have your families together. Also, having a place to ride four-wheelers and dirt bikes that keep these kids out of peoples' personal property and tearing up things and riding on the road, which our law enforcement are chasing them from the sand pits out in the Pine Ridge area. This gives them a place to come and hang out and bring their families and friends. So, this noise ordinance would help put them in a place to do these types of things without being a nuisance to everybody else. You put them in a central location. Not only that, but for events that come in with cart racing and motocross racing, along with the tractor pulls, you are bringing in money to the County. People to come in and buy products at grocery stores, buy gasoline, stay at hotel rooms, etc. You are bringing in income to this County to help keep ya'll from increasing taxes to support the rest of the County.

Retha Slice, 1739 Old Barnwell Road, Lexington, SC 29073 - I support it.

Susan Craps, 1300 Perry Taylor Road, Leesville, SC 29070 - I support it.

Bo Griffin, 5429 Platt Spring Road, Lexington, SC 29073 - I have been racing since the 80s and I have a son who starting racing and carting and then I quit. Matter of fact, my son had raced when he was a kid in small go-carts out at the I-20 Speedway. Since then he has moved up to late models and run asphalt. What I'm trying to say is - we run the Myrtle Beach Speedway, the Florence Motor Speedway and the new Dillon Speedway and all of these tracks have a curfew in their county; it's 12:00. They do race on Sundays, sometimes. No generators, no motors, nothing to be cranked up until after 1:00 'till sundown. I just want to let you know that I run different tracks and they do have curfews there. Thank you.

Helen Kelly, 2739 South Lake Drive, Lexington, SC 29073 - Yes, sir. I support it.

Burrell Kelly, 2739 South Lake Drive, Lexington, SC 29073 - I support it.

Thomas Kelly, 2739 South Lake Drive, Lexington, SC 29073 - I support it.

Teresa Moore, 2739 South Lake Drive, Lexington, SC 29073 - I support it.

John Suwala, 1024 Blackville Road, Gaston, SC 29053 - I support it.

Ed Grice, 364 Macedon Drive, Lexington, SC 29073 - I support it.

Chad Rice, 114A Arrowhead Court, Leesville, SC 29070 - I support it.

Stacey Rabon, 332 Hass Lucas Road, Gaston, SC 29053 - I support it.

Tim Rabon, 332 Hass Lucas Road, Gaston, SC 29053 - I support it.

Mac Toole, 180 Dogwood Circle, West Columbia, SC 29170 - I support it.

Bryan Stone, 230 Tarrington Circle, West Columbia, SC 29169 - I support it.

Steve Salonich, 3900 Bachman Road, West Columbia, SC 29169 – I support it.

Elaine Salonich, 3900 Bachman Road, West Columbia, SC 29169 - I support it.

James Onos, 228 Falcon Drive, Lexington, SC 29073 - I support it.

Joseph Thompson, 1305 Rock Island Road, Gilbert, SC 29054 - I support it.

Gary Dugger, 80 Valley Ridge Road, Swansea, SC 29160 - I support it.

Larry J. Hoover, 1143 AC Boughknight Road, Gilbert, SC 29054 - I support it.

Gene Jeffcoat, Woodford Road, Swansea, SC 29160 - I support it.

Paula Garner, 370 Cedar Creek Road, Swansea, SC 29160- I support it.

Ricky Clayborn, 493 Oak Street, West Columbia, SC 29172 - One thing that wasn't mentioned is that the antique tractor pull is a non-alcohol event where it reiterates on the families. They have the sheriff's patrol and emergency personnel on site in case anything should happen. As a collector of antique tractors, I am a participant and just wanted to make sure that everybody on Council knew about the non-alcohol. Thank you.

Bruce Woodcock, 1680 Old Orangeburg Road, Lexington, SC 29072 - I support it.

Chris Garner, 1010 Main Street., Pelion, SC 29123 - I am in support of it.

Kenny Dubois, 3137 Fish Hatchery Road, Gaston, SC 29053 - I support it.

Calvin McAllum, 6905 Edmund Highway, Lexington, SC 29072 - I support it.

Lorin Cucullu, 697 W. Dunbar Road, West Columbia, SC 29169 - I support it.

Todd Messier, 897 Highway 378, Lexington, SC 29072 - I support it.

Carolyn Watson, 5614 Fairview Road, Batesburg, SC 29070 - I am in support.

Joseph Derby, 181 Smith Pond Road, Lexington, SC 29072 - I support it.

Jay Fletcher, 533 Wire Road, Gilbert, SC 29054 - I support it.

Tim Shumpert, 5738 Edmund Highway, Lexington, SC 29073 - I support it.

Tom Clayborn, 171 Bluefield Road, Lexington, SC 29073 - I support it.

Ronda Clayborn, 171 Bluefield Road, Lexington, SC 29073 - I support it.

Barbara Sanford, 175 Bluefield Road, Lexington, SC 29073 - I support it.

Bonnie Shull, 209 Garden Pond Drive, Lexington, SC 29073 - I support it.

Billie Jean Brown, 430 Pat Road, Lexington, SC 29073 - I support it.

Crawford Crumpton, 761 Ramblin Road, West Columbia, SC 29169 - I support it.

Voilet Crumpton, 761 Ramblin Road, West Columbia, SC 29169 - I support it.

Craig Crumpton, Sr., 827 Ramblin Road, West Columbia, SC 29169 - I support it.

Craig Crumpton, Jr. 827 Ramblin Road, West Columbia, SC 29169 - I support it.

Allen Clayborn, 6252 Platt Springs Road, Lexington, SC 29073 - I support it.

Sam Jackson, St., P.O. Box 104, Pelion, SC 29123 - I support it.

Beverly Jackson, P.O. Box 104, Pelion, SC 29123 - I support it.

Mr. Derrick stated no one else signed up in favor and closed that portion of the public hearing.

Mr. Derrick opened the public hearing for those in opposition.

Opposed:

Bob Shealy - 1050 Daralynn Drive, Lexington, SC 29073 - Prior to Mr. Shealy's comments, he provided a packet of information to be distributed to all Council members

That's in the Edmund Community and approximately 300 yards from the Edmund Tractor Pull; your type A item you want to exempt noise from. I have experienced three events and had the noise measured out there and it is unbearable. You've got a lot of support for noise because of race tracks, but I don't think this effects race tracks. We are talking about things that effect peoples' health. If you pass this thing, I'm going to be bombarded 156 days a year, which includes every Friday, Saturday, and Sunday of unlimited noise. That will be approximately twenty-one hundred hours a years, which is more than you spend on your job at eight hours a day. This is the potential of this thing. I'm not against racing, tractor pulls, or anything else. I'm telling you, you are opening a can of worms, and I don't believe anybody's business has been hurt without this exemption. The only issue that has come up is the Edmund Tractor pull and it's right next to me and it fails your present noise ordinance. If you amend it, but pardon my language, you are going to screw it up and cause loopholes that you will not be able to correct. I'm not against the tractor pull, but I can tell you this – it's loud and Mr. Hiller and Mr. McPherson came out and measured it and it's unbearable. It's like having to meet your momma at the rocket in your bedroom. I can contend that they can turn that PA system down. They've got a control on it; they all do. And they can put efficient mufflers on those tractors. Matter of fact, three of their categories in their rule book say straight exhaust, which means no muffler. That has absolutely nothing to do with their goal of pulling a sled down the track. So, I'm telling you that's why I am against it. The other is in my research that I have found absolutely nothing good about noise pollution. It is a health risk. It is a stressor known to enable related diseases such as heart attacks, strokes, ulcers, elevated blood pressure, and permanent hearing loss. That's just a short list; check with your health professionals. I understand this, too, about loopholes. A jet engine uses internal combustion and I've been to tractor pull events that use jet engines. Are we ready for

this? I don't think so. Also, Edmund Tractor Pull happens to be registered with the Secretary of State. It is a business so it fails under OSHA Sound Emission guidelines. I don't think Council has the authority to override and exempt OSHA noise hearing conservation programs. I do not believe that. In closing, I think T08-05 is unnecessary. Business can still be conducted and these events can be good neighbors by taking steps to do it and right now it is already screwed up. The Sheriff's Department will not enforce codes out there; this came straight from a code enforcement officer's mouth. I don't know who told him not to, but I'll assure you, that it's going to be a problem. I am asking you right now, who's going to governor Lexington County, you or the tractor pulls, race tracks or anything else based on the fact that they would like to make a lot of noise. I don't believe I would be welcomed in their community with my exhaust pipe open and driving up and down the road and maybe calling it event of some kind, getting some kind of permit. I think we can coexist, but I think unlimited is a very, very bad mistake. OSHA requires hearing conservation at 80 DB and above. And for every six DBs you go up or down, sound doubles and the human ear can hear from 20 HZ to 20,000 HZ. Your noise program only measures from 31.5 to 8,000 and the Edmund Tractor Pull failed between 1,000 and 8,000 HZ. So, there is a big gap up there that you can hear that you are not measuring, so I tell you this. Without study, you don't know what you are about to unleash on the people of Lexington County. I think these places should strive; I run a small business myself, but I also think they should be good neighbors. I have to contain my dog in a pen or on a leash, what's wrong with controlling your business? In closing, there's a lot of people for this noise ordinance to be passed but I dare you to ask for a vote of how many of them actually live more than 300 yards away from them; probably a handful. So, of course, they would like to come and play in my backyard and make unlimited noise. I don't think I would be welcomed in theirs under the same circumstance. Thank you.

Martin Vollmer, 1091 Daralynn Drive, Lexington, SC 290973 - I have lived at this address since 1985. My wife and I own a 14-acre tract that adjoins the tractor pull track. I am firmly opposed to an exemption for engine events. Eight years ago, I completed a 3200 square foot brick home approximately 140 feet from the side lot property line that adjoins the tractor pull site. This puts my kitchen window within 500 feet of the tractor pull track itself. My only question to the tractor pull owners who were permitted in 207 is - if this is such clean wholesome family fun, why is it nearly 2,000 feet or more from your kitchen window? Tractor pulls are not a low hum of a machine plowing a field, but rather a loud constant thump and hiccup of a machine that is hitched to a sled, takes off and pulls until it bogs down and can hardly no longer move; hardly something that these machines were designed for. This is an all weekend event; overnight campers, concession, track preparation, practice time, etc. If this proposed engine exemption is passed, it will further erode the value of all the surrounding properties, including ours. I fully support property owners' rights except when they infringe on the quality of life and trashes land values. In 1998, I received my residential builder's license and fully intended to eventually develop our property. Now, I'm not so sure it is worth the effort. Major road widening on Highway 6, Wal-mart, Lowes, White Knoll High School and various retail businesses are a scant two miles away. More development will hit the Highway 6 / Highway 302 intersection about a ½ mile south of the tractor pull. The residential development to follow will far out strip any value that a tractor pull will ever generate for county coffers. The tractor pull has generated a one-time permit fee of \$1,400. An increase in noise from sunrise to 11 p.m. will definitely discourage residential development, thus reducing income to the county. There are a variety of screening type sound barriers such as a triple row of Leland cypress and/or a dirt berm (the most efficient sound barrier) according to Mr. Hiller. I'm all for high school bands and cultural events. However, if an out-right exemption for engines, any size engines, is allowed, every piece of acreage countywide could become a potential headache for County Council and the zoning department. Please adhere to the current noise ordinance that has served our county for 28 years. Thanks for all your countless hours that you devote to your job to serve.

Joanne Meadows, 130 Erica Court, Lexington, SC 29072 - Not present.

Carol Vollmer, 1091 Daralynn Drive, Lexington, SC 29073 - I oppose the exemption of internal

combustion engines events from the provisions of the county's current noise ordinance that has been in effect since 1980 for several reasons. First, is that I live adjacent to a tractor pull. In addition to the clouds of black smoke, the noise from it exceeds the existing noise allowance, which significantly diminishes my quality of life and the quality of life of other neighbors. Exempting the engines from the ordinance would not only allow the current conditions to continue but would actually allow for bigger and louder tractor engines with no noise restrictions to be included in the competitions and to run from sunrise to 11 p.m. Friday and Saturday and from 1 – 6 p.m. on Sunday. This is not a solution to the problem because it only benefits the owner and the participants while having a significant negative impact on the neighborhood and community regarding quality of life and property values. An acceptable solution would be to comply with the current ordinance via installing of the buffers and dirt berms as the previous opponents mentioned. It's easy to support something when it's not in your backyard. And, again, I think we need to look at a win-win situation and try to maintain a balance with the quality of life between those who are inhabiting the area and those who come in to enjoy these activities. In terms of the whole ordinance itself, I really don't have a problem with the other activities that are being exempted because I feel they are completely different than the combustion engines themselves. For example, the other activities such as the religious events, cultural events, and high school events actually increase property values and enhance the quality of life for the surround neighborhoods. People want to live close to schools and churches. The participants in general are members of the neighborhood and the nuisance from the noise generated by the activities is balanced by the benefits to property values and quality of life. In contract, the noise of the combustion engines decrease property values and diminish quality of life for those who live in surrounding areas such as myself. People do not choose to move next door to or down the street from a speedway or tractor pull. In other words, noise from the engines is not balanced by benefits to property values or quality of life. It only serves as a moneymaking venue for the owner and the enjoyment for the participants who are not from that immediate neighborhood. They come from other neighborhoods, other counties and states to participate and then they get to go home to their own quiet neighborhoods. In addition, the activities that are also included, which would be the religious events, concerts, and band events only last several hours while combustion events such as the tractor pull I live to last all day for several days at a time. Typically the people start rolling in on Thursdays and don't leave until Sunday evening. And there are associated noises that go on through that time period. I believe the proposal of the exemption was a direct result of the owner of the tractor pull being notified on April 14 that he was exceeding noise ordinance levels, and I believe that the people here tonight primarily, that are in favor of this ordinance, are representing and supporting the tractor pull. Because I am currently negatively affected by the tractor pull, it is my immediate concern. However, I am also deeply concerned about and believe you recognize your duty to also be concerned about the intolerable noise that will be allowed to occur countywide if engines are exempted. This is not just about a tractor pull. It is about a growing, thriving county, and the far-reaching negative impact exempting engines will have countywide. Again, I'm not here to put my neighbors out of business, I'm not here to put the tractor pulls or other engine events out of business, I'm just asking that, again, we try to maintain a balance between our quality of life, those residents who are living next to these areas, and the enjoyment to the people who participate in these activities have. So, I just feel if we can continue with our current ordinance and put systems in place to assure that the levels aren't exceeded, then we all win. Thank you.

William Whitmire, 201 Oleander Road, Batesburg, SC 29006 – I don't really have a big issue with the tractor pull because I'm not familiar with it. My issue is with the noise from the race track. I live about ½ mile from the I-20 Speedway, and we have been there fourteen years. We would actually go get a motel because it got that loud. The zoning people have been out and measured the sound from my property, ½ mile away plus going down next to the tract, and they have been in violation every time they've been around. So, my issue isn't with the racing, I could care less, they could run around circle all night; I just don't want to have to listen to it. I don't think it is my responsibility to accommodate them and have my family accommodate them. There are four kids and we've got grandchildren and nobody will come on the weekends because of the "damn" tract. They can run all the time they want if they just make them quiet. All they need to do is put a muffler on them. If you can muffler a Kenworth, you can

“damn well” muffler a go-cart or any other kind of car. Thank you.

Eva Whitmire, 201 Oleander Road, Batesburg, SC 29006 - I am opposed.

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

Executive Session/Legal Briefing - Mr. Derrick stated Council would need to go back into Executive Session.

Mr. Banning made a motion, seconded by Ms. Summers to re-enter Executive Session to continue discussing the contractual and legal matters.

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

Not Present: Mr. Jeffcoat

Matters Requiring a Vote as a Result of Executive Session - Mr. Derrick reconvened the meeting in open session and reported there were no motions to be considered as a result.

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

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

Not Present: Mr. Jeffcoat

There being no further business, the meeting was adjourned.

Respectfully submitted,

Diana W. Burnett
Clerk

William C. Derrick
Chairman