

M I N U T E S  
LEXINGTON COUNTY COUNCIL  
August 25, 2009

Lexington County Council held its regular meeting on Tuesday, August 25, 2009 in Council Chambers beginning at 4:30 p.m. Chairman Summers presided.

Councilman Kinard gave the invocation. Ms. McKenzie Dolan, nine-year-old daughter of Rick Dolan, County Assessor, led the Pledge of Allegiance.

Members attending:	Debra B. Summers	James E. Kinard, Jr.
	William C. Derrick	George H. Davis
	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** - Ms. Summers reported she attended the following events representing the County: The West Metro and Lexington Chambers of Commerce meetings, Lexington Rotary Club, Lexington County Museum Open House, the annual Committee of the 100 meeting, Lexington County Partners, Town of Springdale's National "Nite-Out," Lexington Jamboree and Sportsarama, and the County's United Way dunking booth.

**Council Members' Activities and/or Comments** - Mr. Derrick reported he and several council members attended the Fisher Tank Groundbreaking and were delighted with the turnout and thanked SCANA for sponsoring the appreciation dinner for the National Guard who assisted the County with preparing the industrial site. In addition, Mr. Derrick thanked Council for allowing the County to pay his registration fee to attend the SCAC conference in Hilton Head and brought back a copy of the President's Report as well as a packet put together by Past Chairman Greg Pearce of all the J. Graham Mitchell Awards for each Council member.

Mr. Banning reported he and Councilman Keisler attended the Red Bank National "Nite Out" at Wal-Mart on Hwy. 6 and noted the County was well represented by the Sheriff's Department, EMS, and Fire Service. Also, reported that he and Mr. Whipple attended the Lexington Development Corporation Board of Directors' meeting. Mr. Banning gave a brief update on the progress of the new Home Depot facility on Hwy. 321 and noted that the Farmer's Market project is on target for their April 10, 2010 grand opening.

Mr. Cullum reported he also participated in the County's United Way dunking booth.

Mr. Kinard reported he attended the Swansea Town Hall meeting that was led by DHEC regarding the incident that occurred at Tanner Industries and thanked Mr. Tom Collins, County Emergency Management Coordinator, for his assistance. Mr. Kinard reported, he, too, participated in the County's United Way dunking booth.

**Administrator's Report** - Ms. Hubbard recognized Solid Waste Management staff for a letter they received from a resident commending their efforts to involve all its citizens in the County's recycling program.

**Labor Day** - Ms. Hubbard announced that the County Administrative offices will be closed Monday, September 7 in observance of Labor Day.

**Employee Recognition - Katherine Hubbard, County Administrator** - Ms. Hubbard recognized Debbie Dyches and Linda Mack with the Register of Deeds office. She reported, Ms. Debbie Gunter, Registrar, received an e-mail from a citizen praising the assistance he received from both individuals and complimented them on their outstanding customer service skills.

Ms. Hubbard recognized Brian Hood, EMS Coordinator, and staff for their support during the 2009 National Disaster Medical System Columbia Federal Coordinating Center annual training exercise. She said Chief Hood received a letter from U.S. Army Colonel Nancy Hughes of the National Disaster Medical System crediting EMS with going above and beyond in providing unprecedented support to ensure that the training exercise was a success.

**Resolution - Mrs. Tammy Johns-Brown** - Mr. Jeffcoat made a motion, seconded by Mr. Derrick to approve the resolution.

Ms. Summers opened the meeting for discussion; no discussion occurred.

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

**Appointments - Children's Shelter - Mr. Robert Foster**- Mr. Davis made a motion, seconded by Mr. Keisler to appoint Mr. Robert Foster. Mr. Foster replaces Davis S. Hipp.

Ms. Summers opened the meeting for discussion; no discussion occurred.

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

**Library Board - Joanne Clark**- Mr. Kinard made a motion, seconded by Mr. Derrick to reappoint Ms. Joanne Clark.

Ms. Summers opened the meeting for discussion; no discussion occurred.

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

**Assessment Appeals Board - Ms. Linda Ham** - Ms. Summers made a motion, seconded by Mr. Kinard to reappoint Ms. Linda Ham.

Ms. Summers opened the meeting for discussion; no discussion occurred.

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

**Library Board - Sara Caldwell** - Mr. Jeffcoat made a motion, seconded by Mr. Kinard to reappoint Ms. Sara Caldwell.

Ms. Summers opened the meeting for discussion; no discussion occurred.

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

**Library Board - Sandra Harley** - Mr. Banning made a motion, seconded by Mr. Davis to reappoint Ms. Sandra Harley.

Ms. Summers opened the meeting for discussion; no discussion occurred.

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

Ms. Summers asked those members who have appointments to be made to please work diligently to get those vacancies filled. She said it puts the Boards and Commissions at a disadvantage when they don't have full membership when trying to take care of County business.

**Bids/Purchases/RFPs** - A motion was made by Mr. Davis, seconded by Mr. Jeffcoat to approve the following Bids/Purchases/RFPs (Tabs Y, Z, 1 & 2).

**Homelessness Prevention and Rapid Re-Housing Program - Community Development-** Competitive proposals were solicited for professional services to provide services for various eligible activities and tasks under the Homelessness Prevention and Rapid Re-Housing Program. The term of the contract shall be in accordance with the proposal and shall have 60 percent of the funds expended by June 2011 and 100 percent expended no later than June 2012. Four (4) proposals were received. Staff recommended awarding \$525,000 to Lexington Interfaith Community Services and \$20,000 to SC Appleseed Legal Justice Center.

**Administration of IRS Section 125 Insurance Plan - Human Resources** - Competitive proposals were solicited from qualified companies to provide the administration of an IRS Section 125 Insurance Plan for county employees. The term of the contract will be for a period of five (5) years. Plan year will begin January 1, 2010. The contract may be renewed at the expiration of its term by agreement of both parties. Such renewal may be for two (2) additional one (1) year periods. Four (4) proposals were received. However, two of the proposals were rejected as not meeting the minimum specifications as required by the solicitation. Staff recommended awarding the contract to Colonial Life and Accident as being the most responsive offerer and meeting all the essential requirements as set forth in the RFP.

**Architectural and Engineering Services for a New Lake Murray Fire Station - Public Safety/Fire Service** - Staff recommended the architectural and engineering services for the new Lake Murray Fire Station to MBAJ Architecture in the amount of \$40,250. MBAJ will provide site adaptation, construction documents, and construction administration for the new Lake Murray Fire Station.

**South Apron Rehabilitation Project - Lexington County Airport at Pelion - Public Works** - Competitive bids were solicited for the South Apron Rehabilitation project at the Lexington County Airport at Pelion for Public Works. The project consists of removal of the existing bituminous pavement and the installation of new bituminous pavement, earthwork manipulation, concrete pavement and pavement markings. Seven (7) bids were received. Staff recommended the award of the bid to the lowest responsive, responsible bidder, R.K. General Contracting, in the amount of \$261,445.22.

Ms. Summers opened the meeting for discussion; no discussion occurred.

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

**Approval of Minutes - Meeting of July 28, 2009** - Mr. Cullum made a motion, seconded by Mr. Banning to approve the July 28, 2009 minutes as submitted.

Ms. Summers opened the meeting for discussion; no discussion occurred.

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

**Ordinances - Ordinance 09-06 - An Ordinance to Amend the Lexington County Code of Ordinances, Chapter 14, Building and Building Regulations; by Adding a New Article Therein for the Purpose of Establishing Regulations and Requirements Related to Smoking in the Unincorporated Areas of Lexington County - 3<sup>rd</sup> and Final Reading** - Mr. Jeffcoat made a motion, seconded by Mr. Davis to approve third and final reading of Ordinance 09-06.

Ms. Summers opened the meeting for discussion.

Mr. Derrick said South Carolina is the most conservative state in the Union and that Lexington County is the most conservative County in the most conservative state in the Union. He said he is thoroughly disappointed that we are taking away the rights of businesses to make the decisions that they feel are appropriate to do a legal activity.

Mr. Derrick amended the motion to put the proposed Smoking Ban ordinance on a referendum to be voted on by the entire citizenry of Lexington County, seconded by Mr. Keisler.

Ms. Summers opened the meeting for discussion; no discussion occurred.

Vote on Amendment

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

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

Amendment fails.

Mr. Cullum asked, for clarification, if this passes, then an individual business owner who smokes would be in violation of the proposed ordinance.

Ms. Summers replied, if she/he complains to her/him self. She said Lexington County is not going to hire more officers to knock on doors looking for people smoking. It will be enforced as it is being enforced throughout all the other cities and counties where it currently exists.

Mr. Cullum said the reason he brought it up was because most people who live in Lexington County want to be law-abiding citizens. And to know that an ordinance like this is on the books and, you are again smoking in your own office, by yourself, you know you are in violation of the law and you are subject to, if a code enforcement officer should arrive at that office, of being ticketed in your own office by yourself and asked if that is what we are prepared to say yes to.

Ms. Summers replied, yes.

Mr. Banning said by count of the e-mails he received, it is over 20 to 1 in favor of the proposed ordinance and said the vote has been taken; the e-mails and phones calls have been there.

Mr. Cullum said the two public hearings we have had it has been at least 2 to 1 or 3 to 1; people who took their time to come that showed you otherwise.

Ms. Summers called for the vote.

Vote on Original Motion:

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

Opposed:	Mr. Kinard	Mr. Derrick
	Mr. Keisler	Mr. Cullum

Motion passes.

**Ordinance 09-11 - An Ordinance to Establish the Procedure for Voting for all County Established and Appointed Boards and Commissions - 2<sup>nd</sup> Reading** - A motion was made by Mr. Banning, seconded by Mr. Kinard to approve second reading of Ordinance 09-11.

Ms. Summers opened the meeting for discussion; no discussion occurred.

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

**Committee Reports - Justice, J. Kinard, Chairman - Personnel Position Re-classification Upgrade** - Mr. Kinard reported the Justice Committee met to consider an upgrade for the position of the Special

Operations Unit Supervisor for the Sheriff's Department. The current grade is a Grade 13 and the request is to be upgraded to a Grade 16. The difference in the grade is \$7,366, including fringe benefits. The cost of the upgrade will be absorbed in the Sheriff's current budget. The Committee voted in favor to recommend to full Council for approval.

Mr. Kinard made a motion, seconded by Mr. Davis to approve the upgrade.

Ms. Summers opened the meeting for discussion; no discussion occurred.

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

Opposed: Mr. Derrick

**Recovery Act Justice Assistance Grant (JAG) Program Award** - Mr. Kinard reported the Committee met to consider the acceptance of the JAG grant award in the amount of \$260,971. The award requires no County match. The JAG grant award was to be used to purchase operating and capital equipment for five resident deputies requested under the COPS grant. However, because the County was not awarded the COPS grant, the Sheriff's Department will revise the JAG grant to show how funds will be spent. The Committee voted in favor to recommend to full Council for approval.

Mr. Kinard made a motion, seconded by Mr. Derrick to approve the acceptance of the JAG grant award.

Ms. Summers opened the meeting for discussion; no discussion occurred.

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

**Health & Human Services, J. Jeffcoat, Chairman - DHEC EMS Grant-in-Aid Grant Application** - Mr. Jeffcoat reported the Committee met to review the request from Public Safety/EMS to apply for the DHEC EMS Grant-in-Aid grant. The grant in the amount of \$36,420 requires a 5.5 percent match or \$2,003. If awarded, the funds will be used to send EMT staff to Intermediate EMT and Paramedic Training. The Committee voted unanimously to recommend to full Council for approval.

Mr. Jeffcoat made a motion, seconded by Mr. Banning to approve staff's request to move forward with the submission of the grant application.

Ms. Summers opened the meeting for discussion; no discussion occurred.

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

**V.C. Summer Facility - Approval of Emergency Planning Support Agreement** - Mr. Jeffcoat reported the Committee also reviewed the Emergency Planning Support Agreement for Public Safety/Emergency Management. The agreement is for support funding to compensate the county for its efforts in planning

for any emergency at the V.C. Summer Nuclear site. The Committee voted in favor to recommend to full Council for approval

Mr. Jeffcoat made a motion, seconded by Mr. Banning to approve the Emergency Planning Support Agreement.

Ms. Summers opened the meeting for discussion.

Mr. Cullum asked if the agreement has anything to do with any further regulatory licensing, construction, etc.

Mr. Banning replied, no.

Mr. Carrigg asked for additional information on the agreement.

Mr. Tom Collins, Emergency Management Coordinator, responded to say the agreement is just for the support funding for the 10-year commitment from V.C. Summer to support the County in its planning and has nothing to do with the other issues previously discussed.

Mr. Carrigg asked if one is tied with the other.

Mr. Collins replied, no sir; they are not connected.

Ms. Summers called for further discussion; none occurred.

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

**Gaston Outdoor Burning Ordinance Enforcement** - Mr. Jeffcoat reported the Committee also considered the request from the Town of Gaston requesting assistance from Public Safety/Fire Service with enforcing the Lexington County Burn Ordinance. The Town of Gaston adopted the County's ordinance at their meeting on Tuesday, August 4, 2009. The Committee voted in favor to recommend to full Council for approval.

Mr. Jeffcoat made a motion, seconded by Mr. Kinard to approve the Town of Gaston's request for assistance with enforcement of the Lexington County Burn Ordinance.

Ms. Summers opened the meeting for discussion; no discussion occurred.

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

**Volunteer Fire Assistance Grant Application** - Mr. Jeffcoat reported, as well, the Committee reviewed the request from Public Safety/Fire Service to apply for the Volunteer Fire Assistance grant. The grant in the amount of \$10,000 requires a 50 percent match or \$5,000. If awarded, the funds will be used to purchase a fast attack skid unit to fight wildland fires. The Committee voted to recommend to full Council for approval.

Mr. Jeffcoat made a motion, seconded by Mr. Keisler to approve staff's request to move forward with the submission of the grant application.

Ms. Summers opened the meeting for discussion; no discussion occurred

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

**Airport, J. Carrigg, Jr., Chairman - Partial Apron Rehabilitation Project FAA Grant Award** - Mr. Carrigg reported the Committee considered the acceptance of the Partial Apron Rehabilitation Project FAA grant award in the amount of \$348,790, which is 95 percent of the construction cost of \$367,147. This leaves a balance of 5 percent (\$18,357) to be split equally between the County and the South Carolina Division of Aeronautics (SCDOA). The County has submitted an application to the SCDOA for one-half (2.5 percent) of the 5 percent balance or \$9,178. Included in the application to SCDOA is a request for \$1,980, which is a 2.5 percent request of the \$79,190 for engineering design services for the Apron Rehabilitation Project (approved June 12, 2008). This brings the total application request to SCDOA to \$11,159. The Committee voted unanimously to recommend to full Council for approval.

Mr. Carrigg made a motion, seconded by Mr. Cullum to approve the acceptance of the FAA grant award.

Ms. Summers opened the meeting for discussion; no discussion occurred.

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

Opposed: Mr. Jeffcoat

**Committee of the Whole, D. Summers, Chairman - Local Matching Funds for the Regional Hazard Mitigation Plan Update and Auxiliary Administration Building Space Allocation** - Chairman Summers reported both of the above items have been postponed to a later date.

**EMS Funding Request - Public Safety/EMS** - Mr. Kinard reported the Committee discussed extensively the EMS funding request for an additional EMS night shift. The Committee voted unanimously to recommend to full Council for approval an increase for in-county and out-of-county transportation rates. The in-county transportation rate will increase by \$4 for a rate of \$500 and the out-of-county rate will increase by \$49 for a rate of \$600.

Mr. Kinard made a motion, seconded by Mr. Derrick to increase EMS in-county transportation rates by \$4 and \$49 for out-of-county transports and approve the additional night shift (funding will be through revised revenue estimates rather than a millage increase).

Ms. Summers opened the meeting for discussion; no discussion occurred.

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

**Budget Amendment Resolutions** - The following BARs were distributed and signed:

10-005 - A supplemental appropriation increase in the amount of \$8,704,891 to appropriate carryover funds for capital and operating items for County Ordinary – \$4,180,195; Fire Service - \$3,020,866; and Law Enforcement - \$1,503,830.

10-015 - A supplemental appropriation increase in the amount of \$77,539 to appropriate carryover funds for capital items for EMS Healthcare Delivery Systems and a supplemental appropriation increase of \$122 to appropriate the interest earned

10-017 - A supplemental appropriation increase in the amount of \$1,647 to appropriate carryover funds for capital items for the Lexington Bar Association and a supplemental appropriation increase of \$9 to appropriate the interest earned.

10-019 - A supplemental appropriation increase in the amount of \$5,506,132 to appropriate carryover funds for capital items for the DSS and Fire Station Construction and a supplemental appropriation increase of \$69,432 to appropriate the interest earned.

10-016 - A supplemental appropriation increase in the amount of \$95,762 to appropriate carryover funds for capital items for the CAMA and ROD Systems Development and a supplemental appropriation increase of \$630 to appropriate the interest earned.

10-020 - A supplemental appropriation increase in the amount of \$5,277,095 to carryover capital items for the Saxe Gotha Industrial Park and a supplemental appropriation increase of \$63,055 to appropriate the interest earned and other additional revenue sources.

10-013 - A supplemental appropriation increase in the amount of \$2,749,930 to appropriate carryover funds for capital items for the 911 Communication Center and a supplemental appropriation increase of \$21,591 to appropriate the interest earned.

10-014 - A supplemental appropriation increase in the amount of \$3,962,844 to appropriate carryover funds for capital items for the Animal Services Project (Project Pet) and a supplemental increase of \$13,519 to appropriate the interest earned.

10-008 - A supplemental appropriation increase in the amount of \$166,968 to appropriate carryover funds for Library Services.

10-004 - A supplemental appropriation increase in the amount of \$2,520,760 to appropriate carryover funds for Solid Waste Management.

10-001 - A supplemental appropriation increase in the amount of \$3,100,124 to appropriate carryover funds for federal grants.

10-002 - A supplemental appropriation increase in the amount of \$6,237,770 for County Council's special revenues.

10-003 - A supplemental appropriation increase in the amount of \$6,013,310 to appropriate carryover funds for state supplements and special revenue funds.

10-006 - A supplemental appropriation increase in the amount of \$1,171,600 to appropriate carryover funds for Airport Capital Projects.

10-009 - A supplemental appropriation increase in the amount of \$5,998,890 to appropriate carryover funds for Schedule "C" Funds, road improvement private contributions and the alternative road paving program.

10-032 - A supplemental appropriation increase in the amount of \$4,773 for the Citizens Corp grant.

10-033 - An appropriation transfer of \$15,123 to hire a temporary outside employee for Economic Development.

10-034 - An appropriation transfer of \$96,917 from contingency to cover work to be done in the 911 Center.

10-036 - A supplemental appropriation increase of \$352,070 to cover the annual cost to add five additional personnel positions to the Public Safety/EMS night shift.

10-035 - An appropriation transfer of \$676,921 and a supplemental appropriation increase of \$676,921 for the Red Bank Crossing project.

**Executive Session/Legal Briefing** - A motion was made by Mr. Kinard, seconded by Mr. Jeffcoat to go back into Executive Session to continue discussions of four personnel and seven contractual matters. During the earlier Committee of the Whole, Council discussed one personnel matter.

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

**Matters Requiring a Vote as a Result of Executive Session** - Ms. Summers reported there were no motions to be considered at this time as Council will need to re-enter Executive Session following the public hearings.

**6:00 P.M. - Public Hearings** - Prior to opening the public hearings, Ms. Summers reviewed the guidelines for public hearings. She stated that the purpose of the hearing is to obtain comments from proponents and opponents regarding specific subject matter. She asked that each speaker provide their name and mailing address and that comments be limited to three (3) minutes. Ms. Summers asked that if there was anyone present who had signed up to speak but chose not to speak, but wanted to concur with what has been said, it was acceptable to indicate concurrence. Also, Ms. Summers said there will be no disruptions including cheering, clapping, head counts, etc.

**Ordinance 09-11 - Ordinance to Establish the Procedure for Voting for all County Established and Appointed Boards and Commissions** - Ms. Summers opened the public hearing for Ordinance 09-11.

Ms. Summers stated one individual signed up in favor.

**In Favor:**

**Glenn Miller, P.O. Box 727, Pelion, SC 2912** - Mr. Miller was not present to speak.

Ms. Summers stated no one else had signed up to speak in favor and closed that portion of the public hearing.

Ms. Summers reported no one had signed up to speak in opposition and closed the public hearing.

**Zoning Map Amendment M09-02 - Irmo Drive** - Chairman Summers opened the public hearing for Zoning Map Amendment M09-02.

Mr. Walt McPherson, Zoning Administrator with Community Development, presented the information for Zoning Map Amendment M09-02. He stated that the applicant, Paul Trussell, has requested a change in zoning classification from Development (D) to General Commercial (C2). The reason for the request, as presented by the applicant, is to reclassify a portion of the property to allow for a construction services activity. In addition, Mr. McPherson reviewed the maps and area by using a Power Point presentation as well as the type of allowable activities in a Development (D) and General Commercial (C2). Mr. McPherson said Mr. Trussell currently has an activity, classified as constructions services, which is the purpose of this amendment to bring him into compliance with the Zoning Ordinance.

Mr. Jeffcoat asked if Mr. Trussell is currently using the property for a construction business and how long.

Mr. McPherson replied, yes, sir; since 1984.

Mr. Jeffcoat asked what prompted the map amendment.

Mr. McPherson replied in February staff received a call from an engineer looking to build a 5,000 sq. ft. building and it was then that staff realized the property was zoned for Development (D) and began researching. At that time, staff noted there had been two previous map amendments, M93-6 and M95-17, and suggested that he may want to come into compliance before obtaining another permit.

Mr. Carrigg asked what plans Mr. Trussell has for the other building if he constructs a 5,000 sq. ft building to house his cars.

Mr. McPherson replied, probably to store cars as he restores a lot of classic cars. However, if approved, Mr. Trussell plans to relocate all his construction equipment to the subject portion that he is attempting to change, TMS# 001800-0-005 where it is zoned for C2, which would be allowed. But, he would still have to meet any applicable buffering, setbacks, and screening requirements.

Mr. Jeffcoat asked what those requirements would be.

Mr. McPherson replied that the setback from the property line would be approximately 100 ft. He said, if approved, Mr. Trussell will need to move all his construction equipment into the subject portion that he is attempting to change, TMS# 001800-0-005. The reason for the 50 ft. is in the future if Mr. Trussell wanted to subdivide and the subject parcel would be more than 2 acres, a 50 ft. access would be required per County subdivision regulations.

Mr. Jeffcoat asked what is being built across the road, on the right, going toward Irmo.

Mr. McPherson replied, if not mistaken, a childcare center.

Mr. Jeffcoat asked if that property is being subdivided.

Mr. McPherson replied that he was not sure but would research.

Mr. Jeffcoat asked, if it were to be approved, then all the equipment would be relocated to the six acres and be hidden?

Mr. McPherson said Mr. Trussell would be required to move all the material and equipment to the one site or move it all.

Ms. Summers opened the public hearing for those in favor.

**In Favor:**

**Paul E. Trussell, 8024 Irmo Dr., Columbia, SC 29212** - I have been in the construction business since 1994. I have stored equipment there since 1994. I didn't want to come and get an amendment to change to C2. I own 78 acres, goes all the way back to Farmington Creek Road. I can put this anywhere. I want it hidden, and I don't want it visible for public. There is no such thing about a variance anymore so you have to go with one or the other. I have no plans of doing anything except keeping my equipment there. I don't want to move it to another place, which I own on Lake Murray Boulevard that is highly visible, because I would be worried about theft. I have never had any theft behind my house.

As far as truck traffic, in the mornings, I have one driver of a CDL that leaves in the morning and he doesn't come back until the end of the day. It is very seldom that he makes more than one trip in and out of there a day. It could two, but with economy like it is, it is a little different right now. I own, from my house, approximately 2,000 ft. of frontage on Irmo Drive. I go back both power lines and then go all the way back to Farmington Creek Road. Like I said, I really don't want the zoning change, but I have no choice. I would like a variance, but I know we don't do it anymore. Thank you.

Ms. Summers stated no one else had signed up in favor and closed that portion of the public hearing.

Ms. Summers opened the public hearing for those in opposition.

**In Opposition:**

**Kate Brighton, 117 Cranewater Dr., Columbia 29212** - One of the things that you didn't see in those pictures is that Irmo Drive, for the most part, is a residential area with homes ranging in prices of moderate, which our neighborhood is. We fought diligently when Publix wanted to come in down at the end, mainly because Irmo Drive is extremely narrow including that bridge that's further down near Sheffield. I, myself, was thrown off the road by an 18-wheeler that came barreling down Irmo Drive and, what's in the middle of that bridge I had to dodge, and almost went into the side creek. We were promised by Publix and everyone that they would stop 18-wheelers and trucks going down Irmo Drive. We have children who stand out in that area to be picked up by school buses. By encouraging more construction, more trucks, more traffic on Irmo Drive that is far too narrow and too dangerous, and he says he only has one or two trucks, I do believe that. The trucks are unsightly and as we come out of Braywick, we look directly at those trucks. Now to put that entrance and exit there directly across from a daycare center where we are going to have carloads of children coming and going - I don't rebut the fact that he wants to put his trucks back there and cover them up - that would be wonderful. But, I have a fear that in the future, by it becoming a huge commercial center, now he is upped the value of his property to try and sale it to hook on. If he could run his road someplace else, I think I would even be more in tuned. But, to have him having a commercial area back there, which again encroaches more and more into our residential neighborhood and to encourage more traffic - so today he says only two trucks but then as his business grows or in the future years when somebody else comes back there with constructions trucks, that means big trucks pulling big equipment, coming out directly across where cars are going to enter and exit with small children at the daycare center, including my neighborhood where we already can't get in and out in the mornings or the evenings. It is very, very dangerous. Even our neighborhood, as we come out of Braywick, there is a block of trees owned by the power company where our power lines go where we can't see well enough now. So, for him to encourage more traffic down that road, I think would endanger the neighborhood and endanger the fact that this neighborhood was supposed to be residential.

So, I represent the homeowners. We have 155 homes in Braywick. We are a modest neighborhood, but we are a neighborhood who cares about our children and our homes and everything back in that neighborhood. We have worked very, very strongly to keep it a nice and safe neighborhood for our kids to be able to get out on that street. We have people now who are walking on that street going to Publix down the street. So, I am against it mainly because we don't need any more commercial encroaching into this residential section, and because I think the road coming out on Irmo Drive can't stand anymore traffic as it is so narrow. If anyone of you have driven down it in the mornings or in the evenings, where that little bridge is, you can tell how bad it is. So, that is my main reason. I think it is dangerous. I think it is not a positive thing for a mostly residential neighborhood. He keeps his home beautiful. The front of his home is beautiful, but we can see those trucks in our residential neighborhood as we come out our entrance. Here are all his trucks back there and now he wants to encourage more trucks and the possibility of a huge construction company with more construction equipment going on back within a residential neighborhood. Thank you.

**Dougal Kear, 308 Cranewater Dr., Columbia, SC 29212** - I think my concern tonight is, after hearing the information presented, is not so much the activity that is going to be proposed there, because it sounds like the activity has been going on there for many years now without being properly zoned for that activity. I think what will happen if that zoning is changed, it is going to set a very precedent for Irmo Drive and create a possible domino effect where now you have one property owner that has been granted a zoning change, what about the next property owner? What about the rest of the many acres that he owns. Is he going to come back a year from now wanting that zoning changed to a commercial zoning ordinance? Irmo Drive needs to stay a residential drive. Irmo Drive does not need to be another Lake Murray Boulevard or what North Lake is starting to become. It needs to be a narrow residential drive as it is now. We don't need commercial development now or potentially in the future. And, I think by granting this zoning change, we are setting a precedent for any other property owner who has property, especially road frontage along Irmo Drive, to say it happened for this gentleman, let me see if I can change it for my activity. He owns the property now but what is going to happen many years from now when the property changes hands. What is the next owner going to do with this property, being that it's now going to be potentially zoned commercial? Will a future owner put in a business? Are we going to have more property owners wanting to put in shopping plazas or any other types of activities that are not along the lines of a residential street? Yes, there is a new daycare center being built almost directly across the street from this proposed site. That does not need to be involved in any commercial businesses around that area. While, yes, not much may change now if this is granted to him, but I am worried about what is going to be in the future down the road for other potential sites along Irmo Drive. I hope that you will not grant this zoning change. I thank you for your time tonight.

Ms. Summers stated no one else had signed up in opposition to Zoning Map M09-02 and closed the public hearing.

**Zoning Map Amendment M09-03 - Fox Trot Trail** - Ms. Summers opened the public hearing.

Mr. Bruce Hiller, Development Administrator with Community Development, presented the information for Zoning Map Amendment M09-03. He stated that the applicant, Laurin Mitchell, has requested a change in zoning classification for a portion of Fox Trot Trail (western part of Windy Wood Road) from Residential Local Four (RL4) to Local (L). The reason for the request, as presented by the applicant, so he will be able to continue to operate his business legally. In addition, Mr. Hiller reviewed the maps and area by using a Power Point presentation. Mr. Hiller said in July 2004, the Mitchells were given a zoning permit for a home occupation. At that time, the Mitchells had a vehicle upholstery business and met the home occupation parameters. However, since then, as his business grew, it expanded beyond the parameters of the home occupation and now Mr. Mitchell would like to get his activity permitted as a non-residential type permit to continue his operation.

Ms. Summers opened the public hearing for those in favor.

**In Favor:**

**Laurin Mitchell, 241 Fox Trot Trail, Pelion, SC 29123** - I am here to see about getting a road remapped so I can continue my business. I went to them and got a home occupancy permit, like I was supposed to do. I thought I was playing by the rules, but evidently, auto upholstery is considered auto service. Everything is done behind a privacy fence. Majority of my neighbors are here and none of them oppose, that I know of. I need to keep the business open. If something happens that I have to close it, I am out of a job, me and my wife, plain and simple. We shut down before dark. We don't raise cane with nobody. We try to keep it as low key as possible. Most of the stuff we do is brought in on rollbacks or trailers. It is mostly classic cars and street rods. We try to keep it low profile/low key so not to bother anybody in the neighborhood. We ask that you approve it so I can keep my job. Thank you.

**Merle Neese, 236 Fox Trot trail, Pelion, SC 29123** - I live right across the street from it. I have lived there for nine years. I moved in after he was there and he has always been a hard-honest working person. He has always followed the rules. He has never had any complaints from me whatsoever. I concur and would love to see him go ahead with it because it is hard enough to try to run a business somewhere else. It is better off right where he's at because he has customers coming and he has a clean and honest operation. I would like to see him get it.

**Sandra Mitchell, 241 Fox Trot Trail, Pelion, SC 29123** - I agree. It is my business, too.

**Paula Meetze, 265 Fox Trot Trail, Pelion, SC 29123** - I agree.

**Kathie Gunter, 209 Fox Trot Trail, Pelion, SC 29123** - I agree.

**Joshua Edgell, 247 Fox Trot Trail, Pelion, SC 29123** - I live directly next door, and I agree with what everybody has said.

**Victoria Edgell, 247 Fox Trot Trail, Pelion, SC 29123** - We agree.

**Lisa McIver, 253 Fox Trot Trail, Pelion, SC 29123** - I have been a neighbor of the Mitchell's for many years. Everything is exactly the way they say it is.

**Brian Drafts, 269 Fox Trot Trail, Pelion, SC 29123** - I agree.

Ms. Summers stated no one else had signed up in favor and closed that portion of the public hearing.

Mr. Derrick said that Mr. Mitchell must run a great operation for his neighbors to come speak in favor on his behalf with no one opposing.

Ms. Summers stated no one had signed up in opposition and closed the public hearing.

**Zoning Text Amendment T09-04 - Update to Article 4 - Airport District, Chapter 3. Designation of Pelion Corporate Airport District** - Ms. Summers opened the public hearing.

Mr. Charlie Compton, Director of Planning and GIS, stated the amendment is to amend the Pelion Airport District classification in the County's Zoning Ordinance.

Ms. Summers stated only one individual had signed up in favor, Mr. Glen Miller, but he had left prior to the public hearing and noted no one had signed up in opposition. Therefore, Ms. Summers closed the public hearing.

**Executive Session/Legal Briefing** - A motion was made by Mr. Derrick, seconded by Mr. Kinard to go back into Executive Session to continue discussions on the remaining contractual and legal matters.

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

**Matters Requiring a Vote as a Result of Executive Session** - Ms. Summers reported Council discussed the contractual and legal matters and indicated there were no motions to be considered.

**Motion to Adjourn** - Mr. Derrick made a motion, seconded by Mr. Kinard to adjourn.

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

Not Present *:	Mr. Carrigg	Mr. Banning
	Mr. Cullum	

Messrs, Carrigg, Banning, and Cullum were not present when the vote was taken.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Diana W. Burnett  
Clerk

Debra B. Summers  
Chairman