

M I N U T E S
LEXINGTON COUNTY COUNCIL
August 24, 2010

Lexington County Council held its regular meeting on Tuesday, August 24, 2010 in Council Chambers beginning at 4:30 p.m. Chairman Kinard presided.

Rev. Ron Pelfrey, pastor of First Baptist Church in Leesville and Chaplin with Lexington Medical Center gave the invocation. Councilman Banning provided a special video presentation of Red Skelton giving the meaning of each word of the Pledge of Allegiance. Following the video, everyone joined in reciting the Pledge of Allegiance.

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

Not Present: John W. Carrigg, Jr.*

*Mr. Carrigg was absent due to a death in the family.

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.

Lexington High School Government Class - Mr. Kinard recognized students from Lexington High School attending as part of their government class assignment.

Chairman's Report - Chairman Kinard reported he and several council members attended the SCLEN 11th & 5th Circuit lunch meeting at SYSCO Food Services and the Columbia Midlands Authority for Conventions, Sports, and Tourism branding campaign at Riverbanks Zoo. Mr. Kinard reminded members of the upcoming Capital City Lake Murray Country 2010 Annual meeting on Thursday, August 26 at 6 o'clock at the Radisson Hotel.

Council Members' Activities and/or Comments - Mr. Davis asked that he be allowed to read the following letter regarding a positive experience he recently had while visiting the Lexington County Department of Social Services: "I recently had the occasion to witness the Department of Social Services of Lexington County. I only had the personal observation of two of the individuals that served the citizens of Lexington County. These two ladies were Ms. Olivia Sinclair and Ms. Mildred L. Moore. These ladies were most helpful in the situation that I was observing and both showed exceptional professionalism in their handling of the situation. These ladies were trained to listen and communicate with the citizens needing help. I was impressed with their skills and their professionalism. Most of all, I was impressed

with their kindness. Kindness may not be on the official job description, but these ladies naturally showed genuine concern with kindness for each individual involved. As a side note, every citizen of our community can be proud of our new facility that houses the entire staff of the Lexington County Department of Social Services. This consolidated housing will improve efficiency for the citizens of Lexington County. I, for one citizen of Lexington County, want to thank Olivia Sinclair and Mildred L. Moore and all other caring professionals of the Department of Social Services. Thank you and keep up the good work.”

Ms. Summers reported she and several members of Council attended the Groundbreaking for Project Pet on August 12. In addition, majority of Council attended the 43rd SCAC Annual Conference that was held recently in Hilton Head.

Administrator’s Report - Labor Day - Katherine Hubbard, County Administrator- Ms. Hubbard announced that the County Administrative offices will be closed Monday, September 6, 2010 in observance of Labor Day.

Southeast Collection Station - Ms. Hubbard announced effective Wednesday, September 1 the County’s new southeast collection station on Martin Kneece Road will open.

Solid Waste Recycling Coordinator - Amanda St. John - Ms. Hubbard introduced Amanda St. John, the County’s new Solid Waste Recycling Coordinator.

Resolutions - Life Insurance Awareness Month and Thad H. Westbrook - Mr. Banning made a motion, seconded by Mr. Jeffcoat to approve the resolutions.

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

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

Appointments - Assessment Appeals Board - Tommy H. Hayden, Jr. - Mr. Derrick made a motion, seconded by Mr. Davis to reappoint Mr. Tommy Hayden, Jr.

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

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

Bids/Purchases/RFPs - Mr. Keisler made a motion, seconded by Mr. Cullum to approve the following Bids/Purchases/RFPs (Tabs U-6).

Construct Golf Practice Facility - Administration - Competitive bids were solicited to construct a golf practice facility. Four (4) bids were received. Of those, one was non-responsive. Staff recommended the

bid to Cullen-Jackson, LLC in the amount of \$44,995.

Liquefied Petroleum (LP) Gas - Term Contract - Countywide - Competitive bids were solicited for a countywide term contract for liquefied petroleum (LP) gas. The term of the contract shall be for the initial period of three (3) years. The County has the option to extend the contract for two (2) additional one (1) year periods. Three (3) responsive bids and one (1) no bid were received. Staff recommended the award to Palmetto Propane, Incorporated. The estimated annual value of the contract is \$50,000

Landscape, Signage, and Irrigation Improvements to Serve the Saxe Gotha Industrial Park – Economic Development - Competitive bids were solicited for the landscape, signage, and irrigation improvements for the Saxe Gotha Industrial Park. Five (5) bids were received. Staff recommended the award to AOS Specialty Contractors, Inc. in the amount of \$202,696.75.

Five (5) Cardiopulmonary Resuscitators - Public Safety/EMS - Staff recommended the purchase of five (5) cardiopulmonary resuscitators for Public Safety/EMS from Michigan Instruments. This has been deemed a sole source as they are the sole vendor capable of providing the items. Total cost is \$52,587.56.

Five (5) Stairchairs, (5) Automated Stretchers and Accessories - Public Safety/EMS - Staff recommended the purchase of five (5) stairchairs and five (5) automated stretchers and accessories for Public Safety/EMS from Stryker EMS Equipment. This has been deemed a sole source as they are the sole vendor capable of providing the items. Total cost is \$87,408.16.

Fifty-Two (52) SCBA Face Masks, 52 SCBA Head-up Displays, and 3 SCBA Clear Command Voice Units - Public Safety/Fire Service - Staff recommended the purchase of 52 SCBA Face Masks, 52 SCBA Head-up Displays, and 3 SCBA Clear Command Voice Units for Public Safety/Fire Service from Newton's Fire & Safety Equipment. This has been deemed a sole source as they are the only authorized distributor for the Lexington, SC area. Total cost is \$36,904.30.

Catch Basin Supplies - Term Contract - Public Works - Competitive bids were solicited for a term contract for catch basin supplies for Public Works. The term of the contract shall be for the initial period of one (1) year. The County has the option to extend the contract for two (2) additional one (1) year periods, if deemed to be in its best interest. Only (1) one responsive bid was received. Staff recommended the award to C. Ray Miles Construction Company. The annual value of the contract, including tax, is \$44,057.25.

One (1) Skidsteer Compact Loader with Attachments (New) - Public Works - Staff recommended the purchase of a skidsteer compact loader with attachments for Public Works from Blanchard Machinery through State Contract Number 08-S7683-A13743. Total cost, including tax, is \$104,860.

Fleet Vehicle Replacements/Additions - Sheriff's Department - Staff recommended the purchase of 36 fleet vehicles including any emergency equipment/installation and accessories for the Sheriff Department. The vehicles will be purchased through the appropriate State Contract and the equipment/installation and accessories from various vendors through the appropriate State Contract or appropriate low County bid that opens on August 25, 2010. Total cost of the vehicles is \$785,754 and the cost for the equipment/installation and accessories shall not exceed \$86,317.90. Total cost for all vehicles and equipment shall not exceed \$872,071.90.

Two (2) 16' Flatbed Recycling Trucks - Solid Waste Management - Competitive bids were solicited for two (2) 16' flatbed recycling trucks for Solid Waste Management. Three (3) responsive bids, one (1) non-responsive bid, and two (2) no bids were received. Staff recommended the award of the bid to Dick Smith Ford for a total cost of \$87,978.

Waste Tire Services (Collection, Hauling and Processing and/or Disposal) - Term Contract - Solid Waste Management - Competitive bids were solicited for a term contract for waste tire services for Solid Waste Management. The term of the contract shall be for the initial period of one (1) year. The County has the option to extend the contract for two (2) additional one (1) year periods, if deemed to be in its best interest. One (1) responsive bid was received. Staff recommended the award of the bid to US Tire Recycling Partners, LP. The annual estimated cost is \$60,000.

Motorola Portable Radios - Various Departments - Staff recommended the purchase of 77 Motorola XTS 2500 Model II portable radios and accessories, 13 Motorola ZTS2500 Model III portable radios and accessories, 1 Motorola XTL 2500 Mobile 800 MHz radio, and 97 Minitor V pagers and accessories for various departments through State Contract Number DSIT.2009.01. Total cost is \$345,806.99.

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

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

Mr. Cullum asked staff to provide copies of all bid tabulations that were not included in the agenda.

Approval of Minutes - Meeting of July 27, 2010 - Mr. Banning made a motion, seconded by Mr. Cullum to approve the July 27, 2010 minutes as submitted.

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

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

Ordinance - Ordinance 10-06 - An Ordinance to Provide for the Issuance and Sale of General Obligation Refunding Bonds, Series 2010 of Lexington County, South Carolina in a Principal Amount Sufficient to Advance Refund Certain Maturities of the Originally Issued \$31,500,000 General Obligation Bonds, Series 2001, Dated November 15, 2001, to Prescribe the Purposes for Which the Proceeds Shall be Expended, to Provide for the Payment Thereof, and Other Matters Relating Thereto - 2nd Reading - Mr. Banning made a motion, seconded by Mr. Cullum to approve second reading.

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

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

Mr. Davis Ms. Summers
Mr. Keisler Mr. Jeffcoat

Committee Reports - Economic Development, B. Banning, Sr., Chairman - Lexington Chamber of Commerce Map Advertisement Request - Mr. Banning said staff was directed to move forward with placing the advertisement in the Lexington Chamber of Commerce E-book about the County’s Economic Development. The cost is \$995.

Columbia CAE Airport Request - Mr. Banning reported the Economic Development Committee voted unanimously in favor to approve a \$10,000 contribution to the Columbia Metropolitan Airport to assist them with a local match for a federal grant. This is contingent on the Columbia Metropolitan Airport receiving the grant. Funds will come from Economic Development.

Mr. Banning made a motion, seconded by Mr. Jeffcoat to approve a \$10,000 contribution to the Columbia Metropolitan Airport to assist with a local match for a federal grant contingent upon the airport receiving the grant.

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

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

Congaree Creek 12,000 Year History Park - In addition, during Old Business in the Committee of the Whole, the Committee voted in favor to recommend to full Council for approval a \$5,000 contribution for the Congaree Creek 12,000 Year History Park planning conference. Funding will come from Economic Development.

Mr. Banning made a motion, seconded by Mr. Cullum to approve the \$5,000 contribution.

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

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

Opposed: Mr. Derrick Mr. Keisler

Planning & Administration, J. Carrigg, Jr., Chairman - CDBG Program Amendment to 2008 Annual Action Plan - In the absence of Mr. Carrigg, Mr. Derrick, Committee Vice Chairman, reported the Planning & Administration Committee met and received information on the CDBG program amendment to the 2008 Action Plan. Staff recommended amending the 2008 Action Plan to modify the CDBG-R Substantial Amendment to utilize the \$385,148 in CDBG-R funds for road paving and drainage improvement for Bitternut Court only and reallocate the \$40,000 from the Alexander Road Sidewalk project with an additional \$10,000 from uncommitted CDBG funds to pave Alley Street and Holmes Street in West Columbia. The Committee voted unanimously in favor to recommend to full Council to adopt staff’s recommendation to modify the plan.

Mr. Derrick made a motion, seconded by Mr. Banning to approve staff's recommendation of the amendments to the 2008 Action Plan.

Mr. Kinard opened the meeting for discussion.

Mr. Cullum reported during the Planning and Administration Committee funding was removed for the paving of First Creek Road and applied to Bitternut Court. However, it was confirmed with Mr. Fechtel, Director of Public Works, that funding would be available to pave First Creek Road if easement right-of-ways were obtained.

Mr. Kinard called for further discussions; none occurred.

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

Zoning Text Amendment T10-02 - Comprehensive Administrative Update - 1st Reading - Mr. Derrick reported during the Committee meeting, the Committee reviewed the draft of the Comprehensive Administration Update.

Mr. Derrick made a motion, seconded by Mr. Banning to approve first reading of Zoning Text Amendment T10-02.

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

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

Councilman John Carrigg - Mr. Banning announced that Mr. Carrigg was absent today due to a death in the family.

Justice, S. Davis, Chairman - Clerk of Court Translator Services - Mr. Davis reported during the Justice Committee meeting, the Committee discussed the request from the Clerk of Court for translator services; however, no action was taken. The Committee asked that the Clerk of Court, Solicitor, Master-in-Equity, etc. meet and come back with a recommendation, if there is a sense of urgency. If not, wait until the next budget process.

Health & Human Services, J. Jeffcoat, Chairman - Midlands Regional Medical Assistance Team (RMAT) Grant Award - On behalf of Mr. Jeffcoat who was absent during the Committee meeting, Committee Vice-Chairman Summers reported the Committee voted unanimously in favor to recommend to full Council to accept the RMAT grant award. The award in the amount of \$100,000 requires no County match. Funds will be used to purchase two cardiac monitors, a diesel powered generator, two field laptops, two additional handheld accountability devices and additional software components.

Ms. Summers made a motion, seconded by Mr. Keisler to approve acceptance of the RMAT grant award.

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

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

Public Works, B. Derrick, Chairman - Nick Lyles Road Partial Closing - Mr. Derrick reported the Public Works Committee met to consider the partial closing of Nick Lyles Road. The Committee voted unanimously in favor to approve staff's recommendation along with the added cul-de-sac. The property owner, SERA GROUP, LLC. will be responsible for all legal costs involved.

Mr. Derrick made a motion, seconded by Mr. Davis that the County will not object to the road closure.

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

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

Green is Good for Business Conference Sponsorship - Mr. Derrick also reported the Committee met to consider a request to contribute \$1,500 to help sponsor the 2010 Climate Protection Action Campaign (CPAC) Green is Good Business Conference. Funds will come from the Air Quality Supplies Account (521215). The Committee voted unanimously in favor to recommend to full Council for approval.

Mr. Derrick made a motion, seconded by Mr. Davis to approve the \$1,500 contribution request.

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

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

Airport, T. Cullum, Chairman - Lexington County Airport at Pelion Master Plan Update - Scope of Work and Fee Proposal - Mr. Cullum reported the Airport Committee met on Tuesday, July 27, 2010, to discuss the Lexington County Airport at Pelion Master Plan Update - Scope of Work and Fee Proposal. Below is the Committee Report:

Ms. Katherine Hubbard, County Administrator, reported at the Council's Strategic Retreat last fall Council discussed moving forward with a master planning process for the Lexington County Airport at Pelion. The LPA Group has proposed a master plan process so the County can move forward with the Airport and qualify for funding through the Federal Aviation Association (FAA).

Mr. Ken Holt, Vice President, and Mr. Andy Busbee, P.E., Manager of Aviation Design, with The LPA Group, Inc. presented the update for the Lexington County Airport at Pelion Master Plan - Scope of Work and Fee Proposal. The current Master Plan on file with the FAA was submitted by the Town of Pelion in 1992. Mr. Holt said there is a certain framework that needs to be followed to satisfy FAA requirements. LPA recommends a basic framework that will provide a comprehensive overview of the airport's needs over the next twenty years to include a five-year capital improvement program, an overview of land use compatibility issues in the airport environs, an Airport Layout Plan (ALP) drawing, and an updated property map. Mr. Holt said the FAA will allow a marketing and business development plan as part of the Master Plan but would not participate in this aspect of the plan. He gave a brief overview of the elements outlined in the update submitted to the Committee. He reported the ALP will consist of existing facilities and proposed facilities with improvements identified by the Master Plan. This is an important part of the process because if the FAA approves the ALP, it allows Lexington County to compete for FAA funding currently at 95 percent. The Master Plan will be submitted to Council for review and approval and then to the FAA and the South Carolina Department of Aviation (SCDOA) for final approval. LPA's total cost estimate is \$185,842 (Master Plan Elements at \$149,303, Business and Marketing Plan Element at \$23,579, and Expenses at \$12,960). The County's share is estimated at \$16,000, if the SCDOA agrees to pick up 50 percent of the non-federal share of the marketing plan, which they endorsed.

Ms. Hubbard recommended approval to allow The LPA Group to submit a draft form of the Master Plan to the FAA to see if there is any follow-up before the next meeting on August 24, 2010.

The Airport Committee voted to recommend to full Council to approve the proposed Master Plan for the Lexington County Airport at Pelion submitted by The LPA Group.

Mr. Cullum made a motion, seconded by Mr. Davis to approve the Lexington County Airport at Pelion Master Plan and pay the agreed fee.

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

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

Budget Amendment Resolutions - The following Bars were distributed and signed:

11-034 - An appropriation transfer of \$.00. This is to align the Coroner's Office with deleting a part-time Deputy Coroner and adding a part-time Special Deputy Coroner through June 30, 2010.

11-035 - A supplemental appropriation increase of \$700 that Stormwater Management received from Waste Management to print posters for an Air Quality Poster Contest.

11-036 - An appropriation transfer of \$125,000 for a one-time contribution to the Midlands Housing Alliance Inc. for the construction of a new Midlands Transition Center.

11-037 - A supplemental appropriation decrease for the amount of \$324,419 to adjust the budget and revenue to match the actual cost for the water line project. The cost of the 12th Street Extension Water

Line Project came in under the estimated budget.

11-038 - A supplemental appropriation increase of \$100,000 to establish a budget for the RMAT grant received from SLED.

11-005 - A supplemental appropriation increase of \$6,181,907 to appropriate carryover funds for capital and operating items for County Ordinary - \$3,643,163; Fire Service - \$1,424,160; and Law Enforcement - \$1,114,584.

11-001 - A supplemental appropriation increase in the amount of \$4,419,631 to appropriate carryover funds for federal grants.

11-002 - A supplemental appropriation increase in the amount of \$4,123,998 to appropriate carryover funds for County Council's special revenues.

11-003 - A supplemental appropriation increase in the amount of \$5,803,858 to appropriate carryover funds for state supplements and special revenue funds.

11-004 - A supplemental appropriation increase in the amount of \$2,550,039 to appropriate carryover funds for Solid Waste Management.

11-006 - A supplemental appropriation increase in the amount of \$1,106,789 to appropriate carryover funds for Airport Capital Projects.

11-007 - A supplemental appropriation increase of \$690,838 to appropriate carryover funds for capital items for the Dispatch/Records Management Project and a supplemental appropriation increase of \$667 to appropriate the interest earned.

11-008 - A supplemental appropriation increase in the amount of \$283,428 to appropriate carryover funds for Library Services.

11-009 - A supplemental appropriation increase in the amount of \$7,853,716 to appropriate carryover funds for Schedule "C" Funds, road improvement private contributions, the alternative road paving program, and the stormwater improvements at Hollow Creek.

11-010 - A supplemental appropriation increase of \$2,238,021 to appropriate carryover funds for capital items for the Energy Efficiency & Conservation program.

11-013 - A supplemental appropriation increase in the amount of \$5,164,378 to appropriate carryover funds for capital items for the 911 Communication Center and a supplemental appropriation increase of \$8,739 to appropriate the interest earned.

11-014 - A supplemental appropriation increase in the amount of \$3,877,144 to appropriate carryover funds for capital items for the Animal Services Project (Project Pet) and a supplemental increase of \$19,066 to appropriate the interest earned.

11-015 - A supplemental appropriation increase in the amount of \$73,379 to appropriate carryover funds for capital items for EMS Healthcare Delivery Systems and a supplemental appropriation increase of \$55

to appropriate the interest earned.

11-016 - A supplemental appropriation increase in the amount of \$60,634 to appropriate carryover funds for capital items for the CAMA and ROD Systems Development and a supplemental appropriation increase of \$146 to appropriate the interest earned.

11-017 - A supplemental appropriation increase in the amount of \$1,656 to appropriate carryover funds for capital items for the Lexington Bar Association and a supplemental appropriation increase of \$3 to appropriate the interest earned.

11-019 - A supplemental appropriation increase in the amount of \$2,349,227 to appropriate carryover funds for capital items for the DSS and Fire Station Construction and a supplemental appropriation increase of \$21,519 to appropriate the interest earned.

11-020 - A supplemental appropriation increase in the amount of \$3,975,750 to carryover capital items for the Saxe Gotha Industrial Park and a supplemental appropriation increase of \$22,988 to appropriate the interest earned and other additional revenue sources.

Executive Session/Legal Briefing - Mr. Kinard reported during the afternoon Committee of the Whole meeting, Council entered into Executive Session to discuss two personnel, five contractual, and six legal matters but needed to re-enter Executive Session to continue discussions of one personnel, four contractual and four legal matters.

Mr. Banning made a motion, seconded by Mr. Derrick to enter into Executive Session.

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

6:00 P.M. - Public Hearings - Prior to opening the public hearing, Mr. Kinard reviewed the guidelines for public hearings. He stated the purpose of the hearing is to obtain comments from proponents and opponents regarding specific subject matter. He asked that each speaker provide their name and mailing address and that comments be limited to three (3) minutes. Mr. Kinard 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, Mr. Kinard said there will be no disruptions including cheering, clapping, head counts, etc.

Ordinance 10-05 - Landscape and Open Space Amendments - Mr. Kinard opened the public hearing.

Mr. Charlie Compton, Director of Planning & GIS, presented information on Ordinance 10-05 and reviewed the South Carolina Law which addresses local regulation of development affecting forest land. Mr. Compton said staff incorporated in its changes the specific definition of the state law and made changes to the clearcutting section to insure compliance with the state law.

Below are the proposed amendments to the Ordinance for consideration:

1. Increase the scope of the Ordinance to include all multi-dwelling unit activities.

2. Insure that the scope of the Ordinance complies with the Vested Rights Act of South Carolina.
3. Make changes to the clearcutting section to insure compliance with the most recently adopted South Carolina Law which addresses local regulation of development affecting forest land.
4. Modify the amendment procedures to better replicate other County ordinances.

Mr. Compton said the one area that is causing the most conflict is the word “should” in the notification section under 3.1.7 Clearcutting (a) Exemptions. However, it was suggested to either (1) change “should” to “may” or (2) take the notification section out completely.

Mr. Kinard opened the public hearing for those in favor of Ordinance 10-05.

Mr. Kinard reported no one signed up in favor; therefore, closed that portion of the public hearing.

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

Opposed:

Mark Keisler, 211 Golden Jubilee Road, Gilbert, SC 29054 - Thank you for allowing me to come. I want to say it is a pleasure to be here representing the Lexington County Forestry Board and you folks are the ones who appointed us for this job, approved by the government, and our job as members of the Forestry Board is to address issues of forestry in Lexington County and how they may impact this extremely important industry, not only in this county but in this state. With that said, we would first like to applaud your work on this Landscape Ordinance. As citizens, we feel very strongly that this chaotic development that has hit Lexington County over the years is something that is not desirable to all of us; it is not good economically for the county. I think it is a wonderful thing that you are addressing these issues.

As a member of the board, in talking with members of the forestry, our concern is primarily with the clearcutting as it pertains to viable true forestry efforts in Lexington County. Forestry is probably one of the biggest industries in this state. It brings wealth; it brings taxes and jobs to probably more people in this state than any other industry except tourism. Those are extremely important industries. Our concern is with the exemption section and it pertains to a sentence found in 3.1.7 (a) that Charlie eluded to earlier and read the following; “We respectfully request that you remove the following sentence: A simple notification by telephone, FAX, or e-mail of the proposed activity will (now changed to should) be made to the Landscape Administrator.” Now, that seems to be a very benign statement to make but it is the Board’s opinion in talking with the State Forestry that, that is in conflict with the State Law and that’s South Carolina Code 48-23-205 and it says: “A county, a municipality must not adopt or enforce any ordinance, rule, regulation, resolution, or permit related to forestry activities on forestland that is “five different categories of viable forestry, not hidden development, but true forestry intended for state forestry.” I think all of you should have a copy of this letter from me.

It is the Board’s opinion that this is a statement that need not be there as State Law supersedes it. It is also a concern to us that possibly some unhappy neighbor who does not want clearcutting may use this as a means of bringing problems to the landowner who truly is a sustaining forestry or that some administrator, well meaning as he may be, may decide we need to do more to enforce this. So, as a Board, we respectfully request that, that sentence be removed as it is covered already under the Sustainable Forestry as put out by the South Carolina Law.

Walter H. Mallard, Jr., 708 Corley Street, Lexington, SC 29072 - I appreciate this opportunity to speak to the Council tonight. I am a registered forester in this state, and I operate a timber company in Lexington County. I, like Dr. Keisler, would like to see this paragraph stricken from this ordinance. That is just an undue burden put on those of us who operate in this county. Anybody asking to be notified of any clearcut, I really don't think and don't like it. That's just my opinion. I have notified Robbie Derrick whenever we have clearcut here around Lexington. But, if I am operating in Swansea, I really don't see any need to do that. Thank you.

Farroll Gunter, 136 Rose Lake Road, Lexington, SC 29072 - Thank you for the opportunity to come up and speak to you because I have been here a few times before and usually it has to do with forestry. I am a member of the Lexington County Forestry Association, and we have a number of people here in the audience tonight who showed up because they, too, are very much interested in it. And, I reckon what we want to say is – this notification is something that concerns a lot of us very deeply. Also, we feel that this may be a step to something higher more restrictive in the future. So, if this paragraph is eliminated, you would make a lot of people happy that works with forestry. I have been involved in it for quite some time, and we have some people in here that have a lot of forestland. So, notification is something that may be important in particular areas. And in the neighborhood in which I live, we had talked about trees one time, and I am a real lover of trees, etc., and I get a few dollars out of trees from time to time. I told the association we should do something about it, but they said don't worry about it, it is A-okay. Don't be concerned about this. Well somebody came in from California and they lived where they had no trees, so guess what they liked, no trees. So, in a matter of minutes, the trees were gone. But, with the forest landowners this is an investment; it is something we do take pride in. We are very, very concerned, and we would like to see this eliminated completely. So, if the paragraph is eliminated, we will feel very happy about it. And, I would like to ditto what both Mark and Walt said, please eliminate that paragraph. Thank you.

Mr. Kinard said that concluded all those who had signed up in opposition and closed the public hearing on Ordinance 10-05.

Zoning Map Amendment M10-01 - P/O Amicks Ferry Road, P/O Timberlake Drive and Fairway Ridge Drive - Mr. Kinard opened the public hearing.

Mr. Walt McPherson, Zoning Administrator with Community Development, presented the information for Zoning Map Amendment M10-01. The description of the property for which the amendment is requested is Amicks Ferry Road from the intersection of Three Oak Lane to the intersection of Ballentine Lane; Timberlake Drive from the intersection of Amicks Ferry Road to the intersection of Club Court; and Fairway Ridge Dr. He stated that the applicant, George L. Duke, has requested a change in zoning classification from Local (L) to Residential Local Four (RL4). The reason for the request, as presented by the applicant, is to change the street classification to be consistent with the surrounding residential area. 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 Local (L) and Residential Local Four (RL4).

Mr. Kinard opened the public hearing for those in favor of M10-01.

George L. Duke, 637 Webster Point, Chapin, SC 29036 - I have been asked by five series of property owners to represent them to get this zone change from L to RL4. I have been asked to represent Timberlake Country Club, Carl Connelly who owns property, Timberlake Subdivisions – Timberlake Estates, Timberlake Plantation, and Bay Point. Those represent over 90 percent of the property in

question. So, 90 percent of the properties, the people have asked me to represent them to change it to local. The reason for it primarily is that if you look at the Activity Chart there are things in there that you don't want in your backyard if you live in a nice residential community. I picked up a couple of the most egregious ones – landfill, mining, manufacturing, recycle centers, salvage and wrecking yards, industrial parks, warehouses, and another 60 or 70 things that are just totally inappropriate for a subdivision in the area of a subdivision around the lake. And, what we are doing today is appealing to the Council to change that to protect ourselves. The current homes in the Timberlake area are generally on half to three-quarter acre lots. The “L” designation allows an eighth of an acre lot, which is very small. It also allows combined houses – townhouses, condominiums, and apartments.

The people in Timberlake all belong to homeowners' associations. The homeowners' associations work very hard to maintain the level of the community with architectural review boards and boards that maintain the neatness and tidiness of the neighborhood. So we care about our neighborhood.

A little over two years ago, we almost lost the Timberlake Golf Course to developers who came in and wanted to take the front nine and turn it into a housing development. At that time, the area residents took themselves and decided that we would take the risk to protect our investment and we bought the golf course and started building a country club. We bought the golf course and brought it to the level it had never been in 25 years. As of July this year, we had the ribbon cutting for the clubhouse. The people came together through their passion, their sweat, and their dollars and built this clubhouse to make the neighborhood even a better place than it was already.

In addition to that, we also created about 30 new jobs, which is good for the neighborhood and good for the county. The request seeks to protect what we have built to maintain a level of quality that our neighbors have worked so hard. We continue to be besieged. The area is besieged by speculators and developers. (Pointing to an area on the map, Mr. Duke said they want to protect the neighborhood from what could happen to a piece of land that is in receivership.)

As a rule, developers are speculators who are more interested in their profits than in the long-term interest of our greater community. And, as we can prove by our efforts in what we have done, we care very much about neighborhood. Thank you very much.

Alan Arnold, 638 Timberlake Dr., Chapin, SC 29036 - Thank you. I am President of the Timberlake Plantation Owners' Association which represents the combined efforts of five neighborhoods in the Amicks Ferry Road area - Club Point, Overlook Point, Fairway Ridge, Fairway Oaks, and Plantation Summit. And this translates to about 325 properties. I would like to speak briefly to three points. That is quality of life, maintenance of standards, and partnership.

When our family searched for a home in the Midlands in 1994, our first concern was to find a good school for our youngest who was a freshman at that time. Of course, Lexington/Richland 5 enjoys a well-deserved reputation, and we were drawn to Chapin High School by a smaller population and its accomplishments. Our next criterion was quality of life. And for us, Timberlake Plantation was the place. It offered lake living and recreation, the golf course, and the atmosphere and ambiance that we enjoy. And, I assure you that our story is common among our neighbors. It is well-known and just mentioned that two years ago the residents of our communities joined together to purchase the Timberlake Golf Course when it became apparent that it was about to be purchased and developed into housing. I was one of those who felt that, that move was critical to maintain the amenities that first drew us and others to the area. And, in fact, the members and board of the Timberlake Country Club have

increased the services and possibilities for exercise, leisure, and dining. This is but one indicator of a commitment to standards by the residents of our community. That there is a desire to maintain and improve what drew us to Timberlake is also evident in the work of our Architectural Review Board, the ARB, which works closely with the owners, builders, and the design and construction of new or the remodeling of existing homes. The ARB's intent is not to prohibit development but to help owners and builders to produce products that pleasantly fit into existing neighborhoods, thus, maintaining the visual and practical values of those neighborhoods, but also enhancing the value of the new home itself. Another words, this is win-win.

The Timberlake Plantation Owners' Association does not want to keep developers and other business people from doing business nor from making a profit. For heaven sakes, we who live at Timberlake Plantation practice the same disciplines of education, hard work, and risk taking as developers and we have all profited along the way. We just want to partner with the developers and builders in such ways that will maintain and improve the quality of life and ambiance that attracted us, and we hope we will continue to attract more people to lake living. In such a partnership we all, current residents, developers, and future residents will prosper. So for these prospects – quality of life, maintenance of standards, and partnership, I urge you to support the proposed zoning change. I thank you for your time.

John Surles, 117 Bay Pointe, Chapin, SC 29036 - I am going to concur with what has already been said. I had a brief statement, but I think it has all been said well. I just want to emphasize that our community, Bay Point, very well of the majority of our homeowners support this ordinance.

Kathleen Wood, 204 Bay's End Court, Chapin, SC 29036 - For the record, Ms. Wood presented photos for Council's review. Thank you for giving me the opportunity to speak with you this evening regarding the zoning request in the Amicks Ferry/Timberlake area.

The need for this is evident in the examples of what Mr. Duke and others have presented but, also there are other valid reasons for a change to RL4.

I moved to the Town of Lexington from Atlanta several years ago when my children were elementary age and wanting to live in a small town. I thought we had left the traffic in Atlanta; I would never believe that it would take me almost 45 minutes to get my children from Beech Creek Road to Midway Elementary. The roads at that time could not manage the capacity of the cars, so we ended up moving to Northeast Columbia right before the boom. Within a year, we were in the same bottleneck of cars all converging and dodging on one-lane roads coming out of a multitude of neighborhoods. After much investigation, we moved to the outskirts of Chapin. Yes, it is a drive to get a gallon of milk, but it is an area with blending of green space, wildlife, and residential homes. There have been many homes added since living in this area, which has increased traffic. Some of the value reasons that I believe why we should get this changed to RL4 – I know that there are regulations regarding site distance and clearings from entering/existing neighborhoods and with increased traffic, it is becoming difficult and dangerous pulling out of the neighborhoods with so many curves, blind spots, and inclines. This would be a small remedy into changing to R4. We have had approximately nine serious accidents in this area since the beginning of the year, which required medical and fire attention. This number does not include those which the highway patrol is called and no injuries and cars could be towed, which cars could be towed or cars reported pulled off the road by other means. Our manned emergency services are only available at the Amicks Ferry Station from 8:00 a.m. until 5:00 p.m. During the off hours, we are either thankfully serviced by volunteers and/or the Chapin Fire Department, which is in town. Many of us in this room have more than likely, while driving down Amicks Ferry, have come up upon a car turned upside down or

sideways holding our breath and praying that the driver or passengers are okay. Unfortunately, more developments near this road are a hazard and add more danger. We basically have one way in and one way out until you get to Long Pine Road, which is approximately four and one-half miles.

Another reason is the important value to the quality of life, not only for the families, but also wildlife. I can't speak for everyone in this room who lives in this area, but it is the main reason why my family moved to the area. We did not want to be inundated by commercial buildings, shopping rental property and homes on top of each other. I have other things which deal with wildlife and being boxed in the area with the multitude of homes and we really treasure that – seeing the osprey, deer, foxes come in. They do need to have the protection of a lot of the area.

Finally, there are 330 homes for sale in various price ranges according to Realtor.com in the 29036 zip code. This does not include homes which may be for sale by owner and rentals or those who choose not to access Realtor.com. In the Timberlake area, there are homes and developments which have gone into default, others seemingly abandoned or started but stopped leaving an eyesore for neighboring homeowners. We have large and small homes for sale which some have been drastically reduced in price. So there is plenty supply.

Finally, the residential landscape should be like in kind of established homes to maintain investment value, the pristine setting, and green space to insure sustainability for wildlife. Changing to R4 would help insure developer oversights since the implementation of a new landscape ordinance. In addition, well not the best of circumstances because of road curves and blind spots, traffic would be limited preventing further backups due to an accident or rush hour. Keeping the area residential would not be a strain to emergency services as much as there was some type of commercial or non-residential development. I respectfully request that you please give serious consideration to the zoning request from the present L designation to change to R4. Thank you.

Ken Hessler, 617 Webster Point, Chapin, SC 29036 - I am currently the president of Timberlake Estates Owners' Association in which we have 223 lots, 180 currently have been built on and have residents living there. Many of these are upscale homes. We have very strict covenants that we enforce. We have a very strict architectural review board as was mentioned by someone earlier. Many of our residents have invested their money in the new Timberlake Country Club in addition to their home. And our main concern is the current local has too many items of things that would not be good for our particular area. We are not against building, and we are not against development. Matter-of-fact, we encourage that sort of thing. But, there are things there that we really believe would hurt the quality of life and the price of our homes and that's our main concern. So, other than that, I agree with George Duke and his presentation, and we would really like to see you people restrict it so that we would not be hurt badly if something would be built in there without our prior knowledge. Right now we have no prior knowledge under local, if this would happen. Thank you.

Jacquelyn Odell, 641 Webster Point, Chapin, SC 2903 - I concur with all that has been said.

J.B. Brown, 222 Timberlake Dr., Chapin, SC 29036 - I am the president of the Board of Directors for the Timberlake Country Club. I am here to represent the Board of Directors and our members at Timberlake Country Club. All I can say to you is, yes, this request is somewhat restrictive, but as members who came together two years ago on this journey of acquiring the country club, we wanted to protect and secure our quality of life. We have been on this journey for the past two years and you have, but to see where we have come from as to where we are today, to appreciate that we are making this

request because we think that we have made an investment in enhancing the area and enhancing the quality value than to where it was. Now developers may speak to the point that we are restricting them from their ability to make money. We would argue that our investment and the work that we have put into the area have added and enhanced the value of the properties in this area. And right now, the Timberlake Country Club touches seven different subdivisions in this area. So, we have a very big stake in what goes on and our livelihood is built on residential development. So with that, we think that it is just natural for us to extend this and ask people if they are going to live in our area to make the same kind of investment that Timberlake Country Club and its members have. With that, we are requesting that you vote on this change and grant us this request. Thank you.

Randall Rushe, 136 Pointe Overlook Dr., Chapin, SC 29036 - I am a homeowner and a father who lives in the Timberlake area. I thank you for the opportunity to address you and make a couple of points. I support the proposed map amendment and changing the characterization of that area.

In addition to the self-evident points of property value and standard of living in the area, let me also point out, as a father of young children, I would be very concerned that any change in the character of the area from its residential character as it is now to something that would include almost anything on the L list, commercial or other types of development, would be inappropriate, I believe, for the setting in that area. The safety of, not only the residents, but of my children and other children would be compromised. I have no real concerns about my kids going out to play and going to neighbors and going down the block and crossing Timberlake Drive now to go see their best friends because of the traffic load and the type of the development in the area. Any increase in the residential density to very high density apartments, rentals, or much commercial development in the area, I think, would compromise that and would adversely affect our quality of life. Among many others, I moved to Timberlake because of the quality of life it promised, and I have put my money where my mouth is. I am not a golfer, but I bought into the country club because that was one positive thing that I could directly do to support and maintain the character of the area. And, so I think this is a step that we can do to insure and preserve the properties that may not be directly owned by the country club that are still going to impact the homeowners in the area.

My father asked me to make a point that certain types of development, as opposed to the country club enhancing the area, certain types of other development would lower property values, which I am sure you are all aware of, and will decrease your tax base as our property values go down. And, I am sure none of us want to see that. So, I would just like to urge you to support the rezoning of the area. I know that a lot of the developers who do not live there or corporations from out-of-state do not have to drive down Timberlake Drive every single day and see what's there and they will not be concerned about, granted maybe something you can't quantify in terms of money but certainly very important in terms of qualifying our standard of living. They don't see that, but we do, and I want to preserve that. So, I urge you to make this change. Thank you.

Mr. Kinard said that concluded all those who had signed up in favor and closed that portion of the public hearing.

Mr. Kinard opened the public hearing for those in opposition to Zoning Map Amendment 10-01.

Opposed:

Cam Fant, 205 Lynhaven Dr., Spartanburg, SC 29303 - Mr. Chairman and members of Council on behalf of myself and the many people who are here that oppose this zoning amendment, I thank you for

your time. I work with Lakeland Construction Finance. We are a company that originated a loan on 72 acres in the Timberlake area during 2007 and most of our property will be affected by this proposed zoning change.

When we underwrote this loan, we did it based on the land's current zoning as it is today. After originating the loan, the borrower that we loaned the money to, unfortunately, had major financial troubles due to other investments in other states and had to file bankruptcy and lost the property and we ended up getting the property back. We took the property back during 2008, and the property has been on the market since then and to date we have had no reasonable offers.

We oppose this zoning amendment because we feel that this amendment, if passed, would substantially reduce the value of property as well as reduce the value of the current homes that are already built in the subdivision. We don't need any further reduction in property values because the current recession in the housing market has already done enough damage to home values. And I can understand the concern of the people in Timberlake, and I, for one, have been through the new club house, and I think they have done a wonderful job, but there are so many things on the L. But, a person in business is only going to invest money to try to make money, and I think that the people have done a great job of setting the standard in the subdivision, and I think any reduction or restriction on the land left there would not be able to be developed to continue the great standard that the people have set. With that being said, I oppose the zoning proposal.

Arnold Ramsey - Greenville, SC - I concur with Mr. Fant.

John McArthur, 30 Avianne Trail, Columbia, SC 29202 - I am the attorney for Bill Theus and Walter Taylor. Through their company, Timberlake Holdings, they own the Timberlake Marina that has been there approximately twenty years. They previously owned the entire 11 acre parcel that the marina is located on. A few years ago they sold that with the idea that the buyer, and it has since been foreclosed on but there is a current owner, would develop 88 condominium units on that 11 acres which would then provide more users and more vitality to that area and assist in the operation of the marina. The marina we continue to own, my client does, through a lease and through ownership with actual marina property. To my knowledge there has been no objection to the marina with its operation in the 20 or so years it's been there. But, by this action, by adopting an RL4 classification, the marina will be an unpermitted use, won't even be a special exception. After this time, it will be a non-conforming use and he will not be able to expand it; he will not be able to modify it; he would not be able to add anything along the land that would be an amenity that the neighbors might want to have. So there is a definite economic harm to my client as well as the owner of the 11 acres as well as the owners of all of these undeveloped properties. We talk about expectations of owners. Everybody has investment expectations. The folks that purchased this property had investment expectations; the lenders did. Everyone who bought in this area knew what the zoning was. They knew what properties were covered by the Timberlake covenants and which ones were not. So, all expectations are being met at this point. What we have is a kind of a changing of the rules. So that is the harm that will come to my client.

I want to talk a little about zoning policy and the unfairness of what's happening here. Typically, in a zoning ordinance, and in your zoning ordinance, a property can only be rezoned by application of the owner of the county. But, by using this road reclassification technique that's in the zoning ordinance, you are allowing neighbors, somebody a mile down the road, anybody can come in and down zone everyone else's property, if the County will approve it. That is highly unusual. Road classifications ought to be about traffic – how the road is built, what traffic it can handle. No one is here with a traffic study; no one

is here saying there is too much traffic for this road. And there is going to be development, whether it's these things or others. So, there will be more traffic even if it is down zoned. So, I will submit to you that it is unfair what is happening here. I will make two more quick points. There can be unintended consequences to this. A golf course is a permitted use, while a marina is not in RL4. But, the golf course is only permitted as defined in the zoning ordinance for purposes essential to a golf course. So, weddings that are being hosted for people who don't live in the neighborhood, if this is passed, there could be some financial implications for this country club these folks formed because any owner in this whole area can come in and say that's not a permitted use. That is beyond what the golf course is allowed to do in a RL4. So, once you start down this road of rezoning properties through reclassifying streets you are running into unintended consequences. Final point - I don't believe that this is legally allowed under your zoning ordinance. The definition of RL4 is that the road is more than 50 percent residential developed. If you put back up that aerial photo and look at those roads, there are undeveloped lands, there are golf courses. Far more than 50 percent of street frontages are not residentially developed. So, I don't believe this application is even appropriate. Thank you.

Mr. Jeffcoat asked, how much land do you have with the marina?

Mr. McArthur replied, we have an easement and a leasehold; it is a part of the 11 acres that we lease for that purpose.

Mr. Jeffcoat asked, you don't have 11 acres there, right? You don't have any land; you have boat slips.

Mr. McArthur replied, no. We have real estate rights, yes. We don't own fee simple the land.

Mr. Jeffcoat, for clarification, reiterated that Mr. Arthur's clients do not own property there, but own the boat slips.

Mr. McArthur responded, we own a commercial operation on the 11 acres through a long-term lease.

Mr. Jeffcoat replied, so the answer to that is no. You have no land there; you just have boat slips. Is that correct?

Mr. McArthur responded, we have real estate; we don't have fee simple and land. We own a leasehold interest in land.

Bill Theus, 1521 Tanglewood Road, Columbia, SC 29205 - Mr. Jeffcoat, our ownership there is a complicated real estate interest that our attorneys took care of years ago. I can tell you, I think, we are paying \$12,000 a year in property taxes.

Mr. Jeffcoat replied, but you don't own land, right?

Mr. Theus replied, we must because we are paying \$12,000. But, I know we will be impacted by what is being decided here tonight. Thank you very much.

Art Nevid, 1311 360 Ballantyne Corporate Place, Charlotte, NC 28277 - I am the Chief Investment Officer of Mountain Funding and we are located in Charlotte. Mountain Funding is the owner of a 4.6 acre tract of land on Timberlake Drive and the aforementioned 11 acre tract with a small portion touching Timberlake Drive where the former Timberlake Country Club Clubhouse was located. We have been

involved in this project for over six years. If Timberlake Drive is reclassified as Mr. Duke has proposed, the value of our properties would be literally cut in half. We would lose millions of dollars in value with the stroke of this council's pen. I suspect that no one in this room, including Mr. Duke, would want their property devalued by 50 percent. I am fairly certain that each council member feels a responsibility to try to increase property values in Lexington County and not decrease them. Our property and other properties in the Timberlake area are zoned a certain way by Lexington County. If Mr. Duke wants to change how landowners can use their property, he must try to do that legally by seeking a zoning change, not by this backdoor scheme of changing the street classifications. Street classifications were not intended to be used as a substitute for zoning. In fact, Mr. Duke, himself, and others speak in support of this change, have all referred to it tonight as a zoning change, which it is not.

The Timberlake area originally envisioned the development of different types and densities of housing on the properties that my company, Mountain Funding, now owns. Nothing has changed to alter that plan. Mountain Funding has been a good neighbor. It has paid its taxes and has maintained its property and cooperated and assisted the country club for years with their temporary clubhouse on our property. In turn, the country club has always shown support for our intended use of our property, which will benefit their membership as well. We were surprised and disappointed to see the country club apply to devalue our property just days after their temporary clubhouse lease expired on our property. I know you will understand that Mountain Funding has to take all necessary steps in order to protect the value of its property. Our attorneys have identified several legal defects in Mr. Duke's application and with what he is trying to do here. Our attorneys tell us that one legal defect, which was mentioned earlier before, has to do with the fact that this property is not more than 50 percent residentially developed. The part of Timberlake Drive that Mr. Duke's application seeks to reclassify clearly fails this test. Our attorneys will be formally asserting this and all other legal problems with Mr. Duke's application over the next few days. For now, I am here on behalf of an affected landowner whom might suffer great financial damage simply asking this council to deny Mr. Duke's request to reclassify Timberlake Drive. Thank you and have a good day.

Larry Pate, 2021 Amicks Ferry Rd, Chapin, SC 29036 - I own over four acres there, and I do not want it changed; I want it to stay the way it is. I live on the property, and I like it just the way it is. Thank you.

Gerald Steele, 168 Ballentine Lane, Chapin, SC 29036 - Thank you for giving me the opportunity to speak with you. I reckon I am the granddaddy of this whole area listening to all these people. I have been there about fifty years. When I moved up there, the road was dirt; it was fine. I don't complain much. The neighborhood has moved in on me; that's fine. I can live with all that. I still run my 8N tractor; I still run my chainsaw; my leaf blower and they have not complained yet. But, let me bring your attention to something with Mr. Connelly. I met with him last night. (Pointing to the map- If you look here, he owns the biggest tract in there, but see where the road stops, you will still end up with 1,400 feet of frontage not under the classification changing the zoning.) A lot of things were brought up about you can put manufacturing places in there, sawmills, dumps, etc. in there. But, everything there is zoned residential. So, the zoning is in place to keep all that out. And, I am opposed of changing Amicks Ferry Road. I am not interested in doing anything now, but I have two boys, and I am not going to live forever, and they might want to do some other things in there 30 years from now. Thank you.

Walter Taylor, 1213 Lady St., Columbia, SC 29202 - I concur with what has been said.

Mr. Kinard said that concluded all those who had signed up in opposition and closed the public hearing.

Executive Session/Legal Briefing - Mr. Kinard reported Council needed to re-enter Executive Session to continue discussions on four legal matters.

Mr. Banning made a motion, seconded by Mr. Derrick to enter into Executive Session.

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

Matters Requiring a Vote as a Result of Executive Session - At the conclusion of Executive Session, Mr. Kinard reported there were three motions to be considered.

RTA - Ms. Summers made a motion, seconded by Mr. Jeffcoat to approve the RTA agreement that will keep the bus service going in Lexington County from October 1, 2010 through June 30, 2011 by increasing the ridership fare from \$1.50 to \$2.00 and funding from the County, participating municipalities and partnering entities in the total amount of \$53,181.36.

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

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

Opposed:	Mr. Derrick	Mr. Keisler
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Batesburg/Leesville County Park Cemetery Relocation Agreement - Mr. Banning made a motion, seconded by Mr. Derrick to approve the cemetery relocation agreement for the Batesburg/Leesville County Park.

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

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

Abstained:	Mr. Keisler *
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*Mr. Keisler abstained as he is self-employed with grave digging services.

Wrecker Towing Ordinance- Mr. Cullum made a motion, seconded by Mr. Keisler to amend the County's wrecker towing ordinance by eliminating the eight slots that we have for each tow zone in the County and replacing each of those tow zones with unlimited slots of availability for each tow service that qualifies and is approved by County Council. The effective date is October 1, 2010.

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

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

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

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

There being no further business, the meeting was adjourned.

Respectfully submitted,

Diana W. Burnett
Clerk

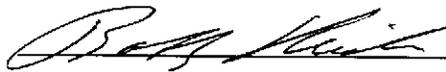
James E. Kinard, Jr.
Chairman

ABSTENTION FROM VOTING AND DELIBERATING

I am hereby asking the Chairman to excuse me from voting and deliberating on the matter of Batesburg-Leesville Industrial Park Cemetery Relocation because of a potential conflict of interest because of the following:

Self-employment with grave digging service

I am furnishing this statement to the Chairman and I request that this statement be printed in the Minutes of this meeting.



Bobby C. Keisler

District Five

Date: August 24, 2010