

M I N U T E S
LEXINGTON COUNTY COUNCIL
February 14, 2012

Lexington County Council held its meeting on Tuesday, February 14, 2012 in Council Chambers beginning at 4:30 p.m. Chairman Banning presided.

Councilman Townsend gave the invocation and Councilman Kinard led the Pledge of Allegiance.

Members attending: William B. Banning, Sr. Johnny W. Jeffcoat
 James E. Kinard, Jr. Frank J. Townsend, III
 George H. (Smokey) Davis Debra B. Summers
 Bobby C. Keisler Kenneth Brad Matthews
 M. Todd Cullum

Also attending: Joe Mergo, III, Interim Deputy County Administrator; John Fechtel, Director of Public Works/Assistant County Administrator; Larry Port, Finance Director/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.

Mike Stamps - Mr. Banning announced that Mike Stamps passed away last night from a massive heart attack. Mr. Stamps represented Lexington County Council on the River Alliance Board.

Chairman's Report - Mr. Banning proudly announced the 2nd Annual Lexington County Legislative Night was a huge success with over 555 attendees. Also, he reported he attended the following meetings/events: Road Runner meeting, Mayor's Prayer Breakfast, Mid-State Chamber of Commerce Legislative Luncheon, Meeting with SCANA to plan for the 1st Lexington/Municipal Event, and several SCDOT meetings.

Council Members' Reports/Comments - Mr. Matthews reported he and Councilman Jeffcoat attended the Woodland Hills Homeowners' Association meeting. In addition, he attended the Challendon Crime Watch meeting.

Presentation of Resolutions - Presentation of Resolution to Arjun Aggarwal by Councilman Davis - Mr. Davis presented a framed resolution to Mr. Aggarwal in recognition of earning the Davidson Fellow Award given by the Davidson Institute for Talent Development and his many achievements.

Presentation of Resolution to the Chapin High School Varsity Cheerleaders by Vice-Chairman Jeffcoat - Mr. Jeffcoat presented a framed resolution to the Chapin High School Varsity Cheerleaders and Coaching Staff for winning the 2011 3A Competitive Cheer State Championship.

Certificate of Recognitions - Mary Grace Loveless and Taylor Till - Mr. Jeffcoat presented a framed certificate of recognition to Captain Mary Grace Loveless for being selected as the South Carolina 3A

Cheerleader of the Year and providing outstanding senior leadership for the 2011-12 Chapin High School Varsity Cheerleading Team. Mr. Jeffcoat also presented a framed certificate of recognition to Captain Taylor Till for providing outstanding senior leadership for the 2011-12 Chapin High School Varsity Cheerleading Team.

Administrator's Report - Mr. Mergo offered condolences to Sheriff and Mrs. Metts on the loss of Mrs. Metts' mother, Mrs. Ruth Richardson.

President's Day - February 20, 2012 - Mr. Mergo announced the County administrative offices will be closed Monday, February 20, in observance of President's Day. The County's landfill and collection sites will be open as normal.

Employee Recognition - Joe Mergo, III, Interim County Administrator - Employee of the 4th Quarter 2011 - Mr. Mergo recognized Mike Vantroost, Public Safety/Fire Service; Deborah Raulerson, Public Safety/Communications; Angela O'Connell, Library Services; Lisa Blakely, Public Safety/EMS; and Louise Kaminer for the Employee of the Fourth Quarter.

Mr. Mergo presented a plaque to Ms. O'Connell as the Employee of the Fourth Quarter and Certificates of Excellence to Mr. Vantroost, Ms. Raulerson, Ms. Blakely, and Ms. Kaminer.

Appointments - Stormwater Advisory Board - John Collum - Mr. Cullum made a motion, seconded by Mr. Kinard to appoint John Collum to the Stormwater Advisory Board to fill the Environmental Consultant position. Mr. Collum replaced Mr. Larry Cooke.

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

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

Bids/Purchases/RFPs - A motion was made by Mr. Jeffcoat, seconded Ms. Summers to approve the following Bids/Purchases/RFPs (Tabs I and J).

Fourteen (14) Motorola Portable Radios and Ten (10) Pagers - Public Safety/Fire Service - Staff recommended the purchase of fourteen (14) Motorola portable radios and ten (10) pagers for Public Safety/Fire Service from Motorola, Inc. through State Contract Number DSIT.2009.01. Total cost, including tax is \$43,233.14.

Electronics Recycling Building at Edmund Landfill - Solid Waste Management - Competitive bids were solicited for the electronics recycling building at the Edmund Landfill for Solid Waste Management. Nine (9) bids were received. Staff recommended the award to W.T. Murphy Construction Company, Inc. for the amount of \$42,978.

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

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

Approval of Minutes - Meeting of December 13 and December 20, 2011 - Ms. Summers made a motion, seconded by Mr. Davis to approve the minutes as submitted.

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

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

Zoning Amendment - Zoning Text Amendment #11-04 - Amendments to Buffering Restrictions - 2nd Reading - Mr. Jeffcoat made a motion, seconded by Ms. Summers to approve second reading.

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

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

Opposed:	Mr. Townsend*	Mr. Matthews
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*Mr. Townsend had previously voted in favor. However, following the vote on Ordinance 11-19, Mr. Townsend asked that he be allowed to change his vote as being opposed.

For the record, Mr. Banning asked that the minutes reflect that Mr. Townsend is voting no to 2nd reading of Zoning Text Amendment #11-04.

Committee Reports - Economic Development, J. Jeffcoat, Chairman - Ordinance 12-03 - Project Maple - 1st Reading by Title Only- Mr. Jeffcoat reported during the afternoon committee meeting, the committee discussed in Executive Session Project Maple. As a result of Executive Session, the Committee voted unanimously in favor to recommend to full Council Ordinance 12-03 for first reading by title.

Mr. Jeffcoat made a motion, seconded Mr. Kinard to approve first reading by title.

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

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

Ordinance 11-19 - Ordinance Authorizing (1) Fee-in-Lieu Between Lex Cty & Nephron Pharm, (2) Negotiated Fees in Lieu of Ad Valorem Taxes, (3) SSC, (4) Multi-Cty Park, (5) Transfer & Conveyance of Property, & (6) Other Matters - 2nd Reading - Also, the Committee discussed Ordinance 11-19. Following Executive Session, the Committee voted unanimously in favor to recommend to full council Ordinance 11-19 for second reading.

Mr. Jeffcoat made a motion, seconded by Mr. Kinard to approve second reading.

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

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

Justice, S. Davis, Chairman - Replacement Vehicle for Sheriff's Department - Mr. Davis reported the Justice Committee met on Tuesday, January 24, 2012, to review a request from the Sheriff's Department to purchase a replacement vehicle for the Sheriff's Department.

Colonel Paavel presented a request to purchase a service truck from Fire Service (County #15051) to replace a vehicle in the Sheriff's fleet (County #30587). The truck would be utilized by the Dive and Swift-Water Rescue Team. The Fire Service truck has been estimated at \$6,500 by Fleet Services. The Sheriff's vehicle has been dead lined and sold for \$2,825. In addition to the \$2,825, the Lexington County Sheriff's Foundation will provide the balance of \$3,675 for the purchase of the Fire Service vehicle. No additional funding will be necessary since this will only be a replacement vehicle.

The Justice Committee voted unanimously in favor to recommend full Council to approve staff's request to purchase the replacement vehicle for the Sheriff's Department.

Mr. Davis made a motion, seconded by Mr. Keisler to approve. The revenue for the purchase will come from the Lexington County Sheriff's Foundation.

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

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

Budget Amendment Resolution - The following BARs were distributed and signed:

12-090 - An appropriation transfer of \$900,000 to move the budget for two Urban Pumper Trucks into Salary/Wages, operating & capital counts associated with the hiring of ten (1) additional firefighters, as the result of Council's action on January 24, 2012.

12-091 - A supplemental appropriation increase of \$8,532. The Lexington County Sheriff's Department received a donation of nine (9) Gore-Tex Drysuits for the Swift Water Rescue Team. The drysuits were donated by the Lexington County's Sheriff's Foundation.

Executive Session/Legal Briefing - County Council went into Executive Session during the afternoon Committee of the Whole meeting to discuss six contractual and seven legal matters, but needed to go back into Executive Session to continue discussions on three contractual and seven legal matters.

Mr. Jeffcoat made a motion, seconded by Mr. Matthews to go into Executive Session.

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

Matters Requiring a Vote as a Result of Executive Session - Mr. Banning reported Council did not complete Executive Session and would need to go back for further discussion after the public hearings.

6:00 P.M. - Public Hearings - Ordinance 12 -1 - Amendments to the Lexington County Landscape and Open Space - Council members present: Kinard, Townsend, Davis, Summers, Keisler, Jeffcoat, Matthews, Banning Cullum.

Mr. Banning opened the public hearing.

Mr. Robbie Derrick, Landscape Administrator with Community Development, reviewed the proposed amendments to the County's existing Landscape and Open Space Ordinance. Mr. Derrick related the amendments primarily address concerns with detention ponds and County maintained detention ponds as well as some technical updates. The ordinance applies to commercial developments and new residential subdivision and not to single individual residential lots.

Mr. Cullum asked Mr. Derrick to review Article 2 - 4.1 Residential Subdivisions. Mr. Derrick said if it is a new development with ten lots or more, then they are required to do 10% open space. Some of the existing developments do not have detention areas or water quality areas are on new phases of the development, or they don't have any natural areas or natural features that would qualify for open space. In order to help retrofit these new expansions and meet the 10% open space requirement, the developer can set aside these common areas, which most developers do, and landscape them. Then they are in essence creating a man-made open space. He said this is designed to retrofit and help the developments that did not do a masterplan up front to now meet the provisions of the ordinance.

Mr. Cullum asked how much of the new proposed amendments contributes or helps with the stormwater management problems we currently have in regard to filtration.

Mr. Derrick responded the amendments references bio-retention, which is a low-impact development

feature. By incorporating bio-retention as an alternative use of detention systems or recognizing that and not requiring additional landscaping is one way. Also, common areas around the new County-maintained detention ponds will help buffer and increase the common area and open space for the developments as well.

Mr. Cullum asked Mr. Derrick to review the language of Article 1 - 1.6 – Exclusions, particularly the portion that the County is exempt from our own ordinance and asked why the County would be exempt.

Mr. Derrick replied that the County is usually exempt from their own ordinances just for the fact that if it is an activity the County will need to develop in order to provide a service to the community i.e. fire stations, etc. However, Mr. Derrick said in most cases the County does meet all the requirements of the ordinances but this is a clause in case that service or facility cannot meet particular development regulations.

Mr. Cullum responded, for the public good.

Mr. Derrick replied, yes.

Mr. Cullum asked if a commercial developer found themselves in a situation where they could not meet the entire ordinance, they can apply for a variance, correct?

Mr. Derrick replied, correct. The development community does have the option that they can go before the Board of Zoning Appeals if they need to have a reduction or change in some of the landscape requirements. Mr. Derrick said staff does have some flexibility with the ordinance.

Mr. Cullum wanted to be sure the public knows and staff understands that we (County) will follow the same rules that we are placing upon the rest of the community.

Mr. Keisler said if the public needs to follow the ordinance, the County needs to as well. Mr. Keisler said language needed to be added to the ordinance that the County would not be exempt.

Mr. Banning agreed with Mr. Keisler in that we don't want to ask anybody to do anything we are not willing to do for ourselves, which it not right. If it would be a hardship on us to do it, it would be a hardship on the builder to do it.

For clarification, Mr. Banning asked if the mulch was pertaining to commercial trees.

Mr. Derrick replied, yes. There would be no impact on individual residential lots and pertains to new developments.

Mr. Banning asked if we are requiring fencing around any detention ponds.

Mr. Derrick said fencing is required as a stormwater management regulation. That is just for County-maintained ponds (privately maintained ponds are the developers' responsibility).

Mr. Fechtel, Director of Public Works responded, any County-maintained detention ponds over 4 feet in depth require a chain link fence.

Mr. Banning reviewed the guidelines for public hearings.

In Opposition:

Ron Kelderman, 102 Founders Rd., Lexington, SC 29072 - Mr. Kelderman did not approach the podium; therefore, could not hear his comments.

Joan Gebrosky, 236 Gary Hallman Rd., Leesville, SC 29090 - Did not want to speak.

William Gebrosky, 236 Gary Hallman Rd., Leesville, SC 29070 - I oppose the ordinance.

J. Carl Jordan, 145 Willow Dr., Lexington, SC 29072- I really appreciate the comments by Mr. Keisler and you (Mr. Banning) as far as wanting to feed everybody with the same spoon with this ordinance; the county as well as landscapers. Most of the major ills of the world have been caused by well-meaning people who have ignored the principle of individual liberty. There are people who are obsessed with a fanatical zeal to prove that a lot of mankind and mass through some little pet formula that they have. Now I am against eroding more of our freedoms with trite government regulations like I read here today and like I heard in the presentation. What is the most terrible thing that could happen to us if the County does not protect us from adequately mulching a tree? What is the worst thing that can happen? So to me Council approving this, if you approve this, it just subjects you to being a puppet of Agenda 21. So, I urge you to reject this ordinance and thank you for letting me speak today.

David Whetsell, 171 Cannon Trail, Lexington, SC 29072 - I know this is just an overdo of a bill or law that you already have in existence in zoning, but this bill just takes more freedom away from everybody when you tell them. And maybe this time it is just for the commercial building. Next time, the next people who come along it is going to be "Well, I think every homeowner, we ought to tell them". You have another one coming up on 12-02 that even makes this one look like a canoe club. But the whole point is you are taking away our freedom. And, the way I believe it, I think all of you are Republicans, and I am a Republican. But, I swear the majority of the way you are taking away our freedom is not acting like Republicans. But, it sounds more like what they do over in Europe, socialist Democrats, and tell everybody how they are going to live. And, I don't think the people in the United States need to be told, or in Lexington County need to be told, how to take care of their property. How to take care of anything they got. The people have the freedom to do it and it comes from God's enabling law that man has certain rights and one of the certain rights is to own property from freedom. So, I am even opposed to property taxes. Thank you.

Stephen Skacall, 245 Lowry Rd., West Columbia, SC 290170 - I reside in Councilman Keisler's district, and I appreciate what you said about holding the County to the same standards that you are going to hold everybody else to. I also believe you voted against 12-02 on first reading; I appreciate that. I know there were two others that voted the same way, and I appreciate you doing that. I am the Chairman of the Lexington County Libertarian Party and also an active member of the Lexington Tea Party. And, I do want to say, I think you are on the right track, but listen to me. I think you are on the right track with the amendment to this ordinance because it does need to be amended. In fact, what we need to do is highlight the whole thing in red and delete the entire ordinance. Because it is a front to property rights; it really is. Telling a businessman that he or she has to do this, has to do that, when it really ought to be about the free market. It ought to be about what the customers want. If I am buying a house in a development, I should be able to choose a development that has whatever features I want it to have and maybe those wouldn't necessarily be the features that you have in this ordinance, maybe they would. But, I think that I ought to have some choice in that and the developer ought to have a choice in that. The

other thing is that by forcing the developers to follow all these nitpicky rules where if you are off one iota, you are going to be denied a license or be fined, or whatever the penalties are going to be. That forces them to spend more money on these developments, which then increases the cost to the homeowner, which is never a good thing. The housing market is bad enough already. The last thing we need is to have the Council, as well as intentioned that I am sure you are, doing things that are going to raise the cost of housing in Lexington County, even a little bit. The other thing is - I don't think a single person signed up to speak in favor of this. Is that true Mr. Chairman? (The chairman responded, no). Well, I would hope that you would take into account the fact that the public and the voters do not support it, and I would hope that you would represent our interests and wishes.

Charlotte Bertics, 923 Grayfield Rd., Batesburg, SC 29006 - At the beginning of this meeting at 4:30 this afternoon, everyone except Debbie Summers turned around and put their hand over their heart and pledged the allegiance to the flag. Liberty and Justice for all. For all. Liberty and Justice. I want my property and liberty. I don't want Lexington County telling me what I can and can't do with my property. Nobody else here wants you telling us what we can do with our property. I can't put it as good as Stephen does. Stephen speaks well, and I agree with him. But, you have to do something besides nitpick about people's yards. If that is all you've got to do, we don't need you. We don't need people like that. Find something important to do.

Johnny Thomas, 923 Grayfield Rd., Batesburg SC 29006 - It starts in the towns, developments, and stuff and it won't be long until you are out in the country. You will be doing the same thing. Telling us in the country what we can do with our land. And as far as I am concerned, that is bull. We bought the land out there in the country because we wanted to be in the country to have land to do what we wanted to do. We didn't want to be in a city. I talked to Debbie, she called me back about the other thing, but that is the way it is. And, as far as I am concerned, y'all are getting like Nazis telling people what they can do. That is nothing but Nazis. People in the United States have the right to do what they want to that is legal, and I don't see anything that is not legal with doing what I want to do with my land. Like I said, y'all start in the developments, the shopping centers, places like that, and then you start telling people in the country what they can do. And, as far as I am concerned, we don't need a county council.

Janet Baird, 206 Sweetberry Lane, Lexington, SC 29073 - I pass.

Ed Boyle, 205 Fox Lake Dr., West Columbia, SC 29170 - I apologize, but I could not believe what I was hearing when he was explaining that you are literally going to tell people to plant a certain number of trees, a certain mulch. I am sorry people, but that is as anal of a thing that I have ever heard. I mean for crying out loud. You are not our masters. We all live in this county. We paid for that property. We should be allowed to do what we wish with it, within reason. Yes, you've got to have some zoning. You can't have sand mining; you can't have certain things next to housing developments, stuff like that. But, this is crazy. This is absolutely crazy. We are supposed to be limited government, but you guys are literally coming into our property measuring our mulch to make sure we have at least four feet of mulch, make sure it is at least three inches - come on. I am flabbergasted that anybody would pretend they could do that to me on my property and yet, I am sitting here watching and thinking, these people just might do that. It is beyond comprehension to me that government could - Obama, I would expect it, but from you folks, you are Republicans, in Sebastian of Republicanism in the state of South Carolina, and you are going to tell me how much mulch I can put around trees. How many trees I have to have in there because I cut this one down. Now you are telling me I owe you a view that you want instead of a view that I want. This is ludicrous folks. Maybe you started out on the right way and y'all started talking and said hey this would be neat, that would neat. However, it developed. Maybe y'all weren't even involved in it. Maybe

this was drugged up by somebody who had their idea how pretty Lexington County ought to be. But, y'all can stop it and please do. Like the one gentleman said, "Let's revise it; let's wad it all up and throw the whole thing away; let's start over." This is too much; way, way too much. Thank you for your time.

Glenn Miller, 321 Bee Cliff Court, Lexington, SC 29073 - The only thing I am going to say is that I am going to concur with my predecessors. I believe just as friendly as they do, and I have taken notice of the fact there is no one to speak in favor of this, and I hope you recognize that as well. Thank you.

Summer Solum, 222 Crystal Springs, Lexington, SC 29073 - I just wanted to agree with the sentiments that have been expressed here. I know that in the Republican agenda there is limited government. I have read it a time or two, myself, so I agree with the sentiment of being shocked that this occurs. If it were Democrats sitting up here, half Democrats, I would think this might be a good thing. But, to have an entire County Council of Republicans that it even passed the first time without the amendments is an amazing thing. So, I would ask that you not restrict it anymore than it is already is. Thank you.

Carolyn Jordan, 145 Willow Dr., Lexington, SC 29072 - I agree with those who have most eloquently spoken here this evening. I believe that everything that government does to encroach upon our rights is wrong; not everything. There are some things. But the regulations that are being imposed upon us, they are just getting more and more and we are living now with a president who wants to take over our lives, and I don't want you taking over our lives. We put you in office, and we are paying your salaries. I believe with the others that nobody is here to support this ordinance and that makes a statement in and of itself. So, I oppose this. I was angry at a lot of things that have been done in the name of beautification, and types of trees fall into that. I know it is not this county, but I detest the signs so low that I have to cause a traffic accident because Lexington has changed so much I can't find the business I am looking for. We want to attract people. But if we regulate them to where they don't want to come, then we just need to call this lawyer town, because that is the attraction on Main Street. Thank you.

Jean Threatt, 145 Driftwood Dr., Lexington, SC 29072 - I pass.

Ann Behneke, 15 Mallard Shores Place, Lexington, SC 29072 - I just wanted to say that I am against the entire ordinance, not just this amendment. I am appalled that you feel that it is your job to micromanage the use of private property in this county. If you pass this, I am wondering who is going to enforce it. Are we going to have to hire more Code Officers to go around and fine people for not putting enough mulch around their trees? I understand at the moment that you are at least three-quarters of a million dollars in the hole because of unfunded FCC regulations, and yet, last week you passed spending over a hundred thousand dollars to buy trees for around these buildings. This week you are buying an electronics recycling building for over thirty thousand dollars, and yet, we are now three-quarters of a million in the hole. I think that your priorities are skewed here. You need to spend your time figuring out how you are going to save money in this County. How you are going to cut the cost and live within the budget that you have instead of spending your time wasting our time dealing with dribble like this. Get off micromanaging private property. Get on to figuring out how we are going to pay the bills in this County and staying within our budget. I know there is talk about raising taxes this year; it is an elections year and people are not going to be happy. Things are tough. You are going to have to find a way to come up with the three-quarters of a million dollars and you are going to have to do it by cutting the expenses that we have now. Thank you very much.

Sharon Clark, 333 Rutledge Pl., Columbia, SC 29212- Members of Council, among the rights that we citizens hold dear are property rights, and I am wondering how you can even consider the seizure of those

rights because that is what this is. If we hold the deed to the property and we pay County taxes but we cannot feel free to use our property as we should like, then we don't own our property. The County government does. I never thought that I would be speaking to you about this. This isn't Richland County you know, folks, this is Lexington County. I urge you to oppose this ordinance. Thank you.

John Perna, 449 Crockett Rd., Columbia, SC 29212 - Gentlemen, the word Fascism is used incorrectly about 99% of the time. So often that very few people actually know what the actual definition of Fascism is. Fascism is government control of private property without outright ownership. The difference between Fascism and Communism is that in Communism the government admits that they have taken your property and they say they own the property and, therefore, you don't have to pay property taxes on it. In a Fascist society, the government takes control over your property, says you still own it and makes you pay property taxes on it. This piece of legislation is government control of private property without taking the property. This is a piece of Fascist legislation. We are being infected with an ideology foreign to our own constitution and it comes from an area foreign to our own constitution, which is called Agenda 21. It is a very small part of Agenda 21. You know a very small part of our own Declaration of Independence when our founding fathers wrote down the things that were reasons for us to go to war to kick the king out. They said, "He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our people and eat out their substance." And every time you pass a law, that law has to be enforced. The word enforce means you are going to use force against someone in order to bring about whatever your law says. What is the moral justification for the use of force? You have the right to use force against people for the same reasons that people have the right to use force against one another, and that is protection of life, liberty, and property. You have the right to use force in your own self-defense or the defense of someone else who has authorized you to act on their behalf. The government is the entity that we ask to act on our behalf to defend us where we would have a moral right to use to defend ourselves. But, you have the right to use force if somebody comes in your yard to cut down your tree, but you don't have the right to use force to go in somebody else's yard and cut down his trees. This is an extension of the power of government beyond anything that our founding fathers would have imagined. It is not in our constitution and it is not justifiable according to our constitution. Now I know the rigors of fighting a case all the way to the Supreme Court to argue a constitutional basis are beyond the resources of most people, but there is another thing that is not beyond our resource and that is standing here talking to you. And, of course, we have the ballot box to re-assert what our position on this is. And you take the note of the fact that nobody is in favor of government taking over private property and that everybody wants to continue to be a sovereign American citizen who controls his own property. Thank you very much.

Thomas Lee Canaday, 425 Kyzer Rd., Lexington, SC 29072 - I agree with the others, so I will pass.

Nicole Quinn, 435 Kyzer Rd., Lexington, SC 29072 - First question that I have for all of you, and this is something that you should be asking yourself every single time that you consider legislation, "What is the proper role of government?" That is something that is a serious question that is being ignored. What is the purpose of government? The purpose of government is not to restrict the rights of property owners of any kind. I have been hearing a distinction between "Well, that is only applying to businesses or that is only doing this and that." Property rights are property rights. Business owners are individuals and consumers also have rights as well. I obviously oppose this amendment, and I also oppose the entire ordinance. We are currently living in a state of fascism, and we are rapidly approaching communism. In 1948 Carl Marx and Fredrick Engels wrote *The Communist Manifesto*. They outlined the ten steps necessary to destroy a free society. The first of the ten planks is abolition of property rights. And that is first for a reason. The process of removing private property rights begins with requiring private property

owners to get permission from government relative to the use of their property. So what you are doing tonight fits the first plank of *The Communist Manifesto*, and yet, you are calling yourself Republicans. The South Carolina GOP Creed says, (quoting portions) "I prefer the challenges of life to guaranteed security the thrill of fulfillment to the state of calm utopia." You say this creed and agree that our goal is not to have a utopia. We do not want a utopia; we want freedom. John Adams said, "The moment the idea is admitted into the society that property is not as sacred as the laws of God, and that there is not a force of law and public justice to protect it, anarchy and tyranny commence. If Thou shalt not covet and Thou shalt not steal, were not commandments of Heaven, they must be made inviolable precepts in every society, before it can be civilized or made free." I oppose social engineering, and I remind you that the role of government is to protect rights and not to restrict them. Thank you.

Jim Hanes, 107 Royal Oaks Lane, Lexington, SC 29072- I agree with what the other people have said, obviously. I think small government is better than large government, and you should try to do things in a way that doesn't cause people to change what they want to do in favor of some of the whole group feeling like it looks nice to them. Individuals have different standards and you should be able to maintain that. But, I have a particular viewpoint because I have been in business all my life. I owned a motel in Florence County between Florence and Lake City and I planted 12 Laurel Oaks. And I just made the decision to plant them around my parking lot because I thought, live oaks are so beautiful, but they will take forever to grow and I wanted something to be pretty in the winter and pretty in the summer. But, it would have taken some of the joy out of it if I had found out it was not on their list. That was my decision at the end and it just happened to be my pride and joy - my motel. Every time you have to jump through a hoop it kind of lessens your spontaneous joy in doing what you want to do. Of course, I was just planting all kind of things, Crepe Myrtles and palm trees, because I also had a palm tree company. I would go to Florida and get palm trees and carry them in a very unsafe truck all the way up and plant them in Charlotte, Hilton Head, Georgia and the funny thing is, I never got permission. I really didn't know what I was doing, but I was landscaping peoples' yards in all those fancy plantations in Hilton Head. But, it seemed to work out. And up until now, I guess it would have worked out here, but maybe now it wouldn't if you would pass something where I would have to get permission or something to plant a palm tree in a certain place that was specified to have some other kind of tree. Thank you so much.

Ken Westbury, 768 Spires Dr., West Columbia, SC 29170 - I pretty much agree with my comrades.

Steve Isom, 1201 State St., Cayce, SC 29033 - Most of you are Republicans and I think you heard the sentiments expressed concerning the basic principles, precepts and the Republican Creed. That is something that you are going to hear a lot about while I have my tenure as Chairman of the Republican Party in Lexington County, and it is the most influential county in the state. It is going to be the most Republican county in the state if I have anything to do with it. So what you are hearing these people say are basic constitutional freedoms of the individual. The most discriminated category a person in this country is individual. Even though some of these responses didn't seem like they were directly related to this ordinance, which I am with them in opposing this ordinance. My message delivery may not correspond to some of the other folks who have spoken. It goes to the heart essence of freedom in this country, and that is of the individual. Being on City Council in Cayce and a number of different venues, it is hard to say no some times. It is not popular to say no. It is much more difficult to say, I am going to maintain the freedom of the individual. So, as Republicans let's think back to what this is about. It is about small government. It is not about putting more regulations in place. It is not about making a certain small group of people happy. It is about guaranteeing the freedoms of each individual in the country. Thank you.

Christy Cox, 903 E. Main St. Lexington, SC 29072 - When my family and I moved to Columbia area ten years ago, I insisted on living in Lexington County because of the beauty and the charm. And since then it has even improved more and I am very proud of being a resident here. But, I would like for everyone to consider that I am not the only one who is proud of our community, and I think we can trust people who are proud of their community to beautify it without having to be told how to or when to. My other point is, as a small business owner, I understand how costly startup can be. I am afraid these ordinances may exclude the smallest of businesses and favor the larger corporations such as Starbucks versus a mom-and-pop coffee shop.

William Rentiers, 310 Honors Ct., Lexington, SC 29073 - I am also a precinct president for my precinct for GOP. I have spent about five years lobbying the state legislature for second amendment rights, just as a little background. I am not in any way in approval of ordinances that I feel impact individual property rights. You passed an ordinance last year that I thought was very egregious that had to do with smoking bans for businesses. Now we are trying to do something else to limit businesses. If businesses don't have more freedom, they won't hire more people. If you want less business, less successful businesses in Lexington County and less employment, just pile the restrictions on. That seems to be your job. I don't know what you feel your job is, but let me tell you my theory of what I think any elected official should be doing. At your level it is county ordinances, but at the state house level it is laws, same thing at the federal level. People feel that they get sent to do their job by their constituents to pass good laws and ordinances. I feel like that is 50% of the job. The other 50% is repealing bad ones that are on the books now. If you don't ever consider that, and in my opinion at least 50% of the time, then you are leaving a whole lot of stuff in place that doesn't need to be there and it is egregious to freedom. I do not appreciate any laws at the federal, state, or county ordinance level that restrict the freedom of the individual and the businessman. Government is what we need to restrict; not the individual and not the private business owner. Thank you.

Mr. Banning stated no one else signed up to speak and closed the public hearing.

Ordinance – 11-19 - Ordinance Authorizing (1) Fee-in-Lieu Between Lex Cty & Nephron Pharm, (2) Negotiated Fees in Lieu of Ad Valorem Taxes, (3) SSC, (4) Multi-Cty Park, (5) Transfer & Conveyance of Property, & (6) Other Matters - Council members Present: Kinard, Townsend, Summers, Keisler, Jeffcoat, Matthews, Banning, and Cullum.

Mr. Banning opened the public hearing.

Mr. Chuck Whipple, Director of Economic Development provided a brief summary of the details of the transactions with Nephron Pharmaceuticals. With respect to the fee-in-lieu of tax, Nephron must invest \$313 million and create 700 full-time jobs within seven years in order to get a 4% assessment; anything less than that level of investment, the assessment will be 6%. If they invest \$313 million and create 700 jobs but fail to maintain that level, but the level of investment reaches \$150 million and they create 125 jobs, the 4% assessment will still be intact. If their investment is less than \$150 million and 125 jobs, the assessment will revert to 6%. In addition, to the incentives provided, Nephron will be provided special source revenue credits. Regarding the Phase 1 credit: If the company meets the \$313 million investment and 700 jobs within seven years, they will get a 20% credit and that credit will be paid over a ten year period. That credit will begin when the first building is placed into service. If the required investment is not met, but they create \$150 million in investment and 125 jobs, all within five years, the credit will revert to 10%. Any money that is paid by the County to the company, based on the 20%, is rebated back to the County if they only earned the 10% credit. The initial investment must be maintained for five years

or that credit is lost on a going forward basis.

With respect to the Phase II credit: If an additional \$205 million is invested in the County and 250 or more jobs are created within ten years after placing that property into service, the company will receive an additional \$250,000 annual credit for ten years. The investment requirement must be maintained for five years or is lost on a going forward basis.

With respect to the Phase III credit: If the company invests an additional \$244 million and creates 285 jobs within that ten year timeframe, they will receive an additional \$300,000 annual credit for ten years. That investment requirement must also be maintained for five years or is lost on a going forward basis.

With respect to the real property: The company must begin construction within six months of recordation of the deed and must invest \$313 million and create 700 jobs within seven years. And if they do that, 58.9 acres will be deeded to them at no charge. If they have not satisfied that agreement, they will have to pay \$60,000 per acre. They must maintain this investment for seven years and if that investment is not maintained for seven years, the land must be purchased at the same \$60,000 level. The average wage is about \$65,000 per job with an estimated payroll of \$45 million at 700 individuals.

Prior to hearing from those in opposition, Mr. Banning said Nephron Pharmaceuticals is held by Bill and Lou Kennedy, a privately held company. Bill is from Union and Lou and her parents live in Lexington. Lou and Bill are both USC graduates and they donated \$30 million last year to the School of Pharmacy. They are going to be a great addition to our community, and I am frankly saddened that 13 people signed up to oppose them. And, I am very pleased that they are not here to see that because they are fine people and will be a real asset to this community.

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

Opposed:

J. Carl Jordan, 145 Willow Dr., Lexington, SC 29072 - I can appreciate what these people are bringing to our county, Mr. Banning. I did not know all that information. But, I am for limited government. I am a precinct president, Republican. But, to me, the only proper function of government is for the police to protect me from criminals, the army to protect me from foreign invasion, and the courts to protect my property and contracts from breach and to settle disputes according to objective laws. Consequently, I am weary of a public-private partnership that results in the government's selection where business should locate rather than Adam Smith's invisible hand, which we are talking about the free market place, decided where businesses should be. I request that you vote against this expenditure of this business subsidy. Thank you.

Stephen Skacall, 245 Lowry Rd., West Columbia, SC 29072 - First of all, I do want to say that I understand, and I was aware of the significances of the financial contribution that would be made and the jobs that would be created by Nephron Pharmaceuticals being located here in Lexington County. I think that is a great thing, and we need that. Both my parents have lost their jobs in the past year. I was without work for about four months last year. I am all for job creation and growing business in Lexington County, but this is not the way to do it. What you are doing, at least it seems this way from those of us who are not privy to everything that goes on or those of us who were not able to attend your work sessions or see everything that goes on behind the scenes, it seems that you are playing picking favorites and saying we are going to give this business special treatment and give them special exceptions to the rules because they are going to bring jobs. You are well intentioned, yes, but what you really need to do is

stop wasting our money and your time on things like Ordinance 12-01 and 12-02 and save some money so you can cut taxes for everybody. Spending yourselves in the hole, spending us in the hole; three-quarters of a million dollars deficit that we are having. The problem is – you are spending too much. If you would stop spending so much, if you would cut the budget and get rid of the waste, and there is waste, you can find it if you really want to and get rid of it, then you could cut the taxes and that will bring more businesses here. Cut the taxes; cut the regulations. I want to say one thing – the Republican Party in Lexington County is becoming more and more constitutionalism and libertarian everyday. That is why Steve Isom is the chairman now. That is why they picked him. And, the old Republican Party of Lexington County is gone. The Neo-cons do not control this county anymore. They might control the council, but they do not control the voters, and I guarantee you that they are going to be some very good tea party candidates that run against some of you this year and, if not, they are going to be some libertarian candidates to run against you in November. So, I hope you will bear that in mind.

Summer Solum, 222 Crystal Springs Dr., Lexington, SC 29073 - My comments are going to be short because I did not have all that information until yesterday after lunch. I understand staff has been overwhelmed with budget and all, but it would have been nice to have had it two days ahead to go through it in order to make comments. I, too, think jobs are great, but I also have issues with tax breaks for some companies and not for others. I think fairness across the board would be nice. It seems that the small businesses end up paying the taxes for the large ones and I think the small businesses are the least to afford it. So, when this kind of thing goes on, then I think it is very unfair to everybody else, and I would like to encourage you to work toward it being even for everybody.

David Whetsell, 171 Cannon Trail., Lexington, SC 29073 - I felt to speak due to the fact that this company – I read about them coming to Lexington and in their process as a plant, I have a small company that could probably be assistance to them on recycling instead of dumping it in the landfill. I have already contacted them about using some of their stuff they were going to dispose of, but now I have found a way to recycle it to make bio-diesel. So that is good. But, I can't understand why the government needs to pay them. The government is not paying me to try to do business for them. I was talking to the Economic Development Director, and I am trying to start a small company here to do another project, and I am retired government employee. But, I still think that no one has offered me money, but I still want to do business in Lexington County and put people in Lexington County to work. I don't want to put people in Richland County to work or down in Charleston or somewhere; I could. But, I choose Lexington County because it is a very good place to live. I have been living in Lexington County for 40 years and my children graduated from the schools. I love Lexington. The first year I moved to Columbia from Charleston, I lived in Richland County. That place was the pits 40 years ago. That is why I moved to Lexington County, and I am glad I did. But, nobody helps me start a business; I do it on my own. I think this other company has a lot of money. They are giving away \$30 million dollars to the university. Why do you need to give them money to start a business? Thank you.

John Perna, 449 Crockett Rd., Columbia, SC 29212 - The purpose of government is not to choose the winners and the losers in the market place. The purpose of the government is to give us all a level playing field. Where all the competitors, all the businesses, and all the individuals can play on a level playing field and enjoy the fruits of their own labor and benefit from the products of their own labor and not to be paying taxes for benefits that are going to someone else. Whether it be a direct competitor or just simply any other business, regardless what that business is producing even if it is not your competitor. I saw this slipshod definition of capital punishment. Capital punishment is when the government taxes you to get capital to go into a business and competition with your business and then taxes your profits to pay their losses. Just the same way we did with Amazon. You wanted to offer all these incentives and special

privileges for one business to come in here and you think you are going to stimulate growth, well stimulate growth for everybody. Give whatever benefits you want to give to one business; give it to every single business, every single citizen in Lexington County. Give them the same advantages that you give to any other business. One of our supreme court justice said, (paraphrase) "The greatest dangers to liberty do not lie in evil minded rulers, but, the greatest dangers of liberty come from men whose purposes are beneficence; men whose zeal and are well-meaning but lack understanding." Protect us from our protectors is what I have to say. We must be protected from our protectors because while they try to beautify the community and provide the economic incentives and all this sort of thing, basically they do away with the rights of the individual and increase government regulations and taxation and basically there is less pie to divide up when the government starts dividing it. Thank you.

Ann Behnke, 15 Mallard Shores Place, Lexington, SC 29072 - I concur.

Nicole Quinn, 435 Kyzer Rd., Lexington, SC 29073 - Again, we need to ask the question, what is the proper role of government? It is not to pick and choose winners and losers in the business world and in the S.C. GOP Creed, it says, "I will not trade freedom for beneficence", which John just mentioned. That's what we are doing here if we go with this. So, if you are part of the Republican Party and you are saying this creed, why are you not following it? This ordinance is corporate welfare; it is redistribution of wealth; it is the violation of the basic principles of our state and country's founding, which is equality under the law. All tax breaks should be across the board for everyone. Otherwise it promotes monopolies. There is no moral excuse to do otherwise. Giving away taxpayers' dollars in the name of supposedly creating jobs is wrong. It is not your job to create jobs; it is your job to get out of the way and promote an environment that will attract jobs. If you cut taxes to a minimal for all businesses across the board, then we will have plenty of jobs. The best regulation is not provided by government; it is the free market. The free market is the strongest, harshest, regulator out there and it is the fairest and it is the one that promotes liberty. Thank you.

Lee Canaday, 425 Kyzer Rd., Lexington, SC 2907 - I agree with the others.

Ron Kelderman, 102 Founders Rd., Lexington, SC 29073 - I agree with everyone.

Jim Hanks, 107 Royal Oaks Ln., Lexington, SC 29072 - I have two brothers who have manufacturing businesses in Lexington County, and I own intensive development property here. None of us in our family, my sister has been in business, my father has been in business, has ever asked for anything from government. We just hope to make our payroll and be able to pay our taxes. I think it is hard for people in government, although I know it well-intentioned and everywhere it is the same, you want to do something to help your people and you want to bring the welfare to them and it is how can you do it by trying to encourage employment, etc. But, just as I think Solydra proved when people are in the business try to do these things, I think there is corruption in that one and this is not at all, this is all well meaning. But, it is very hard for people in government to have enough information to be able to make the kind of decisions a person in business will make because the person in business is so desperate not to lose everything. And so it is very, very hard for people in government to make good decisions with respect to this kind of thing. Thank you.

Ken Westbury, 768 Spires Dr., West Columbia, SC 29170 - Concur.

Christy Cox, 930 E. Main St., Lexington, SC 29072 - Left prior to speaking.

Mr. Banning reported that conclude those in opposition; therefore, closed that portion of the public hearing.

Mr. Banning opened the public hearing for those in favor.

Mr. Banning noted no one signed up in favor. Mr. Banning closed the public hearing.

Executive Session - Mr. Jeffcoat made a motion, seconded by Mr. Kinard to go back into executive session to continue discussions on seven contractual matters.

In Favor:	Mr. Banning	Mr. Jeffcoat
	Ms. Summers	Mr. Kinard
	Mr. Townsend	Mr. Keisler
	Mr. Matthews	Mr. Cullum

Not Present: Mr. Davis*

*Mr. Davis left at the beginning of the public hearing on Nephron to attend a prior commitment.

Matters Requiring a Vote as a Result of Executive Session - Mr. Banning reported as a result of Executive Session there were not motions to be considered.

Old Business/New Business - None.

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

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

Not Present: Mr. Townsend* Mr. Davis

*Mr. Townsend left following the vote to go into executive session.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Diana W. Burnett
Clerk

William B. Banning, Sr.
Chairman