

M I N U T E S  
LEXINGTON COUNTY COUNCIL  
March 12, 2013

Lexington County Council held its regularly scheduled meeting on Tuesday, March 12, 2013 in Council Chambers beginning at 4:30 p.m. Chairman Banning presided.

Chief Keith Kirchner gave the invocation. Staff Sgt. Christopher Maynard led the Pledge of Allegiance.

Members attending:     William B. Banning, Sr.             James E. Kinard, Jr.  
                                   Frank J. Townsend, III             M. Kent Collins  
                                   Debra B. Summers             Bobby C. Keisler  
                                   Johnny W. Jeffcoat             Kenneth Brad Matthews  
                                   M. Todd Cullum

Also attending: Joe Mergo, III, County Administrator; Randy Poston, Chief Financial Officer; John Fechtel, Deputy County Administrator; Jeff Anderson, County Attorney; other staff members, citizens of the county and representatives of the media.

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

**Chairman's Report** - Mr. Banning reported on the following events attended: Feb. 26 - Lexington School District 1 Celebration of Excellence in Education ceremony; Feb. 27 - Topping-Off ceremony for Nephron; Feb. 28 - United Way of the Midlands Humanitarian of the Year Award, 2012 Sheriff's Foundation Awards, Power Breakfast Series, and 12,000 Year History Park Meeting; March 6 - The Meadow Glen Middle School Ambassador Program; and March 7 - He and Councilman Jeffcoat attended the installation of Councilwoman Joyce Dickerson as the new Chair of the National Foundation for Women Legislators at the State House.

**Presentation - Certificate of Appreciation - Greg Cupsted - Presented by Lori Adler, Human Resources Director** - Ms. Adler presented a Certificate of Appreciation to Mr. Greg Cupsted, Bi-Lo Store Manager, for his generous donation of 1,400 bananas to the Wellness Committee for county employees in support of National Eating Healthy Day, November 7, 2012.

**Presentation of Resolution - American Red Cross Month Presented by Chairman Banning** - On behalf of Chairman Banning, Councilwoman Summers presented a resolution to Ms. Paula Thayer with the American Red Cross proclaiming the month of March 2013 as American Red Cross Month.

**Administrator's Report and Recognition** - Mr. Mergo offered condolences to Dave Eger, Director of Solid Waste Management, on the loss of his mother.

**Bush River Collection Station** - Mr. Mergo announced the Bush River Collection Station will be closed Wednesday, March 13 for construction.

Mr. Mergo recognized Mr. Dan Hennigan, a big community activist for Lexington County. Mr.

Hennigan was sworn in as an Honorary Battalion Chief by the New York City Fire Department on March 7. The honor was in recognition of Dan's significant and longstanding support of the New York Fire Department.

**Battle of the Badges** - Members of the Lexington County Sheriff's Department and Lexington County Public Safety Department participated in a charity basketball game to help raise \$7,684 for the Make a Wish Foundation.

**Appointments - Boards and Commissions - Lexington County Health Services District - Janis Summers** - On behalf of Chairman Banning, Mr. Jeffcoat made a motion, seconded by Mr. Kinard to reappoint Ms. Summers.

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

**Lexington County Health Services District - Bruce Burnett, Jr.** - Mr. Cullum made a motion, seconded by Mr. Keisler to appoint Mr. Burnett for the At-Large position. Mr. Burnett replaces Larry Stroud.

In Favor:	Mr. Cullum	Mr. Keisler
	Mr. Kinard	Mr. Townsend
	Mr. Collins	

Opposed:	Mr. Banning	Ms. Summers
	Mr. Matthews	

Abstained:	Mr. Jeffcoat
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Motion passes.

**Approval of Minutes - Meeting of January 22, 2013** - Mr. Kinard made a motion, seconded by Ms. Summers to approve the minutes as submitted.

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

**Meeting of February 12, 2013** - Mr. Kinard made a motion, seconded by Ms. Summers to approve the minutes as submitted.

In Favor:	Mr. Banning	Mr. Kinard
	Ms. Summers	Mr. Townsend
	Mr. Collins	Mr. Keisler

Mr. Jeffcoat                      Mr. Matthews  
Mr. Cullum

**Committee Reports - Economic Development, J. Jeffcoat, Chairman - Ordinance 13-01 - Multi-County Park Agreement - 1<sup>st</sup> Reading** - Mr. Jeffcoat reported during the afternoon Committee meeting, the Committee voted unanimously to recommend to full Council for approval.

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

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

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

**Planning & Administration, D. Summers, Chairman - Zoning Map Amendment Application #M12-01 - The Palms at Rocky Point Phase II - 2<sup>nd</sup> Reading** - Ms. Summers reported during the afternoon Committee meeting, the Committee voted unanimously to deny second reading.

Ms. Summers made a motion, seconded by Mr. Matthews to deny second reading.

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

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

**Health & Human Services, B. Matthews, Chairman - State Homeland Security Grant Program Award (Narrowbanding)** - Mr. Matthews reported the Committee earlier in the day voted unanimously to recommend to full Council for approval. The award in the amount of \$19,728 requires no County match.

Mr. Matthews made a motion, seconded by Mr. Townsend to accept the award.

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

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

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

13-112 - An appropriation transfer of \$100,688 to run fiber optical lines from the 911 Data Center to all departments located on Ball Park Road.

13-113 - An appropriation transfer of \$39,392. Deleting a Tax Clerk/Cashier Grd. 5 POSN#0001047 and adding one Seasonal Tax Clerk Grade 5 and adjusting three (3) full-time position salaries.

13-114 - An appropriation transfer of \$136,076. Deleting a Civil Engineer III Grd. 18 and adding one County Engineer Grd. 30.

13-115 - A supplemental appropriation increase of \$19,728 to establish a budget for the State Homeland Security Grant Program (Narrowbanding) award.

13-116 - An appropriation transfer of \$98,919 to establish a more defined budget for the furniture purchase for the ECC/EOC.

**Old Business/New Business** - None.

**Executive Session** - Mr. Banning asked for a motion to go back into Executive Session to continue discussions on nine contractual matters.

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

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

**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.

**6:00 P.M. - Public Hearing - Zoning Map Amendment Application #M13-01 - 3506 Bush River Road** - Council members present: Banning, Jeffcoat, Kinard, Townsend, Collins, Summers, Keisler, Matthews, and Cullum

Mr. Banning opened the public hearing.

Mr. Walt McPherson provided a PowerPoint presentation. The current classification is C1- Neighborhood Commercial. The applicant, David Barber, is requesting a zoning classification change to C2 – General Commercial to allow for a food service activity. The tax map number is 003696-04-008. The front half of the building will be used by Chef Gary for a cooking studio, possible retail and food tasting. The back half will be a fine-dining restaurant.

Mr. Matthews asked how many patrons could the restaurant potentially seat or would maximum fire code allow?

Mr. McPherson was unsure what the fire code would be. However, the parking requirement would be one space per four seats.

Mr. Collins asked what is the nearest walking distance restaurant.

Mr. McPherson replied there is a couple; but as you go toward the interstate, you have Cracker Barrel, etc.

Mr. Banning reviewed the guidelines for public comments.

**In Opposition:**

**Karl Krautler, 1205 Gardendale Drive, Columbia, SC 29210** - My backyard faces the photographer's property right now. This proposal of C2, I could tell you right now that Bush River Road is a parking lot in the morning; it takes me about ½ hour to get out onto Bush River Road from the stop sign from my street, Gardendale Drive, and it turns into a parking lot at 5 o'clock again. In between there, there is so much road traffic that if we have another restaurant or commercial area over there, there isn't enough space on Bush River to accommodate all the vehicles that will be there. It is impossible. People are upset about the traffic and there was a proposal at one time when they said they were going to widen Bush River Road but that got voted down by the residents around there. They made a petition and stopped it. Now the county doesn't have enough funds to widen Bush River Road. I am worried about the restaurant's refuse that will be there. We already have a mosquito problem along the creek side there. They used to spray the area against mosquitoes but now the EPA stopped that so they don't spray anymore so the mosquitoes are prevalent. Now it is sort of tolerable, but if you stand out, you have a carpet all over your legs real fast. I am just thinking after that garbage dumpster is put there, all the food scraps and everything from the schooling and culinary school and restaurant that is all going to get dumped in there. Then you are going to hear those noises of the garbage dumpsters banging at 3 o'clock. Then you are going to have 18-wheelers delivering food. And that dumpster is not going to be emptied every day. When it gets filled up, it's going to be once a week and we will have to live with the maggots, varmints, flies, and all the smells of the rotten food. When it gets warmer during the summer, it is going to get even worse. Actually, a restaurant and a cooking school over there – why do we need another restaurant? We've got plenty of restaurants on Bush River Road already; we don't need another one. It is just going to make more traffic. And if that restaurant doesn't survive, what will be there next in its place? A factory? A manufacturing plant? We will even have more congestion. We don't need that. I am opposed to it and all my neighbors who I have gotten a petition from. I did not get one that denied me their signature. They were all against it. They don't want that to turn into C2. And down the road, I also know that the value of the properties are going to decline because we will be right next to C2. And, eventually the taxes will go up. That might be a good thing for the County, but it's not going to be a good thing for us. Thank you.

**Ruth Horn, 815 Kingsbridge Road, Columbia, SC 29210** - In 2002, I had a petition going and I had over 500 signatures from our residents that opposed to the same situation. He didn't want to have the cooking school, but Mr. Barber was going to have a reception hall where he could have parties for weddings and food service courts, graduation, all that. He would have drunken people there and I am not really against alcohol, it is none of my business. But, I want my area to remain the way it is. I live right in back of the new subdivision of Bush Gardens. One of my neighbors, he lives on Crow Court. He purchased all the remaining lots. He has already told me there is no way he thinks he can put the same quality of houses there that are there now. They are about \$230 - \$300,000. They are fairly small lots, but there is still some choice lots left. And he was hoping he could build big houses. We want the same character and so does he. He is afraid that it won't be the economy; it will be the proximity to this place. If you imagine a school, like a cooking school or a culinary school, they can have classes all day long. I

have some property on Layden (?) Lane below Dutch Square. I advertise it for rent; it is a beautiful house. It is large, a beautiful neighborhood, expensive homes and no rental properties except mine and one more. I had never had problems to rent it until the Remington College moved right below. I advertise the address; I get calls. And they ask where is that? I say it is near the K-Mart up on the hill, the large houses. Oh, that's Remington College – we don't want to live there. No matter what I do and the neighbors there say there is so much noise because those are exuberant young people. They should remember what we were like when we went to college. I am 82 now, so I am way over the hill, but I was in real estate for over 20 years. I know the property, not very well, that Mr. Barber owns. It's in back of my son's house. And before I bought that house for him, and he finally paid it off, I had the house listed twice and it sold and the people for instance, there is one elderly lady who lives there .... But, I am one person; he is one person. But, I have the whole neighborhood behind me; I know. We will insist that some information will become public that I am not at liberty right now to disclose. But, it has great importance. And I really don't think Mr. Barber knows it, but we were informed. We didn't pursue it; it came to us, and you have a copy of it. We faxed it to Jason, I don't see him here, so you can have access to it. I would advise you to check it because if that becomes public, everybody will be upset. You will have a riot if you don't vote against it. At the time he bought the property in 2001, I knew about the property. For instance, there were wetlands there; he closed in the wetlands, he raised the bank on the creek, that isn't even on his property. He raised the utility pole, he gave ..... And just recently we had the flea market there. He rented it to a furniture store. They had everything - old stuff, even tires on the curb. People are really upset. A lot of people in Gardendale bought their houses. So who do you think they call – like I can; I am not in charge. Thank you.

**In Favor:**

**David Barber, 3506 Bush River Road, Columbia, SC 29210** - I am the owner of the property. I didn't raise the ditch on the side of their house, and I have the part where the pond is, and we don't have any mosquito problems there. But, like they say, we could bring a big factory in there; there are five acres there. All but where the building is, is in the 100-year-old flood zone. So, you can't build in the back. So there wouldn't be any other than the building that is there now, the parking lot. You don't have to worry about putting in mini storage buildings or anything like that on that property. That is basically all I have to say. I am going to let Mr. Johnson finish it up. He has all the information on the restaurant that he plans to put there.

**Frank W. Johnson, 250 Sandhurst Drive, Columbia, SC 29210** - Chef Gary is passing out a brochure of what we are talking about for your review. I want to thank Council for this opportunity to share with you Gary's idea and to answer some of the questions that have already been posed. As Council well knows, the zoning on Lake Murray Boulevard and the Bush River corridor – the C1, C2, is a sparsely used zoning now. Most of us now are either ID or RD. And if you superimpose those over it, it would be ID and, obviously, a restaurant would be allowed. The C1 and the C2 have kind of been replaced in everywhere except, not everywhere, but primarily the Lake Murray Boulevard and the Bush River Road corridor. And if you look at the zoning maps, currently Mr. Barber's property is zoned C1. Part of it was originally zoned C2 and it was changed when he came in ten years ago. But the surrounding property is C2 and single-family residential, the Gardendale. However, Gardendale is surrounded on the other side by commercial and across the street. Across the street from us is C2 and High Density Residential with Church Hill Apartments. There are doctor offices, there is the Lite House, and the Clusters of Whitehall Shopping Center. Someone posed the question of how many other restaurants. There are five that I know of that are within a mile of there. The closest one being Zacks, which is affiliated with the towing service. It is less than quarter of a mile or an eighth of a mile. The Kangaroo Station obviously serves a small amount of takeout food. There is Little Mexico, Burger King, Wings and Ale, and the Cracker

Barrel. Those are the ones that I am familiar with – all within a mile of there. In addition to that, Chef Gary, David, and myself went out to the Gardendale neighborhood and went around on a Friday, Saturday, and Sunday when we first announced this project and spoke to the neighbors, and I have turned it into zoning of the people who support it with signed petitions and Mr. McPherson has that, and I am sure he will make it available. It is unfortunate that the C1 in the zoning does not allow us to provide an upscale restaurant. Our general purpose is to offer a full culinary experience with demonstration classes for people to give them the opportunity to learn to prepare certain items, a bakery, a small shop, if you are familiar with the popular chain in Charleston – Charleston Cooks. There is one that just opened in Columbia - a similar type thing with venues. And through with what David Barber has done with the back of the property, we will be able to offer a wonderful place for family reunions, wedding receptions, and that type of thing that will enhance that section of town. The last thing – someone asked if the Irmo Fire Department had looked at it. Yes, they have. Based upon our preliminary plan, which is not going to change much, it will seat plus or minus 100 people. So we will need 25 places and Dan Creed of Creed Engineering who did the original site plan is changing the site plan to add additional parking and that will be submitted to the county and any landscaping we plan to do and will do additional landscaping to screen and buffer along the Gardendale side. Thank you.

**Gary Uwanqwich, 413 Chaledon Drive, Columbia, SC 29212-** The only thing I want to say is that we want to create a place and atmosphere for the community where they can come in and have a total culinary experience. I have been in the chef business for about 15-20 years. I have a local TV show that airs on Fox Network soon to go syndicate. It is a wonderful opportunity. We have talked to the neighbors and the people in the area and they are very excited. It is something we want to bring to the area. Everybody loves food. My main purpose is people. And when food comes in it sort of breaks down the barrier. We all have to eat so it is something that can bring common ground to the area. It will be very upscale. It is not a culinary school, however, it is just classes teaching people to eat. It is like watching Food Network live. I have been doing this for 15 years. Before we entered into the venture, I am the executive chef of BiLo and did a weekly recipe with them. It is such an asset to the community to actually show you how to prepare a wonderful meal for your family at an economical price. We will have food, fun, and families bringing them together. So it is such an asset to our community. Thank you.

**Jay Welborn, 3510-A Bush River Road, Columbia, SC 29210** - I also own 3510-C, which in your photos there you can see my two buildings. They back up to the property where the pond is. I own Advance Medical Equipment on those two properties. I would like to first say that I have no opposition to it going to C2. I would actually favor it going to C2. I would guess that I am about 500 feet from that building and both my properties are C2. I can certainly understand the residents' concerns. My primary reason for being here is to make sure that you folks know who Frank Johnson is and that being said, he has a long arrest record. He has been convicted of .....

Mr. Banning interrupted Mr. Welborn advising him that his comments were inappropriate. It has nothing to do with what we are looking at now.

Mr. Welborn continued to say, it does because what he has been arrested for is for development type things like this and my concern is that David and Gary both are being taken advantage of and this may not ever happen as a restaurant. So, I would just like for that information to be put forth, and you have it to take that and do with it what you will. Thank you.

Mr. Banning announced there was no one else to speak in favor or against and closed the public hearing.

Mr. Banning said if anyone wanted to add anything for the record to have it to the Clerk to Council by Friday, March 15 and the Planning Commission will have their meeting on Thursday, March 21.

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

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

Not Present: Mr. Jeffcoat\*

\*Mr. Jeffcoat left following the public hearing.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Diana W. Burnett  
Clerk

William B. Banning, Sr.  
Chairman