

**COMMITTEE of the WHOLE COMMITTEE
SPECIAL CALLED COMMITTEE MEETING
SEPTEMBER 14, 2010**

The Committee of the Whole met on Tuesday, September 14, 2010 in the Committee Room, located on the second floor of the Administration Building, beginning at 4:30 p.m. for a Special Called Meeting. The meeting was to hear from the Home Builders Association, builders, and developers regarding the proposed changes to Chapter 7 Land Development Manual, Agreements, Bonding and Warranties. Mr. Kinard, Committee Chairman, presided.

Members Attending:

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

Also attending: Katherine Hubbard, County Administrator; Joe Mergo, Deputy County Administrator; Larry Porth, Finance Director/Assistant County Administrator; 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.

Chapter 7 Land Development Manual, Agreements, Bonding and Warranties - Public Works - John Fechtel, Director - Mr. Earl McLeod, Home Builders Association; Mr. Bill Dixon, Mungo Homes; Carl Berry, Sycamore Development, LLC; and Wade McGuinn, McGuinn Construction were present to discuss issues and concerns about Chapter 7. It was noted that Mr. Berry is also a member of the Lexington County Stormwater Advisory Board. Mr. Fechtel reported that he met with Mr. McLeod and Mr. Dixon on Friday, September 10, 2010 on several issues concerning the development manual. Mr. Dixon, Mr. Berry, and Mr. McGuinn presented feedback on the following concerns and issues listed:

7.1.1 Subdivision Agreement and Surety Bond Document - Mr. Fechtel reported if there are failures in a bonded subdivision, Public Works/Stormwater would notify the developer and ask them to come back with a corrective action within 30 days. If the developer failed to make the corrections in the specified time period or the agreed upon time, the County would pull the bond. The question was asked what other methods could the County do other than pull the bond. Public Works is researching alternative ways to enforce developers to make repairs while it is still under bond. Mr. Dixon explained the difficulties they were encountering in getting feedback from banks in response to their questions concerning pulling a bond before the end of the bond period. He said they have sent information provided by Mr. Fechtel to different bankers and also requested bank representation

at the meeting today. Staff is currently evaluating the process.

7.1.6 Bonded Plats - Mr. Dixon discussed concerns about road signage and the developer being able to buy street signs from companies other than the County. He said based on the meeting from Friday Public Works agreed to research some possibilities.

7.2 Warranty Period/Permanent Stabilization Bond for Publicly Maintained Subdivisions - Mr. Dixon addressed the warranty bond and said 25 percent was an extreme amount to require for a warranty bond. He said it would tie up the developer's line of credit and asked the County to look at a compromise for a more reasonable amount at possibly 5 percent or, a reasonable compromise, as well as the two-year warranty period. Mr. Fechtel explained the bond is based on total construction cost, for example, a \$400,000 project would warrant a bond estimate of \$100,000. Mr. McGwinn offered a compromise of possibly adding additional inspection requirements instead of additional deposits by using cameras to document the work and submit to Public Works. Mr. Fechtel replied this has been considered and believes that developers would pay for this type of inspection. It was also discussed about using independent inspectors. Staff was requested to work with the developers to determine a full spectrum of tests that would be appropriate to reduce the warranty period.

Mr. Fechtel reported that Public Works would work through the issues presented and return with recommendations to Council and HBA at their October 12th meeting.

Possible Executive Session if Time Permits - Executive Session/Legal Briefing - A motion was made by Mr. Davis, seconded by Ms. Summers to go into Executive Session to discuss three contractual matters.

The vote was in favor. Mr. Jeffcoat was not present at the time the vote was taken.

Old Business/New Business - Local Contractors Procurement, Fire Service Volunteer Incentives - None.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Judy R. Busbee
Assistant to the Clerk

James E. Kinard, Jr.
Chairman

Diana W. Burnett
Clerk