

A G E N D A
SPECIAL MEETING

LEXINGTON COUNTY COUNCIL

Tuesday, November 29, 2005

Second Floor - Council Chambers - County Administration Building

212 South Lake Drive, Lexington, South Carolina 29072

Telephone - 803-785-8103 FAX - 803-785-8101

4:30 P.M. - COUNCIL CHAMBERS

Call to Order/Invocation

Pledge of Allegiance

Presentation of Resolution

(1) Mary L. Miller Presented by Councilman Bobby Keisler

Appointments **A**

Bids/Purchases/RFPs

(1) 4-WD Intermediate Utility Vehicle - Fleet Services Motor Pool **B**

(2) Installation of a Gate and Controllers - Emergency Procurement - Sheriff's Department **C**

(3) Security Camera System and Maintenance - Sheriff's Department **D**

Administrator's Report

Chairman's Report

Approval of Minutes - Meetings of October 25 and November 8, 2005 **E**

Committee Reports

Airport, T. Cullum, Chairman

- (1) Airport Beacon & Lighting Repairs - Grant Amendment Request **F**

Economic Development Project

Project Film

- (1) Ordinance - 05-13 - Ordinance Authorizing the Execution and Delivery of a Fee in Lieu of Tax Agreement Between Lexington County and Project Film; and Other Matters Relating Thereto Including, Without Limitation, Payment of a Fee in Lieu of Taxes and Granting Certain Infrastructure Credits to Project Film - 2nd Reading **G**

*** Note: Ordinance 05-13 and 05-14 were combined as one**

OLD BUSINESS/NEW BUSINESS

EXECUTIVE SESSION/LEGAL BRIEFING

MATTERS REQUIRING A VOTE AS A RESULT OF EXECUTIVE SESSION

ADJOURNMENT

A P P O I N T M E N T S - B O A R D S & C O M M I S S I O N S

November 29, 2005

SMOKEY DAVIS

Library Board - Vacant - Term expires 9/26/07

DEBBIE SUMMERS

Board of Zoning Appeals - M. Clark Surratt - Term expires 12/31/05 - (Does not wish to be reappointed)

BOBBY KEISLER

Children's Shelter - Mary L. Miller - Term expired 6/30/05 - Not eligible for reappointment

JOHNNY JEFFCOAT

Children's Shelter - Christine B. Westbrook - Term expired 6/30/05 - Eligible for reappointment

Museum Commission - Sandra Burdett - Term expired 11/01/05 - Not eligible for reappointment

JOHN CARRIGG

Children's Shelter - Vacant - Term expired 6/30/01

Museum Commission - Margaret Strawhorn (Resigned) - Term expires 11/01/06

Board of Zoning Appeals - Malcolm D. Dennis - Term expires 12/31/05 - Eligible for reappointment

JOE OWENS

Accommodations Tax Board - Vacant - Term expires 12/31/06

TODD CULLUM

Assessment Appeals Board - Bill Power - Term expired 9/21/04 - Eligible for reappointment

Children's Shelter - Vacant - Term expired 6/30/03

Board of Zoning Appeals - Marvin Stanley Smith - Term expires 12/31/05 - Eligible for reappointment

AIKEN/BARNWELL COUNTIES COMMUNITY ACTION COMMISSION, INC.

Juanice Aaron - Term expires 12/31/05 - Eligible for reappointment

BUILDING CODE BOARD OF APPEALS

Building - E. D. Sturkie - Term expired 8/13/04 - Not eligible for reappointment

Plumbing - Perry Kimball - Term expired 8/13/03 - Not eligible for reappointment

LEXINGTON/RICHLAND ALCOHOL & DRUG ABUSE COUNCIL

Lynn L. Dooley - Term expires 12/31/05 - Eligible for reappointment

LEXINGTON COUNTY COUNCIL
BOARD/COMMISSION NOMINATION FORM

Name of Board/Commission: Lexington County Board of Zoning Appeals

Nominee: Mark Bostic

Address: 340 Carolz Lane Lexington SC. 29072

Employed by: Self Employed Some one design service

Address: 340 CAROLZ LANE lex SC

Home Telephone: 996 3685 Business Telephone: 957 0445

Mobile Phone: 960 1219 Beeper Number: _____

Fax Number: 957 0446

Is nominee aware of board/commission activities and responsibilities:

Background information (include education, community service activities, previous service on county boards/commissions or any other boards/commissions on which you are currently serving):

currently serving chairman remodelers council
greater columbia (HBA)

currently serving Homebuilders Association Board.

Will also serve on HBA Board 2006

graduate clemson university 1979
BS design degree.

Member Lexington chamber of commerce

Submitted by: Debbie Summers

Lexington County Council

District Number: _____

Telephone 803-785-8103

Date: Nov 15, 05

FAX - 803-785-8101



COUNTY OF LEXINGTON

Procurement Services

MEMORANDUM

DATE: November 16, 2005

TO: Art Brooks
County Administrator

THROUGH: Sheila R. Fulmer, CPPB
Procurement Manager

FROM: Donna J. Harris, CPPB
Procurement Officer



SUBJECT: 4-WD Intermediate Utility Vehicle - Fleet Services Motor Pool

We have received a requisition for the purchase of one (1) New 2006 Jeep Liberty 4WD Intermediate Utility Vehicle for Fleet Services Motor Pool. This vehicle is available from Benson Chrysler Dodge Jeep through South Carolina State Contract Number 05-S6673-A11166. This vehicle will be part of the motor pool and will be used by Public Works/Stormwater Division. This vehicle is recommended and approved in accordance with the Fleet Management Policy by Ellis Gammons, Fleet Manager.

The cost for the Utility Vehicle is \$16,198.00 including applicable sales tax.

Funds are appropriated in account number:

6590-111500-5A6337	(1) Intermediate 4WD Utility Vehicle	\$16,198.00
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I concur with the above recommendation and further recommend that this purchase be placed on County Council's agenda for their next scheduled meeting on November 29, 2005.

copy: Larry Porth, Director of Finance/Assistant County Administrator
Ellis Gammons, Fleet Manager
John Fechtel, Director of Public Works

COUNTY OF LEXINGTON

Procurement Services

MEMORANDUM

(O) 785-8385

(F) 785-2240

DATE: November 4, 2005

TO: Art Brooks
County Administrator

THROUGH: Sheila R. Fulmer, CPPB
Procurement Manager *Sheila R Fulmer*

FROM: Janice A. Bell, CPPB
Procurement Officer *Bell*

SUBJECT: Installation of a Gate and Controllers - Emergency Procurement
Sheriff's Department

Competitive quotations were obtained for the Installation of a Gate and Controllers for the Sheriff's Department. This purchase has been deemed an emergency as this equipment is required as the compound is unsecured due to gates being in-operable. This area needs to be secure due to the buildings/areas housed inside gated area. We received three (3) quotations (bid tabulation is attached). Bids were evaluated by Ray Disher, Building Services Manager and Janice A. Bell, Procurement Officer. We recommend award to Guardian Fence Suppliers as the low bidder meeting specifications.

The cost of this project including all applicable taxes is \$17,308.64.

Funds are appropriated in the following account number:

2632-151300-5A6332 LE/Inmate Services Security Gate System Replacement \$17,308.64

I concur with the above recommendation and further recommend that this purchase be placed on County Council's agenda for their next scheduled meeting on November 29, 2005.

copy: Larry Porth, Director of Finance/Assistant County Administrator
Sheriff James Metts
Chief Bruce E. Rucker, Assistant Sheriff/Director of Public Safety & Homeland Security
Chief Keith Kirchner, Assistant Sheriff
Ray Disher, Building Services Manager

COUNTY OF LEXINGTON

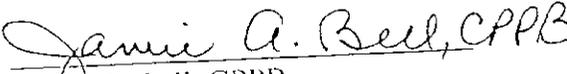
BID TABULATION SHEET

DATE: November 4, 2005

INSTALLATION OF A GATE AND CONTROLLERS

BIDDER	
Guardian Fence Suppliers	\$17,308.64
Dawson Specialties, LLC	\$17,366.20
Construction Associates	\$20,000.00

Bids opened: November 4, 2005


Jamie A. Bell, CPPB
Procurement Officer

COUNTY OF LEXINGTON

Procurement Services

MEMORANDUM

DATE: November 16, 2005

TO: Art Brooks
County Administrator

THROUGH: Sheila R. Fulmer, CPPB
Procurement Manager *Sheila R Fulmer*

FROM: Donna J. Harris, CPPB
Procurement Officer *Donna J Harris*

SUBJECT: SECURITY CAMERA SYSTEM AND MAINTENANCE
SHERIFF'S DEPARTMENT
BID NO. B06002-10/04/05H

Invitations for bids were solicited for a Security Camera System and Maintenance for the Sheriff's Department. We received three (3) bids (see attached bid tabulation). Bids were evaluated by Colonel Allan Paavel, Sheriff's Department and Donna J. Harris, Procurement Officer.

This jail camera system is needed to replace the existing malfunctioning equipment and expand the system to improve the security of the facility. It is a vital component for the safety and security of the detention facility.

It is our recommendation to award the bid to Tech Ventures dba W H Platts Company as the lowest responsive bidder. The total cost for the equipment is \$64,566.59 including applicable sales tax.

Funds are appropriated in account:

2632-151300-5A4746 LE/Inmate Services (1) Exterior Camera System \$64,566.59

I concur with the above recommendation and further recommend that this bid be placed on County Council's agenda for their next scheduled meeting on November 29, 2005.

copy: Larry Porth, Director of Finance / Assistant County Administrator
Sheriff James Metts
Chief Bruce E. Rucker, Assistant Sheriff / Director of Public Safety & Homeland Security
Chief Keith Kirchner, Assistant Sheriff
Colonel Allan Paavel, Sheriff's Department

COUNTY OF LEXINGTON

BID TABULATION SHEET

BID: B06002-10/04/05H

DATE: October 21, 2005

PROCUREMENT FOR: Security Camera System and Maintenance for Lexington County Sheriff's Department

	Tech Ventures dba W. H. Platts Co	Pro Tec Services	Browder Electrones Co
Description			
Equipment	\$60,911.88	\$65,008.92	\$88,431.76
Sales Tax	\$3,654.71	\$3,900.54	\$5,305.91
Total	\$64,566.59	\$68,909.46	\$93,737.67
Maintenance for New Equipment			
Year 1	\$4,386.00	\$17,000.00	\$7,074.50
Year 2	\$4,386.00	\$18,500.00	\$7,074.50
Year 3	\$4,386.00	\$20,000.00	\$7,074.50
Year 4	\$4,825.00	\$21,500.00	\$7,074.50
Year 5	\$5,308.00	\$23,000.00	\$7,074.50
Maintenance on Existing Equipment			
Year 1	\$9,737.00	\$35,000.00	\$12,031.66
Year 2	\$9,737.00	\$37,100.00	\$12,031.66
Year 3	\$10,711.00	\$39,200.00	\$12,031.66
Year 4	\$10,711.00	\$41,300.00	\$12,031.66
Year 5	\$11,783.00	\$43,400.00	\$12,031.66

Bids Opened: October 4, 2005 @ 3:00 p.m.


 Donna J. Harris, CPPB
 Procurement Officer

Minutes are left out intentionally until approved by Lexington County Council. Upon Council's approval, the minutes will be available on the internet.

COMMITTEE REPORT

RE: Airport Beacon & Lighting Repairs - Grant Amendment Request

DATE: November 18, 2005

COMMITTEE: Airport Committee

MAJORITY REPORT: Yes

The Airport Committee convened on Tuesday, November 08, 2005 to consider a request to amend the SC Department of Commerce grant for repairs to the beacon and electrical system following a lighting storm. The estimated cost for repairs is \$450 to \$500.

Ms. Katherine Doucett, Human Resource Director and Assistant County Administrator, stated during a lighting storm the electrical system was struck by lightning that caused additional equipment to be damaged. She said the County is in the process of seeking insurance reimbursement for the damaged regulator. However, during the review of the electrical cabinet, it was identified that better electrical grounding and a new surge protector were needed. The material cost of the electrical grounding is approximately \$200 plus County labor cost and a new surge protector is estimated to be \$250.

The committee voted to recommend to Council that staff proceed with amending the SC Department of Commerce grant to make the necessary repairs.

ORDINANCE NO. 05-13

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AGREEMENT BETWEEN LEXINGTON COUNTY, SOUTH CAROLINA, AS LESSOR, AND PROJECT FILM; AND OTHER MATTERS RELATING THERETO INCLUDING, WITHOUT LIMITATION, PAYMENT OF A FEE IN LIEU OF TAXES AND GRANTING CERTAIN INFRASTRUCTURE CREDITS TO PROJECT FILM

WHEREAS, Lexington County, South Carolina (the "County"), acting by and through its County Council (the "County Council"), is authorized and empowered under and pursuant to the provisions of Title 12, Chapter 44 of the Code of Laws of South Carolina, 1976, as amended (the "Act"), to acquire, construct, or cause to be acquired or constructed by lease or otherwise, properties (which such properties constitute "projects" as defined in the Act) and to enter into agreements with any industry or business providing for the construction, operation, maintenance and improvement of such projects; to enter into or allow financing agreements with respect to such projects; to provide for payment of a fee in lieu of taxes pursuant to the Act; and, to accept any grants for such projects through which powers the industrial development of the State of South Carolina (the "State") and will be promoted and trade developed by inducing manufacturing and commercial enterprises to locate and remain in the State and thus utilize and employ the manpower, agricultural products and natural resources of the State and benefit the general public welfare of the County by providing services, employment, recreation or other public benefits not otherwise provided locally; and

WHEREAS, the County is authorized by the Act to execute a fee in lieu of tax agreement, as defined in the Act, with respect to any such project; and

WHEREAS, the County is authorized by the provisions of the Act and Title 4, Chapter 1 (the "Park Act") of the Code of Laws of South Carolina, 1976, as amended (the "Code") to provide an infrastructure tax credit (the "Infrastructure Credit"), secured by and payable solely from revenues of the County from payments in lieu of taxes pursuant to Article VIII, Section 13 of the South Carolina Constitution, the Park Act and the Act, for the purpose of defraying a portion of the cost of designing, acquiring, constructing, improving or expanding the infrastructure serving the County in order to enhance the economic development of the County; and

WHEREAS, the County and Calhoun County have established or will establish a joint county industrial and business park (the "Park") by entering into an Agreement for Development for a Joint County Industrial Park dated December 11, 1995 and as heretofore amended (the "Park Agreement") and the County will use its best efforts to cause the Park to be amended by enlargement so as to include the Project (hereinbelow defined) and the real property on which the Project will be situate; and

WHEREAS, the County Council has previously determined to enter into and execute the

aforesaid Inducement Agreement and Millage Rate Agreement, and a Fee Agreement and to that end has, by its Resolution adopted on November 8, 2005, authorized the execution of an Inducement Agreement, which included a Millage Rate Agreement (the "Inducement Agreement"); and, will by this County Council Ordinance, authorize a fee in lieu of tax agreement (the "Fee Agreement"); and

WHEREAS, Project Film, a corporation duly and validly existing under the State of South Carolina or its assignees or co-sponsors as their interest may appear (the "Company"), has requested the County to execute the Inducement Agreement and the Fee Agreement for the purpose of authorizing the Company to acquire, by construction and purchase, certain land, a building or buildings, and machinery, apparati, and equipment, for the purpose of the development of a manufacturing facility in which the minimum level of investment is not less than \$75,000,000 in the project by the fifth succeeding year after the year of the execution of the Fee Agreement and the minimum level of investment is not less than \$100,000,000 in the project by the seventh succeeding year after the year of the execution of the Fee Agreement (the "Project"), all as more fully set forth in the Fee Agreement attached hereto; and

WHEREAS, the County has determined that the Project would benefit the general public welfare of the County by providing service, employment, recreation or other public benefits not otherwise provided locally, and, that the Project gives rise to no pecuniary liability of the County or incorporated municipality or a charge against the general credit or taxing power of either; and, that the purposes to be accomplished by the Project, i.e., economic development, creation of jobs, and addition to the tax base of the County, are proper governmental and public purposes; and, that the inducement of the location or expansion of the Project within the County and State is of paramount importance; and, that the benefits of the Project will be greater than the costs; and

WHEREAS, the County has determined on the basis of the information supplied to it by the Company that the Project would be a "project" as that term is defined in the Act and that the Project would subserve the purposes of the Act, and

WHEREAS, the County Council has caused to be prepared and presented to this meeting the form of the Fee Agreement by and between the County and the Company which includes the agreement for payment of a payment in lieu of tax; and

WHEREAS, in accordance with the provisions of the Inducement Agreement, the Company has determined that it desires to construct the Project which will include certain infrastructure to be owned, leased or used by the Company (the "Infrastructure") and to be located on the real property described in *Exhibit A* attached hereto; and

WHEREAS, having determined that the Project will provide public benefits incident to conducting manufacturing facility operations, and in order to implement the public purposes enumerated in the Act and in furtherance thereof to assist the Company in expanding and maintaining the Project within the State of South Carolina (the "State"), the County has agreed to

assist in financing a portion of the costs of the Infrastructure through an Infrastructure Credit in an amount equal to Thirty-three percent (33%) of the fee in lieu of tax payments paid by the Company in the Park in the County pursuant to the Fee Agreement (the "Fee Payments") for each of the first ten (10) years.

WHEREAS, it appears that the instrument above referred to, which is now before this meeting, is in appropriate form and is an appropriate instrument to be executed and delivered by the County for the purposes intended;

NOW, THEREFORE, BE IT ORDAINED by Lexington County, South Carolina, as follows:

Section 1. In order to promote industry, develop trade and utilize and employ the manpower, agricultural products and natural resources of the State by assisting the Company to expand a manufacturing facility in the State, the financing of the Infrastructure by the County through the Infrastructure Credit, and acquire by acquisition or construction a building or buildings and various machinery, apparatus, and equipment, all as a part of the Project to be utilized for the purpose of a manufacturing facility, the execution and delivery of a Fee Agreement with the Company for the Project is hereby authorized, ratified and approved.

Section 2. Pursuant to the authority of the Act, there is hereby authorized to be provided, and shall be provided, the Infrastructure Tax Credit of the County to the Company in the amount of Thirty-three percent (33%) of the Fee Payments for the first ten (10) years of fee in lieu of tax payments on the Project in the Park, up to, but not exceeding, the total cost of the Infrastructure.

Nothing in this ordinance shall be construed as an obligation or commitment by the County to expend any of its funds other than the portion of Fee Payments represented by the Infrastructure Credit derived by the County which shall be payable solely as a credit against Fee Payments due by the Company to the County for the Project in the Park.

Section 3. It is hereby found, determined and declared by the County Council, as follows:

(a) Based solely upon representations of the Company, the Project will constitute a "project" as said term is referred to and defined in the Act, and the County's actions herein will subserve the purposes and in all respects conform to the provisions and requirements of the Act;

(b) The Project and the payments in lieu of taxes set forth herein are beneficial to the County;

(c) The terms and provisions of the Inducement Agreement and Millage Rate

Agreement are hereby incorporated herein and made a part hereof;

(d) The Project will benefit the general public welfare of the County by providing services, employment, recreation or other public benefits not otherwise provided locally,

(e) The Project gives rise to no pecuniary liability of the County or incorporated municipality or a charge against the general credit or taxing power of either;

(f) The purposes to be accomplished by the Project, i.e., economic development, creation of jobs, and addition to the tax base of the County, are proper governmental and public purposes;

(g) The inducement of the location or expansion of the Project within the County and State is of paramount importance; and,

(h) The benefits of the Project will be greater than the costs.

Section 4. The form, terms and provisions of the Fee Agreement presented to this meeting and filed with the Clerk of the County Council be and they are hereby approved and all of the terms, provisions and conditions thereof are hereby incorporated herein by reference as if the Fee Agreement were set out in this Ordinance in its entirety. The Chairman of County Council and the Clerk of the County Council be and they are hereby authorized, empowered and directed to execute, acknowledge and deliver the Fee Agreement in the name and on behalf of the County, and thereupon to cause the Fee Agreement to be delivered to the Company. The Fee Agreement is to be in substantially the form now before this meeting and hereby approved, or with such minor changes therein as shall be approved by the officials of the County executing the same, upon the advice of counsel to the County, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of Fee Agreement now before this meeting.

Section 5. The Chairman of the County Council and the Clerk of the County Council, for and on behalf of the County, are hereby each authorized and directed to execute and deliver any and all documents and instruments and to do and to cause to be done any and all acts and things necessary to effect the execution and delivery of the Fee Agreement and the performance of all obligations of the County under and pursuant to the Fee Agreement and the transactions contemplated by this Ordinance.

Section 6. The provisions of this Ordinance are hereby declared to be separable and if any section, phrase or provisions shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions hereunder.

Section 7. All orders, resolutions, ordinances and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this Ordinance shall take effect and be in full force from and after its passage and approval.

Section 8. The County hereby agrees to waive, to the full extent allowed by law, the requirements of Section 12-44-55 with regard to the Fee Agreement for the Project, to the extent and so long as the Company makes and continues to make all filings with the County required by the Act. The County further authorizes a five (5) year extension to the investment period for the Project as authorized by the Act, subject to the terms of the Fee Agreement, only.

Passed and approved this ____ day of December 2005

LEXINGTON COUNTY, SOUTH CAROLINA

By: _____
M. Todd Cullum, Chairman of County Council
Lexington County, South Carolina

ATTEST:

By: _____
Diana W. Burnett, Clerk to County Council
Lexington County, South Carolina

First Reading: November 8, 2005
Second Reading:
Public Hearing:
Third Reading: