

**MINUTES**  
**LEXINGTON COUNTY COUNCIL**  
**APRIL 27, 2004**

Lexington County Council held its regular meeting on Tuesday, April 27, 2004 in Council Chambers, beginning at 4:30 p.m. Chairman Davis presided; Mr. Rucker gave the invocation; Mr. Wilkerson led the Pledge of Allegiance.

Members attending:   George H. Smokey Davis       Bruce E. Rucker  
                          William C. Billy Derrick       Jacob R. Wilkerson  
                          Bobby C. Keisler               John W. Carrigg, Jr.  
                          Johnny W. Jeffcoat            Joseph W. Joe Owens  
                          M. Todd Cullum

Also attending: Art Brooks, County Administrator; Larry Porth, Finance Director/Deputy County Administrator; Katherine Doucett, Personnel Director/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.

**Employee Recognition - Art Brooks, County Administrator - No report.**

**Employee of the Quarter - Art Brooks, County Administrator -** Nominees for the First Quarter - Rebecca James, Youth Services and Assistant Branch Librarian, Library Services; Carla McClain, Appraiser, Assessment and Equalization; and Robert "Steve" Smith, Construction Assistant, Building Services.

Ms. James was nominated for her dedication to Library Services. Mr. Brooks stated Ms. James was instrumental in creating a beautiful, stimulating and welcoming home-away-from home for the families of the community and is the "grease" that helps to smooth daily operations.

Ms. McClain was nominated for her quick thinking and persistence that a fellow employee seek immediate medical attention that may have saved his life. Mr. Brooks stated Ms. McClain went the "extra mile" in notifying his family.

Mr. Smith was nominated for his leadership during the moving of departments into the new Judicial Center. Mr. Brooks stated Mr. Smith always has a positive and upbeat attitude.

Mr. Brooks presented a plaque to Mr. Steve Smith as the Employee of the First Quarter and Certificates of Excellence were presented to Ms. Rebecca James and Ms. Carla McClain.

**Presentation of Resolutions - John O. "Tee" Derrick - Presented by Councilman Billy Derrick -** Mr. Derrick presented a resolution to Mr. John O. "Tee" Derrick for providing towing services for the County of Lexington since 1974 and his commitment and devotion to the citizens of Lexington County by serving with the Gilbert Summit Fire Department since 1977 and having served as a member of the Gilbert Town Council.

**James B. Ellisor - Presented by Councilman Bruce Rucker -** Mr. Rucker presented a resolution to Mr. James B. Ellisor honoring him for his commitment and service on the Health Services District Board of Directors since 1995.

**Lexington High School SAT Team - Presented by Chairman Smokey Davis -** Mr. Davis presented a resolution to Ms. Angie Freeman and Ms. Madonna Moore, SAT coaches, on behalf of the Lexington High School SAT Team being named Co-Champions of the Class AAAA State SAT Championship in March 2004.

**Marie S. Horne - Presented by Councilman Todd Cullum -** Mr. Cullum presented a resolution to Ms. Marie S. Horne honoring her for her commitment and service on the Lexington County Library Board of Directors since 1995.

**Reserve Deputies - District 5 - Presented by Councilman Bobby Keisler -** Mr. Keisler presented resolutions to the following Reserve Deputies in District 5 for volunteering their time by providing law enforcement duties to the citizens of Lexington County. The Reserve Deputies are: Donald Faircloth, Russell Bauknight, Kevin Blalock, James Collins, Howard Harlee, Robert Hunter, Sandra Ligon, Robin Brown, Sergeant James Joy, Jr., Sergeant Timothy Parcheta, Sr., Lieutenant Kevin Ridenour, Lieutenant Barron Thomas, and Captain Bernard Bourne, III.

Sheriff Metts thanked the Reserve Deputies for volunteering their time to law enforcement and said they make a difference to the citizens of Lexington County. He stated the Reserve Deputies have a "can do" attitude and make sacrifices from their families in giving of their time.

**Resolutions - Lexington County Peach Festival and South Carolina Poultry Festival -** A motion was made by Mr. Derrick, seconded by Mr. Jeffcoat that the resolutions be adopted.

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

In Favor:	Mr. Davis	Mr. Derrick
	Mr. Jeffcoat	Mr. Rucker
	Mr. Keisler	Mr. Carrigg
	Mr. Owens	Mr. Cullum

Not Present: Mr. Wilkerson

\* Mr. Wilkerson was not present at the time the vote was taken.

**Appointments - Building Code Board of Appeals - Building Industry - Ernie Magaro, Jr. -** A motion was made by Mr. Carrigg, seconded by Mr. Jeffcoat to appoint Mr. Ernie Magaro, Jr. to the

Building Code Board of Appeals (Building Industry).

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

In Favor:	Mr. Davis	Mr. Carrigg
	Mr. Jeffcoat	Mr. Rucker
	Mr. Derrick	Mr. Wilkerson
	Mr. Keisler	Mr. Owens
	Mr. Cullum	

**Bids/Purchases/RFPs** - A motion was made by Mr. Wilkerson, seconded by Mr. Rucker that the following bids be approved.

**Transmitter Replacement and Repairs - Public Safety/Communications** - Staff recommended the purchase and repairs to the Ballpark Road transmitter for Public Safety/Communications to Motorola through State Contract Number OIR2002.07. The cost of the transmitter, installation, and labor is \$39,543.51 including sales tax.

**EMS Equipment and Accessories - Public Safety/EMS** - Competitive bids were solicited and advertised for EMS equipment and accessories for Public Safety/EMS. The equipment and accessories are requested in order to provide basic and advanced life support training for EMS personnel. Thirteen (13) bids were received. Staff recommended multiple awards to the following lowest bidders meeting specifications: Municipal Emergency - \$2,352.92, Southeastern Emergency - \$2,118.90, Tri-Anim - \$3,041.85, CW Williams - \$3,286.50, and Armstrong Medical - \$936.60. The total cost including tax is \$11,736.77.

**Bunker Gear - Public Safety/Fire Service** - Competitive bids were solicited and advertised for bunker gear for Public Safety/Fire Service. Eight (8) bids were received. Staff recommended multiple awards to the following lowest bidders meeting specifications: Quest Enterprises - \$33,093.90, Newton's Fire Safety - \$4,420.50, Wally's Fire & Safety Equipment - \$4,095.00, and Anderson Fire and Safety - \$2,528.40. The total cost including tax is \$44,137.80.

**Foam Injection System - Public Safety/Fire Service** - Bids were solicited and advertised to provide and install two (2) Class "A" foam injection systems for Public Safety/Fire Service. The Class "A" foam injection system is used to increase the penetrating power of water. The foam injection system will allow Fire Service to provide better response to fires involving ordinary combustibles. The application of Class "A" foam is quickly becoming the standard mitigation technique for these types of fires maximizing manpower. The installation of these systems will provide two (2) of our existing pumpers with Class "A" foam capability. The pumpers will be strategically placed throughout the County for maximum benefit. One (1) bid was received. Staff recommended awarding the bid to Slagle's Fire Equipment. The total cost including installation and sales tax is \$15,000.00.

**Utility Relocation for Clay Hill Road - Sole Source - Public Works/Transportation** - Staff recommended the award of utility relocation for the Clay Hill Road construction project for Public Works to the sole source provider, South Carolina Electric and Gas Company. The project includes replacing fifteen (15) 45' poles, two (2) 40' poles, seven (7) 50' poles, and three (3) 30' poles. The

total cost for all labor and materials is \$71,851.00.

**6 x 12 Enclosed Trailer - Sheriff's Department** - Competitive bids were solicited and advertised for a 6 x 12 enclosed trailer for the Sheriff's Department. The enclosed trailer is required to carry the robot to and from locations that require the services of bomb detection. Four (4) bids and one (1) no bid were received. Staff recommended awarding the bid to T-N-J Trailers. The cost including sales tax is \$5,911.50.

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

In Favor:	Mr. Davis	Mr. Wilkerson
	Mr. Rucker	Mr. Derrick
	Mr. Keisler	Mr. Jeffcoat
	Mr. Carrigg	Mr. Owens
	Mr. Cullum	

**Chairman's Report** - Mr. Davis reminded Council of the meeting with the Town of Lexington on Monday, May 10 at 6:30 p.m. at Town Hall. He stated the purpose of the meeting is to discuss mutual items of interest.

**Summer Meeting Schedule and Special June Meeting Schedule - Suggested 3<sup>rd</sup> & 4<sup>th</sup> Tuesday (June 15 & 22)** - Mr. Rucker made a motion, seconded by Mr. Derrick to amend the summer meeting schedule to one meeting per month for the months of July, August, and September and to reschedule the June 8 and June 22 Council meetings. The new summer dates are: July 27, August 24, and September 28 and the new June rescheduled dates are June 15 and June 29.

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

In Favor:	Mr. Davis	Mr. Rucker
	Mr. Derrick	Mr. Wilkerson
	Mr. Keisler	Mr. Jeffcoat
	Mr. Carrigg	Mr. Owens
	Mr. Cullum	

**Administrator's Report - Worker's Compensation Program Reports** - Mr. Ed Salyer, Risk Manager, gave an overview of the County's Worker's Compensation program.

Mr. Salyer stated the County is part of a \$300,000 self-insured retention plan. The County pays the first \$300,000 on each claim per occurrence. Mr. Salyer stated if the County had been fully insured under the Worker's Compensation Program, the County would have paid out \$4.6 million from 1997 through February 29, 2004. He stated with the self-insured retention plan, the County paid a reduced premium of \$1.2 million which is a \$3.3 million savings the County was able to retain.

Mr. Salyer stated the claims through February 29, 2004 have been \$2.4 million, therefore, a savings of approximately \$981,000.

Mr. Wilkerson stated he originally asked for the worker's compensation report because he wanted to know how much the County has paid out in claims over the past two years and why the County had to transfer funds into the program when it had not been necessary in previous years.

Mr. Salyer stated the County had some claims lag in which the County was still responsible for what occurred in 2001 and 2002. He said the average reimbursement claim is \$27,000 per month. He said in the beginning of FY 2003/04 the County was paying approximately \$49,000 per month. He stated, "Is our program in jeopardy? I don't think so." He stated the County is being most effective in risk management as the County is looking at claims harder, reserves, making preparations in our budgets, and taking measures in training programs, etc. He stated the County is having to pay more because health care has risen. He said worker's compensation does not have the cost containment that you have in health care such as deductibles, out-of-pockets, co-payments, etc.

Mr. Derrick asked if the County negotiates rates with hospitals and other insurers.

Mr. Salyer stated the County is part of the Association of Counties worker's compensation trust and they negotiate a PPO network just like the County does for health care.

Mr. Derrick stated as he understood the County has had only 69 claims through February 29, 2004 compared to 129 claims for FY 2002/03.

Mr. Salyer stated for FY 2000/01 the County processed 157 claims versus 129 for FY 2002/2003, which is an 18 percent reduction in the number of claims processed. Mr. Salyer said at the rate of claims thus far, the County projects 100 claims for FY 2003/04.

Mr. Wilkerson stated Council's concern was whether or not there were more claims or because of rising costs that necessitated the transfer of funds during the April 13, 2004 Council meeting.

**Development Activity Report** - Ms. Tammy Coghill, Director, Community and Economic Development, presented Council a prototype of development activities within Lexington County by district. She stated the report will be most helpful to Council as it provides activity of new plans submitted for commercial and residential subdivisions.

Mr. Keisler thanked Ms. Coghill for the activity report and said it will be a valuable tool for Council.

**Presentation of FY 2004/05 Recommended Budgets - Finance - Larry Porth, Director** - The FY 2004/05 recommended general fund and non-general fund budgets were presented to Council.

Mr. Davis asked the chairman of each committee to begin the process of scheduling committee meetings to review the recommended budgets.

**Budget Amendment Resolutions** - The following BAR was distributed and signed:

A supplemental appropriation decrease of \$42,180.00 from the bond proceeds of the developer of the Stoney Pointe subdivision and an appropriation transfer of \$52,170.00 from schedule "C" funds to pay for the completion of Stoney Pointe Drive and Stoney Pointe Circle.

**Approval of Minutes - Meeting of March 23, 2004** - A motion was made by Mr. Wilkerson, seconded by Mr. Cullum that the March 23, 2004 minutes be approved as submitted.

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

In Favor:	Mr. Davis	Mr. Wilkerson
	Mr. Cullum	Mr. Rucker
	Mr. Derrick	Mr. Keisler
	Mr. Jeffcoat	Mr. Carrigg
	Mr. Owens	

**Ordinances - Ordinance 04-01 - \$15,000.00 Supplemental Budget Appropriation - Solicitor - 3<sup>rd</sup> and Final Reading** - A motion was made by Mr. Jeffcoat, seconded by Mr. Rucker that Ordinance 04-01 be given third and final reading.

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

In Favor:	Mr. Davis	Mr. Jeffcoat
	Mr. Rucker	Mr. Derrick
	Mr. Wilkerson	Mr. Keisler
	Mr. Carrigg	Mr. Owens
	Mr. Cullum	

**Committee Reports - Planning & Administration, B. Rucker, Chairman - Proposed Amendments to the Text of the Landscape Ordinance 99-21 - 1<sup>st</sup> Reading** - Mr. Rucker reported his committee met on April 13, 2004 to consider a proposal by the Planning Commission to amend the text of Landscape Ordinance (99-21); *Article 3, Section 6, Major Road Corridors and Article 1, Section 1.3, Scope of Regulations, and Article 3, Section 7, Scenic Corridor Protection.*

Mr. Charlie Compton, Director Planning & GIS, stated the Landscape Ordinance was created in a very flexible format that envisioned the possibility that in some portions of the County it might be desirable to implement only certain sections of the ordinance; however, when the Landscape Ordinance was adopted for a portion of the County, it was adopted in its entirety. *Article 3, Section 6, Major Road Corridors* the recommendation is to require planting of street trees on **all** roads rather than just Arterial roads.

Mr. Compton stated *Article 1, Section 1.3, Scope of Regulations, and Article 3, Section 7, Scenic Corridor Protection*, changes were recommended in order to include additional residential activities under the provisions of a Scenic Corridor designation. Exempt would be the front yards of individual homes; however, the recommendation would require residential subdivisions to follow the scenic corridor requirements when the lot frontage is not the front yards of homes.

The Planning and Administration Committee voted to recommend that Council allow staff to move forward with the proceedings to schedule the readings and public hearing for the proposed amendments to Ordinance 99-21.

A motion was made by Mr. Rucker, seconded by Mr. Jeffcoat to approve that staff be allowed to move forward with the proceedings and approve first reading of Landscape Ordinance 04-03.

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

In Favor:      Mr. Davis                      Mr. Rucker  
                    Mr. Jeffcoat                      Mr. Derrick  
                    Mr. Wilkerson                      Mr. Keisler  
                    Mr. Carrigg                      Mr. Owens  
                    Mr. Cullum

**Justice, J. Carrigg, Chairman - Sheriff's Department - FY2004 State Homeland Security Grant Program and FY2004 Law Enforcement Terrorism Prevention Program Grant** - Mr. Carrigg reported that during the afternoon meeting, his committee met to discuss the FY2004 State Homeland Security Grant Program and FY2004 Law Enforcement Terrorism Prevention Program Grants for the Sheriff's Department. Mr. Carrigg said these grants are to benefit the entire County, including the municipalities. Mr. Carrigg stated these grants are in the amount of \$572,915.00 and are 100 percent Federal funded.

A motion was made by Mr. Carrigg, seconded by Mr. Keisler to approve staff's request to move forward with the FY2004 State Homeland Security Grant Program and the FY2004 Law Enforcement Terrorism Prevention Program Grant applications.

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

In Favor:      Mr. Davis                      Mr. Carrigg  
                    Mr. Keisler                      Mr. Rucker  
                    Mr. Derrick                      Mr. Wilkerson  
                    Mr. Jeffcoat                      Mr. Owens  
                    Mr. Cullum

**Public Works, B. Derrick, Chairman - Sandhills Parkway and Foster Brothers Drive - Public Works** - Mr. Derrick stated his committee met on April 13, 2004 to consider a recommendation from the Public Works Department to accept Sandhills Parkway and Foster Brothers Drive into the County's road maintenance system.

Mr. John Fechtel, Director of Public Works, stated that Mr. Lloyd Kapp has privately maintained Sandhills Parkway and Foster Brothers Drive for some time and had previously asked that the County include these roads into the County's road maintenance system. He stated the County provided Mr. Kapp a list of deficiencies that has since been corrected by his contractor. Mr. Fechtel stated Mr. Kapp has submitted construction plans and rights-of-way forms for the roads and drainage which have been reviewed by Mr. Jeff Anderson, County attorney.

Mr. Fechtel stated Sandhills Parkway is a four-lane 48 foot wide entrance road approximately 646 feet in length from the edge of pavement on US 321 to the centerline of Foster Brothers Drive. It has an 80-foot right-of-way with barrier curb and gutter.

Mr. Fechtel stated Foster Brothers Drive is a two lane 24 foot wide access road on which all the active current businesses are located. The road is approximately 2210 feet long from the centerline of Sandhills Parkway to the end of pavement. This section has a 66-foot right-of-way with barrier curb and gutter.

Mr. Fechtel stated the surface is in good condition with some minor cracking that has since been sealed by the contractor. There were two utility cuts that were patched with concrete and painted black with an asphalt emulsion. These were replaced with concrete and topped with asphalt. The plans specified a three inch binder course topped with a 1 ½ inch wearing surface and we were able to verify an asphalt thickness that met or exceeded the requirements.

The Public Works Committee voted to recommend that Council approve staff's recommendation to include Sandhills Parkway and Foster Brothers Drive into the County's road maintenance system.

A motion was made by Mr. Derrick, seconded by Mr. Jeffcoat to approve staff's recommendation.

Mr. Davis opened the meeting for discussion.

Mr. Rucker stated he understood Sandhills Parkway and Foster Brothers Drive have already been paved.

Mr. Derrick replied, yes. Mr. Derrick stated the roads had to be paved before the County would include them into the County's road system.

In Favor:	Mr. Davis	Mr. Derrick
	Mr. Jeffcoat	Mr. Rucker
	Mr. Wilkerson	Mr. Keisler
	Mr. Carrigg	Mr. Owens
	Mr. Cullum	

**Health & Human Services, J. Wilkerson, Chairman - Fire Department Grant Assistance - Fire Service** - Mr. Wilkerson stated his committee met on April 13, 2004 to discuss how the County can assist the Edmund and Sandy Run Fire Departments with matching funds for grants received from the Federal Emergency Management Agency.

Chief Russell Rawl, Fire Service Coordinator, stated the Edmund Fire Department received a grant in the amount of \$13,800 with a 10 percent match of \$1,380 for a thermal imaging camera and the Sandy Run Fire Department received a grant in the amount of \$55,570 with a 10 percent match of \$5,557 for a breathing air system upgrade and a thermal imaging camera. Chief Rawl stated the 10 percent match needed for both fire departments is \$6,937.

Chief Rawl stated Fire Service, as well as all emergency responders throughout the County, will benefit from this purchase of equipment. He stated the \$6,937 is available through the Fire Service contingency account with no negative effect on Fire Service operations.

The Health and Human Services Committee voted to recommend that Council approve the 10

percent match of \$6,937 through the Fire Service contingency account for the Edmund and Sandy Run Fire Departments.

A motion was made by Mr. Wilkerson, seconded by Mr. Keisler to approve the 10 percent match of \$6,937 through the Fire Service contingency account for the Edmund and Sandy Run Fire Departments.

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

In Favor:	Mr. Davis	Mr. Wilkerson
	Mr. Keisler	Mr. Rucker
	Mr. Derrick	Mr. Jeffcoat
	Mr. Carrigg	Mr. Owens
	Mr. Cullum	

A budget amendment resolution in the amount of \$6,937 was distributed and signed for an appropriation transfer from the Fire Service capital contingency fund to provide the 10 percent matching funds for the Edmund and Sandy Run Fire Departments' grants through the Federal Emergency Management Agency.

**Old Business/New Business - County Dirt Roads** - Mr. Rucker stated he and Mr. Derrick have received a number of complaints regarding dirt roads in their districts, Districts 1 and 2. He stated the reasons for these complaints are contributed to several factors: (1) when it is tremendously dry, the roads have a ripple effect, (2) when it has been wet, the County has attempted to level the roads by using clay which then causes the roads to become muddy, and (3) the growth.

Mr. Rucker asked that Mr. Derrick be allowed to work with Mr. Fechtel, Director of Public Works, to see if there is anything the County can do to improve the County's dirt roads and perhaps identify an agent that can be added to clay to harden the surface.

Mr. Davis granted Mr. Rucker's request.

**Executive Session/Legal Briefing** - A motion was made by Mr. Carrigg, seconded by Mr. Wilkerson to go into Executive Session to receive the legal briefing and to discuss contractual matters.

In Favor:	Mr. Davis	Mr. Carrigg
	Mr. Wilkerson	Mr. Rucker
	Mr. Derrick	Mr. Keisler
	Mr. Jeffcoat	Mr. Owens
	Mr. Cullum	

Mr. Davis reconvened the meeting in open session.

**Matters Requiring a Vote as a Result of Executive Session** - Chairman Davis reported Council received the legal briefing and discussed contractual matters during the Executive Session and

indicated no motions were to be considered.

There being no further business, the meeting was adjourned.

**Adjournment.**

Respectfully submitted,

Dorothy K. Black  
Clerk

George H. Smokey Davis  
Chairman

Diana W. Burnett  
Asst. Clerk to Council