

M I N U T E S  
LEXINGTON COUNTY COUNCIL  
JANUARY 22, 2008

Lexington County Council held its regular meeting on Tuesday, January 22, 2008 in Council Chambers, beginning at 4:30 p.m. Mr. Derrick presided.

Reverend Lonnie Shull, President of the Chaplains at Lexington Medical Center, and Pastor Emeritus at First Baptist Church in West Columbia gave the Invocation.

Members of the Naval JROTC at White Knoll High School led the Pledge of Allegiance.

Members attending:	William C. Billy Derrick	James E. Kinard, Jr.
	George H. Smokey Davis	Debra B. Summers
	Bobby C. Keisler	Johnny W. Jeffcoat
	John W. Carrigg, Jr.	William B. Banning, Sr.
	M. Todd Cullum	

Also attending: Katherine Hubbard, County Administrator; Joe Mergo, III, Deputy County Administrator; Larry Porth, Finance Director/Assistant County Administrator; John Fachtel, Director of Public Works/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.

**Comments from Councilman Davis** - Mr. Davis thanked fellow Council members and Lexington County employees for their outpouring support to him and his family during the loss of his wife, Alecia.

**Chairman's Report** - Mr. Derrick reported he, Ms. Hubbard, and Mr. Ed Sayler, Risk Manager, will be attending the annual S.C. Counties Workers' Comp Trust meeting in Myrtle Beach on January 30-31, 2008.

In addition, Mr. Derrick reported he, Vice-Chairman Summers, Ms. Hubbard, and Mr. Mergo met with the Mr. Prince, the County's auditor, last week to review the County's audit, which will be shared with everyone momentarily.

**Administrator's Report - Audit Update - Ken Prince, CPA - Brittingham, Brown, Prince and Hancock** - Mr. Prince thanked Council for allowing his firm to serve again as the independent auditor and thanked staff in assisting his firm during the audit process. He said he found everyone to be very knowledgeable, extremely helpful, and cooperative.

Mr. Prince said the CAFR (Comprehensive Annual Financial Report) that presents the County's financial statements contains a lot of additional information in very great detail. Mr. Prince said in order to gain a very good understanding of the information, he recommended reading the Transmittal Letter, Management Discussion and Analysis, and the Notes to Financial Statements.

Mr. Prince stated the financial statements were prepared by the County's Finance staff and that Brittingham, Brown, Prince & Hancock, CPA, LLC audited and expressed an opinion on the fairness of

their presentation.

Mr. Prince stated that Brittingham, Brown, Prince & Hancock, CPA, LLC issued the audit report with no qualifications. The report on internal controls and compliance had no material weaknesses. Mr. Prince said it is an honor to work on an audit where the staff is so conscious of the internal controls.

He said during the year, the County's assets exceeded its liabilities at June 30, 2007 by \$201.9 million and \$77 million of that, the unrestricted portion, is available to meet the County's ongoing obligations.

The County's total net assets increased \$22.25 million with the majority of the increase coming from governmental activities. At June 30, 2007, the County's governmental funds, fund balance sheet, reported a combined fund balance of \$84 million, an increase of \$13.6 million over the previous fiscal year. Of this amount, \$81.8 million remains in various funds of the County as unreserved fund balance.

The General Fund reported a fund balance of \$49.9 million, an increase from last fiscal year of \$9.4 million. This ending fund balance equates to 70 percent of General Fund expenditures and transfers out for the year. Mr. Prince noted that even though this seems to be a high number, he said an entity where the majority of the funding comes in the form of property taxes after the first six months of the year, it is a healthy situation to be in to carry you through the year without having to borrow funds.

During 2007 the County issued \$13 million in G.O. Bonds to purchase 501.83 acres of land and additional infrastructure in the industrial park (Saxe Gotha Industrial Park), related to economic development.

The General Fund reported revenues of \$5.4 million over the budget and expenditures that were \$10.3 million under the appropriations.

Mr. Prince said the firm found that the County was fiscally responsible and budgetarily conscious and offered to return at a later time should Council desire additional information.

Mr. Derrick asked Mr. Prince to address GASB 45 and what is on the horizon for next year.

Mr. Prince stated GASB 45 (Government Accounting Standard Board) will require entities to address post-employment benefits, health care for retirees. In the past, the County was not required to record an unfunded liability, but now they want an actuarial study to determine what that liability for that program is and how it is being addressed. Therefore, there will be some disclosures that will have to be included in the financial statements as well as any liability, which will have a major impact on the General Fund balance. Mr. Prince said the Board wants everyone to set up an account and start funding the post-employment benefits liability. Mr. Prince said the new accounting practices will probably have to be included the financial statements for FY2008/2009.

**PBR, Inc.** – Ms. Mary Pat Baldauf, Recycling Coordinator, recognized Mike Petruso, Tom Stanfield, and Danny Moore of PBR, Inc., one of the world's leading producers of automotive brakes, for receiving the "Best Medium Recycling Program" award from the S.C. Department of Commerce and the S.C. Recycling Market Development Advisory Council. Ms. Baldauf said through PBR's recycling efforts they have diverted 4,700 tons of waste from area landfills and reprocessed and recycled 881,000 gallons of fluids that would have otherwise gone to municipal water treatment facilities or disposal sites.

Mr. Baldauf presented to BPR, Inc. a lamp made from a reclaimed bottle from the County's landfill.

**White Knoll/Lower Lexington Sub-Area Transportation Plan** - Ms. Hubbard reported that Central

Midlands Council of Governments (CMCOG) held a “kick-off” meeting for the White Knoll/Lower Lexington Sub-Area Transportation Plan meetings on Thursday, January 17. The public meetings for the study are tentatively scheduled for the week of February 4-8, 2008. The boundaries of the study are from I-20 to Edmund from Calks Ferry Road to Emanuel Church Road.

**Employee Recognition - Katherine Hubbard, County Administrator** - Ms. Hubbard recognized Marti Taylor, Chief Building Inspector with Community Development,

Ms. Hubbard said Ron Scott, Director of Community Development, received a letter from Sgt. Devon Hughes, Traffic Coordinator/Alive at 25, commending Marti for his assistance whenever he needs assistance working on a case. He said Marti is very knowledgeable and always willing to help.

Ms. Hubbard recognized Marlon Buff, Software Development Manager and Mike Smith, Applications Analysts with Information Services,

Ms. Hubbard said Jim Schafer, Information Services Manager, received a letter from Sheriff Metts commending Marlon and Mike for their work on the Sheriff’s Department automated online submission reporting system. Sheriff Metts said because of their efforts, the department was able to achieve certification from SLED for the automated on-line submission of incident reports and arrests.

**Appointments** - None.

**Bids/Purchases/RFPs** - A motion was made by Mr. Davis, seconded by Mr. Cullum that the following Bids/Purchases/RFPs (Tabs O through V) be approved.

**Fifteen Handguns with Accessories - Sheriff’s Department** - Staff recommended the purchase of fifteen (15) handguns with accessories for the Sheriff’s Department from Lawman’s Safety through State Contract Number 05-S6726-A11237. Total cost including tax is \$8,748.85.

**Four Handheld Radar Units - Sheriff’s Department** - Staff recommended the purchase of four (4) handheld radar units for the Sheriff’s Department from Decatur Electronics through State Contract Number 05-S6652-A11112. Total cost including tax is \$5,221.60.

**One Forensic Mapping System - Sheriff’s Department** - Bids were solicited and advertised for a forensic mapping system for the Sheriff’s Department. Two (2) bids were received. Staff recommended the award of the bid to ABC Surveying Instruments as the lowest responsible bidder. Total cost including tax is \$7,863.43.

**Proximity Lock Systems - North and South Region Service Centers and Lexington County Airport at Pelion - Sheriff’s Department and Building Services** - Staff recommended the purchase of proximity lock systems for the North and South Region Service Centers and the Lexington County Airport at Pelion for the Sheriff’s Department and Building Services through the sole source provider, ADT Security Services. This has been deemed a sole source as these systems are currently used in other County facilities using ADT Security Services’ enterprise software that is managed centrally in the County’s I.T. server room. Total cost including tax is \$32,337.72.

**Request for Approval to Utilize Competitive Sealed Proposals Process for Jail Commissary Services - Sheriff’s Department** - Staff requested authorization to use the Request for Proposals (RFP) process in order to seek competitive proposals from potential qualified bidders to provide commissary services for the Sheriff’s Department. Due to the scope of the project, it is not practical or advantageous to write a comprehensive set of specifications that may limit resources or restrict competition. In selecting a

contractor other award criteria in addition to cost will be considered. A review panel will be responsible for reviewing and evaluating proposals based upon specific evaluation factors.

**Six Ballistic Shields - Sheriff's Department** - Staff recommended the purchase of six (6) ballistic shields for the Sheriff's Department from Dana Safety Supply DBA Palmetto Distributors through State Contract Number 03-S5770-A9435. Total cost including tax is \$10,352.25.

**Three 800 MHZ Radios - Sheriff's Department** - Staff recommended the purchase of three (3) 800 MHZ radios for the Sheriff's Department directly from the manufacturer, Motorola, through State Contract Number OIR2002.07. Total cost including tax is \$14,400.86.

**Smart Phones** - Quotation for Smart phones were obtained by the South Carolina Office of the Chief Information Officer (CIO) IT Procurement Section for Smart phones and service for an initial two-year term, with optional year-to-year extensions up to a total of five years. Five (5) quotations were received. Staff recommended the award of the bid to Sprint/Nextel as the low bidder meeting specifications.

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

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

**Approval of Minutes - Meeting of December 11, 2007** - Mr. Banning made a motion, seconded by Mr. Jeffcoat to approve the December 11, 2007 minutes as submitted.

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

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

**Committee Reports - Justice, B. Banning, Sr., Chairman - Multijurisdictional Drug Enforcement Unit Agreement - Sheriff's Department** - Mr. Banning reported during the afternoon, the Justice Committee met and reviewed the Multijurisdictional Drug Enforcement Unit Agreement submitted by the Sheriff's Department. The agreement is to span the geopolitical boundaries of all areas of Lexington County to the fullest extent allowed under South Carolina law for the express purpose of investigating the illegal use of controlled substances and other crimes by continuing the Lexington County Multi-Agency Narcotics Enforcement Team formed in 2001. The agreement is between the Batesburg-Leesville Police Department, Cayce Department of Public Safety, Chapin Police Department, Irmo Police Department, Lexington County Sheriff's Department, Lexington Police Department, Pine Ridge Police Department, Pelion Police Department, Springdale Police Department, Swansea Police Department, and the West Columbia Police Department.

Mr. Banning made a motion, seconded by Mr. Keisler to approve the Multijurisdictional Drug Enforcement Unit Agreement. The agreement may be signed either by the Chairman or County Administrator.

Mr. Derrick opened the meeting; no discussion occurred.

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

**Health & Human Services, J. Carrigg, Jr., Chairman - Organizational Structure - Public Safety/Fire Service** - Mr. Carrigg reported his committee met during the afternoon to consider a request by Public Safety/Fire Service to amend their leadership structure. The change is to utilize three existing captains' positions as Battalion Chief/Captains, which will report to the North and South Region Operations Chief to assist in the day-to-day operations, and to create seven battalions within the North and South Region. Each battalion will be led by three captains who will report to the Battalion Chief/Captain.

Mr. Carrigg made a motion, seconded by Mr. Jeffcoat to adopt the organization structure as recommended by Public Safety/Fire Service.

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

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

**Solid Waste, J. Kinard, Chairman - DHEC Used Oil Grant Application for Additional Funding** - Mr. Kinard reported his committee met to consider a request by Dave Eger, Director of Solid Waste Management, to allow staff to apply for an additional \$10,000 from the DHEC's Used Oil Grant. There is no County match required. The additional funds will be used to increase outreach and education for the County's used oil recycling collection program.

Mr. Kinard made a motion, seconded by Mr. Davis to approve staff's request to move forward with the submittal of the grant application.

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

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

**Committee of the Whole, B. Derrick, Chairman - Building Use and Naming Policy** - Mr. Derrick reported the Committee of the Whole met and had in-depth discussions on the proposed Building Use and Naming Policy. The Committee postponed their recommendation to full Council to allow staff adequate time to put the Building Use and Naming Policy in final form following amendments made by the Committee.

**Executive Session/Legal Briefing** - Mr. Derrick stated Executive Session will consist of nine legal and

contractual matters.

Mr. Davis made a motion, seconded by Mr. Kinard to enter into Executive Session.

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

Mr. Derrick reconvened the meeting in open session and reported Council will have to re-enter Executive Session following the public hearings.

**6:00 P.M. - Public Hearings - Zoning Map Amendment M07-09 - 3512 Bush River Road, Columbia**  
- Mr. Hiller, Development Administrator, Community Development, presented the information for Zoning Map Amendment M07-09. Mr. Hiller stated the applicant, Mr. Chris Schroeder, has requested that a portion of TMS# 003696-04-005 located at 3512 Bush River Road be changed from Neighborhood Commercial (C1) to General Commercial (C2). Mr. Schroeder indicated on his application the reason for the request is to allow for a food service activity. Mr. Hiller said in conversations with Mr. Schroeder he wishes that a tenant be allowed to operate a bakery out of his building. Mr. Hiller gave a brief zoning history.

Mr. Carrigg stated for clarification that a partial rezoning of the back lot was in 2000 when it was rezoned from Intensive Development (ID) to General Commercial (C2) and there had been no further requests.

Mr. Hiller responded, that's correct. Mr. Hiller said the map amendment in 2000 was held up so a Text Amendment to define Towing and Impoundment Lots could catch up so they could go through the amendment process simultaneously.

Mr. Derrick opened the public hearing for those in favor of Zoning Map Amendment M07-09.

**In Favor:**

**Mr. Chris Schroeder, 3512 Bush River Road, Columbia, SC 29212** - I own this property and a young lady, Ms. Sidney Ramsdell wishes to open up a bakery; she does wedding caterings, etc. She will also be selling coffee and doughnuts in the morning, to hopefully get some of the traffic that has moved in around me. With the American Legion moving in and with Kelly Aarons bringing in a lot of real estate, hopefully she will do real well.

I do own the towing and impoundment lot. She (Ms. Ramsdell) is going in the upper unit. She will have the whole end of the building. There will be no bar or lounge. Also, I have a tenant, a mortgage company upstairs, and my corporate office is also there.

Mr. Carrigg asked Mr. Schroeder how long he has owned the property.

Mr. Schroeder replied, a year. I brought it from Mr. Sturkie, E.D. Sturkie. I have been there for four years.

Mr. Derrick stated no one else had signed up to speak in favor of Zoning Map Amendment M07-09 and closed that portion of the hearing.

Mr. Derrick opened the public hearing for those in opposition and stated no one had signed up to speak.

Mr. Derrick closed the public hearing.

**Zoning Map Amendment M07-10 - (Road Classification Change) Approximately 480 feet of Linwood Drive, Lexington Beginning at Current RL4 Boundary to Common Property Line of TMS 004200-03-042 and 004200-03-041** - Mr. Bruce Hiller, Development Administrator, Community Development, presented the information to Zoning Map Amendment M07-10. Mr. Hiller stated the applicant, Mr. Glen Mack, representative for Lexington Medical Center (LMC), has requested a road classification change of approximately 480 feet of Linwood Drive, Lexington, SC beginning at the current RL4 boundary to common property line of TMS# 004200-03-042 and 004200-03-041 from Residential Local 4 (RL4) to Local (L). Mr. Mack indicated on his application the reason for the request is to maximize the distance of the proposed entrance/exit drive to the proposed medical park from the intersection of Linwood Drive and Augusta Highway, as well as, to provide secondary access for emergency vehicles and ingress/egress efficiency to the medical park. Mr. Hiller gave a brief zoning history, allowed activities, and reviewed the maps and area by using a Power Point presentation.

Mr. Hiller said in order to have access for a medical office building, it would not be allowed off the RL4 street classification but would be allowed off of a Local and certainly is allowed off the arterial, which is Augusta Highway. The proposed zoning classification is to take the Local classification from the current ending point all the way to the point as described earlier. However, as he understands, Lexington Medical Center does not, yet, own TMS# 004200-03-042 but possibly may be in negotiations to purchase it, so that is the reason they want to take the zoning classification back to that point, so they would not have to come back to Council at a later time. Mr. Hiller said on the preliminary site plan, LMC intends to access off Augusta Highway with one entrance, but they are also asking that they be allowed to access with a driveway off of Linwood Drive. He said zoning allows for driveway access, one per road frontage, so they would be allowed to access Linwood Drive, but currently that portion which is currently zoned as Local.

Mr. Derrick opened the public hearing for those in favor of Zoning Map Amendment M07-10.

**In Favor:**

**Mr. Glenn Mack, 2720 Sunset Blvd., West Columbia, SC 29169** - The medical center's intent on this was, as we've got more property and in the process of buying another lot there, we want to be able to have a secondary driveway coming off on Linwood that would not only serve the one doctor's office that is proposed now but any future growth on that area. This is our intent.

Mr. Derrick stated no one else had signed up in favor of Zoning Map Amendment M07-10 and closed that portion of the public hearing.

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

**In Opposition:**

**Mr. Boyce Jennings, 103 Linwood Drive, Lexington, SC 29072** - I do not have an issue with the medical center. I understand that it is probably needed and will be appreciated. My issue is with the way the paper that I got in the mail read. The medical center needs to prove a need for this driveway to be there before it is approved. I don't understand how you prove a need for something when there is not even a building there yet, much less any statistics or traffic surveys to show a need for one to be built, even based on speculation for future development. I had no idea until just a few minutes ago that there was speculation for future development, which makes me oppose to it even more. You have to understand that I have lived at that residence for 23 years. It is a dead-end street. It is probably an anomaly at this point as it is right dead in the middle of all this commercial activity that is around us. We have relative

seclusion, quiet privacy, and very little traffic on that street. That is the way that I would prefer it to stay.

My second point, which I don't know if it is even relevant for this hearing, is the privacy issue. We have had privacy there for over 20 years and now we have potential for doctors' offices and so forth right across the street. I feel that there should be some, as a matter of respect, privacy screens put up there; be it scrubs or some type of a fence. I would think shrubbery would be more eye-appealing and more aesthetics. But something there to ensure our privacy, especially if it is going to be a high-flow area, and I suspect it probably will be. But as far as this hearing is concerned, I don't understand where there is a need for an additional driveway to be there. They will have an access to U.S. 1, directly on and off. Looking at the plans they showed me in the hallway, basically, they just want the parking lot and driveway for the building to wrap all the way around the building and come right back out. There are plenty of other businesses on U.S. 1 who do not have that luxury, and I just don't understand why that is necessary for this one. Thank you.

**Mr. Jerry McLane, 100 Linwood Drive, Lexington, SC 29072** - I have lived at this address for 24 ½ years. To my knowledge it has not been, if you count on one hand, the problems that we have had down that road. We still have problems with people coming down the road, stop, park, and turn around. I am sure this is going to increase the traffic and probably increase us a little bit to be more secure with lights and stuff like that. I have been looking at these maps that were handed out and they said 480 feet. Well, 480 feet is 1,760 yards. That is about a football field and a half. Linwood is not but a quarter of a mile. So, saying going that little bit .... I worked for DHEC for 28 years in accounting and you can tell by that map that it's not giving you the true picture of what's happening. Because there is no way it could measure and come up 480 feet without taking probably half or over half of Linwood Drive. I just would like to see it stay as it is. Lexington Medical in front of K-Mart, they've got the two little back entrances and then they have the wide front. Why can't they just have the wide front on that property onto Highway 1 and that way Linwood would not be touched. I just don't think it is a good idea. My doctor, his business is owned by Lexington County (Lexington Medical Center). He works for Lexington County (Lexington Medical Center), and he abides by their rules. I'm sure that is what's going to happen here. They are going to bring in doctors, not for our benefits, but for Lexington County's (Lexington Medical Center) benefit. And there's other property available. There is one right there next to K-Mart. It's been there two or three years; it's been cleared and nobody has built anything. It might be an ideal place. But, of course, it would be right across but that would be to the advantage of the person coming to see the doctor and if he had to have something done, all he would have to do is cross the street. The biggest thing I find wrong is the measuring because 480 feet don't sound like much, but it's a good ways. I don't know how many feet are in a mile or quarter mile, but if you figure it up, it's not going to wash. It is not going to be correct. Will this affect our property taxes any way, up or down? The value of our houses, up or down, for all the traffic. That's something else to consider. I can't go anywhere else. I'm a Vietnam War veteran. I'm dying from Agent Orange, and I like it the way it is. It just doesn't add up, and I would appreciate it if you would consider not letting them put a road on the access.

**Ms. Jane Kelly, 112 Linwood Drive, Lexington, SC** - I speak on behalf of my mom who lives on Linwood Drive, and I grew up there. We live at the very end of the road. It has been like Mr. McLane said, it has been very quiet. We've had very few things going on. My concern is mostly with the turnarounds. You will have more access to a road with Lexington Medical Center coming up there and you are going to have more turnarounds. My mom is elderly. She is the only elderly that lives on that road and it concerns me with all the traffic and she lives alone; it just scares me. And for her safety, I prefer for it not to be going there. We have been there from day one. We were the first people to move into that area. Thank you.

Mr. Derrick stated no one else signed up in opposition and closed the public hearing.

**Tree Care Workshop** - Ms. Hubbard said she failed to point out during her Administrator's Report, that an upcoming Tree Care Workshop will be held at Lexington Town Hall on January 29. The workshop is to promote good tree care and the maintenance of trees in Lexington County.

**Budget Amendment Resolutions** - The following BAR's were distributed and signed.

08-072 - A supplemental appropriation increase in the amount of \$48,760 to set up the budget for the Red Bank Crossing. The budget is based on the estimated seven months of rental income the County will receive for the remainder of Fiscal Year 2007-2008.

08-073 - A supplemental appropriation increase in the amount of \$38,935 to appropriate the revenue received from the sell of used and confiscated firearms for the Sheriff's Department. The revenue will be spent on the purchase of 51 handguns and holsters.

**Executive Session/Legal Briefing** - Ms. Summers made a motion, seconded by Mr. Kinard to re-enter into Executive Session.

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

**Matters Requiring a Vote as a Result of Executive Session** - Mr. Derrick reported Council discussed the legal matters during the Executive Session and indicated there were no motions to be considered.

**Old/New Business** - None.

**Motion to adjourn** - Mr. Kinard made a motion, seconded by Mr. Davis to adjourn.

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

There being no further business, the meeting was adjourned.

Respectfully submitted,

Diana W. Burnett  
Clerk

William C. Derrick  
Chairman