

M I N U T E S
LEXINGTON COUNTY COUNCIL
May 27, 2008

Lexington County Council held its regular meeting on Tuesday, May 27, 2008 in Council Chambers, beginning at 4:30 p.m. Mr. Derrick presided.

Rev. J.O. "Jo" Reed, Jr., Assistant Pastor of Northside Baptist Church, gave the invocation. Amina Ashraf, a rising senior at Airport 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.

Presentation of the Lexington Soil and Water Conservation District Recognition Awards - Presented by Fred Taylor, Chairman - Mr. Taylor presented individual plaques to Synithia Williams, Environmental Coordinator, and Sheri Armstrong, Stormwater Manager with Public Works for their technical skills, knowledge, presentation abilities, and assistance with the new Stormwater Ordinance and Development Design Manual.

In addition, Chairman Derrick, on behalf of County Council, was presented a plaque recognizing and thanking Council for adopting the Stormwater Management Ordinance and the Land Development Manual to protect the County's quality of soil and water resources and the resolution bringing the municipalities together to work on stormwater issues.

Chairman's Report - No report.

Comments from Councilman Kinard - Fire Service Recruit Class 08-02 School Graduation - Councilman Kinard reported he and Ms. Hubbard attended the second Fire Service recruit graduation on Friday, May 23.

Administrator's Report – School Recycling Program of the Year Award – Mr. Kerry, Krumsiek, Executive Director of Carolina Recycling Association, presented the 2008 Outstanding School Recycling Program of the Year award to Pine Ridge Middle School, which was announced during Carolina Recycling Association's annual meeting in March. The award honors an outstanding school program that promotes waste reduction, reuse and recycling. Through Pine Ridge Middle School's effort, they were able to save \$20,000 in garbage disposal costs during their first year of recycling.

Employee Recognition - Katherine Hubbard, County Administrator - Ms. Hubbard recognized Ms. Cynthia Hamilton, Forfeited Land Commission Mobile Home Specialist in the Treasurer's Office. Ms.

Hubbard said the Treasurer, James R. Eckstrom, received two letters from citizens who purchased mobile homes through the Forfeited Land Commission foreclosure sale commending Cynthia for her knowledge and work ethics in assisting them to make sure they understood the process and how to complete all the necessary paperwork involved.

Presentation of Resolution - Leon A. Love Presented by Councilman Summers - Ms. Summers presented a framed resolution to Mr. Love recognizing him for his 18 years of volunteer service to the Health Service District Board of Directors.

Appointments - Midlands Workforce Development Board - Thomas T. Mathis and Dan Gensamer - Mr. Banning made a motion, seconded by Mr. Cullum to reappoint Mr. Thomas Mathis and Mr. Dan Gensamer to the Midlands Workforce Development Board.

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

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

Not Present: Ms. Summers*

*Ms. Summers was not present when the vote was taken.

Midlands Authority For Conventions, Sports and Tourism - Robert E. Livingston - Mr. Cullum made a motion, seconded Mr. Jeffcoat to reappoint Mr. Robert E. Livingston to the Midlands Authority for Conventions, Sports and Tourism.

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

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

Not Present: Ms. Summers*

*Ms. Summers was not present when the vote was taken.

Central Midlands Council of Governments - Bill Banning and Wilbur Jeffcoat - Mr. Cullum made a motion, seconded by Mr. Derrick to reappoint Mr. Bill Banning and Mr. Wilbur Jeffcoat to the Central Midlands Council of Governments.

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

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

Bids/Purchases/RFPs - A motion was made by Mr. Jeffcoat, seconded by Mr. Keisler that the following

Bids/Purchases/RFPs (I-O) be approved.

One (1) Barrier with Accessories - Grant Funds - Public Safety/Homeland Security - A requisition was submitted for the purchase of one (1) barrier with accessories for Public Safety/Homeland Security. One (1) bid was received. Staff recommended the award of the bid to MSI Construction. Total cost, including tax, is \$26,366.94.

Eight (8) Night Vision Monoculars - Grant Funds - Sheriff's Department - A requisition was submitted by the Sheriff's Department for the purchase of eight (8) night vision monoculars. Fourteen (14) bids and two (2) no bids were received. Staff recommended the award of the bid to ANVS, Inc. as the lowest bidder. Total cost, including tax, is \$19,046.

One (1) Dental Suction Instrument and Accessories - Grant Funds - Sheriff's Department - A requisition was submitted by the Sheriff's Department for the purchase of a dental suction instrument and accessories. Three (3) bids were received. Staff recommended the award of the bid to Atlanta Dental Supply as the lowest bidder. Total cost, including tax, is \$6,415.72.

One (1) Radio Frequency GPS Tracking Device - Grant Funds - Sheriff's Department - A requisition was submitted by the Sheriff's Department for the purchase of one (1) radio frequency GPS tracking device. One (1) bid and three (3) no bids were received. Staff recommended the award of the bid to Gans & Pugh Associates as the lowest bidder. Total cost, including tax, is \$14,102.60.

Three (3) In-Car Video Cameras with Accessories - Grant Funds - Sheriff's Department - A requisition was submitted by the Sheriff's Department for the purchase of three (3) in-car video cameras with accessories. Two (2) bids and four (4) no bids were received. Staff recommended the award of the bid to Security Technology Systems as the lowest bidder. Total cost, including tax, is \$14,124.

Stationary Recycle Receptacles - Grant Funds - Solid Waste Management - Solid Waste Management submitted a requisition for the purchase of eighty-eight (88) stationary recycle receptacles. Bidders were allowed to submit bids on one or a multiple of items, depending on the products that they are able to provide. Nine (9) bids and one (1) no bid were received. Staff recommended the award of the bid to the lowest bidder, Preeminence. Total cost, including tax, is \$12,195.43.

Seventy-one (71) 800 MHZ Radios Rebanding - Various Departments - A requisition was submitted for the purchase of seventy-one (71) 800 MHZ radios rebanding for various departments. The upgrades will be purchased directly from the manufacturer, Motorola, through State Contract Number OIR2002.07. Total cost, including tax, is \$52,631.16.

Mr. Kinard asked, what is the dental suction instrument and the reason for the purchase?

Col. Paaval replied that the dental suction instrument is used by the dentist who provides dental services to the inmates in the jail. He said it is replacing the original equipment that is approximately fifteen years old and unserviceable.

Mr. Derrick asked, who is paying for the rebanding of the 800 MHz radios?

Major Brothers replied that Sprint/Nextel is paying for all the radios, which are analog. The County is paying for the upgrade for the next change in the system.

Mr. Derrick called for further discussion; none occurred.

In Favor: Mr. Derrick Mr. Jeffcoat

Mr. Keisler	Mr. Davis
Mr. Kinard	Ms. Summers
Mr. Carrigg	Mr. Banning
Mr. Cullum	

Ordinances - Ordinance 08-10 - An Ordinance Adopting an Annual Budget for Fiscal Year 2008-09 – 2nd Reading - Mr. Davis made a motion, seconded by Mr. Jeffcoat to approve second reading of Ordinance 08-10 and approve the amended budget as amended during the budget worksession (May 27).

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

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

Ordinance 08-11 - An Ordinance Approving the Sale of 24.90 Acres from the County of Lexington to U.S. Food Services, Inc. - 2nd Reading - Mr. Banning made a motion, seconded by Mr. Keisler to approve second reading of Ordinance 08-11.

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

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

Committee Reports - Planning & Administration, J. Jeffcoat, Chairman - Zoning Map Amendment M08-03 - Change in Road Classification for Old Chapin Road from Lexington Town Limits 260' North Towards Maxie Road and Maxie Road from the Intersection of Old Chapin Road 1000' North Towards Ashley Hills Drive - 2nd Reading - Mr. Jeffcoat reported the committee met earlier in the day to consider second reading of Zoning Map Amendment M08-03. The committee voted unanimously to recommend denying the request.

Mr. Jeffcoat made a motion, seconded by Mr. Davis to deny second reading of Zoning Map Amendment M08-03.

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

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

Justice, B. Banning, Chairman - Forfeited Vehicle - Addition to Fleet - Sheriff's Department - Mr. Banning reported the Justice Committee met to consider a request by the Sheriff's Department to accept the award of a forfeited 2006 Dodge Charger from the US Department of Justice.

Mr. Banning made a motion, seconded by Mr. Jeffcoat to approve the acceptance of the 2006 Dodge Charger. (The additional vehicle cannot be replaced in the fleet when no longer usable).

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	

Courthouse Security Enhancement Grant Application - Sheriff's Department - Mr. Banning reported the committee met to consider a request from the Sheriff's Department to apply for the Edward Byrnes Memorial National Initiative grant to address the demand for security in the Judicial Center. The grant in the amount of \$233,150 requires no County match. The committee voted unanimously to recommend to full Council for approval.

Mr. Banning made a motion, seconded by Mr. Kinard to grant 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. Banning
	Mr. Kinard	Mr. Davis
	Ms. Summers	Mr. Keisler
	Mr. Jeffcoat	Mr. Carrigg
	Mr. Cullum	

Health & Human Services, J. Carrigg, Jr., Chairman - 2007 Citizens Corps Grant Application - Emergency Preparedness - Mr. Carrigg reported his committee met during the afternoon to consider a request from Public Safety/Emergency Preparedness to apply for the 2007 Citizen Corp grant in the amount of \$5,036. The grant will be used to fund the development and training for the Citizens Emergency Response Team (CERT) program. The grant requires no County match. The committee voted unanimously to recommend to full Council for approval.

Mr. Carrigg made a motion, seconded by Mr. Banning 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. Carrigg
	Mr. Banning	Mr. Kinard
	Mr. Davis	Ms. Summers
	Mr. Keisler	Mr. Jeffcoat
	Mr. Cullum	

2007 Local Emergency Management Performance Grant Deobligated Funds Award - Emergency Preparedness - Mr. Carrigg reported the committee met to consider the acceptance of the 2007 Local Emergency Management Performance Grant Deobligated award. The award amount is \$25,759. The 50 percent match will be funded through in-kind services. The committee voted unanimously to recommend to full Council for approval.

Mr. Carrigg made a motion, seconded by Mr. Banning to approve the acceptance of the award.

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

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

Public Works, D. Summers, Chairman - Town of Pelion Streetscape Request - Public Works - Ms. Summers reported the Public Works Committee met during the afternoon Committee meeting to consider a request for “C” Funds from the Town of Pelion for the Pelion Streetscape Phase II project. The total project cost is \$250,000. The grant is an 80/20 grant. The Town has requested \$50,000 or 20 percent match for their portion of the grant. The committee voted unanimously to recommend to full Council for approval.

Ms. Summers made a motion, seconded by Mr. Cullum to approve the \$50,000 match. The \$50,000 will come from the “C” Fund Special Projects account (2700-121302-539900).

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

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

Executive Session/Legal Briefing - Mr. Derrick stated Council entered into Executive Session earlier following the afternoon budget worksession to discuss four economic development matters and five legal matters and reported there were no motions to be considered.

Budget Amendment Resolutions - The following BAR was distributed and signed.

08-085 – A supplemental appropriation increase in the amount of \$4,030,000 for proceeds received from the conveyance of property from the County of Lexington to the Lexington County Health Service District. The proceeds will go toward the retrofitting of the building at the Red Bank Crossing to house DSS and the Health Department. Also, a two acre tract adjacent to Red Bank Crossing will be purchased with a portion of the funds.

08-087 – A supplemental appropriation increase in the amount of \$455,000 from the issuance of general obligation bonds for the addition to the Gaston Library branch.

Old Business/New Business - Lexington County Zoning Ordinance - Amendment to Article 12, Section 123.10 Procedures - Title Only - Ms. Summers made a motion, seconded by Mr. Keisler to approve by title amendment to Section 123.10 Procedures of the Lexington County Zoning Ordinance.

Ms. Summers said Section 123.10 reads that map or text amendments may be proposed by the Lexington County Council, or the Lexington County Planning Commission. Property owners may request map amendments, but only for a change in the district classification of their property or for a change in the classification of the street that directly accesses their property. If another person is representing the property owner in the amendment request, a letter of agency must be submitted with the application.

Mr. Derrick opened the meeting for discussion.

Mr. Jeffcoat asked for clarification that he understands the change is so that only the property owner or his/her agent can request a zoning classification change, correct? Where it is now anybody in the County can submit a request.

Ms. Summers replied, that's correct.

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

6:00 P.M - Public Hearing - An Ordinance Adopting an Annual Budget for Fiscal Year 2008-09 -

Mr. Derrick opened the public hearing. Mr. Derrick stated the purpose of the hearing is to receive comments from proponents and opponents regarding the adoption of the annual budget for FY2008-09. He asked that each speaker provide name and mailing address and that comments be limited to three (3) minutes. He asked that if there was anyone present who had signed up to speak but chose not to speak, but wanted to concur with what had been said, it was acceptable to indicate concurrence. Mr. Derrick also asked that there be no disruptions including cheering, clapping, etc.

Mr. Derrick noted that no one had signed up to speak in favor of Ordinance 08-10 and closed that portion of the meeting.

Mr. Derrick opened the meeting for comments from those in opposition to Ordinance 08-10.

Opposed:

Mr. George Franklin Roberts, III., 405 Wise Ferry Road, Lexington, SC 29072 - Thank you for this opportunity to come before you. I also have property that's three generations in my family that is located at 311 South Church Street. Second of all, a lot pertains to that second piece of property that I have, which is also a rental. My property tax this past year went down on my main property, which is a 3,000 sq. ft. home and three acre, to \$1,400. I have property over here that is almost two acres, a 1,600 sq. ft. home, that I rent out, and I do that as a community service to help people out within the ranks of our church, short-term rental for a lot of people and things like that. My property taxes on that were \$3,400. And that takes one-third, four months of the year of rent to pay my property taxes and I'm sorry, but that's too much. One-third of a year is too much for anything like that. It is inexcusable, it's egregious and I'm sorry, it's just not right. I think, and it goes back to the premise in America, we have the right to own property and not lease it and right now we are leasing it, and I would submit to you that we need other alternatives other than property tax. Last year when I went down to complain I went between the Auditor's office, back and forth in this building, and I had to learn the terminology that you have to use, because it's like the James Bond movie, Man with a Golden Gun. I'm not going in that arcade game and play that one, I'm going outside and come in where I need to, and I had to learn the terminology to do that. After talking with the auditor, I found out that he said that the property tax situation in Lexington County is totally broken and cannot be fixed. And here we go raising property taxes. I have also been a PR Director of a technical college, and I know where we are going with that. I have also been a PR Director of a Fortune 100 company here in South Carolina and as a professional PR person, I highly submit to you after the penny sales tax it all adds up. It keeps adding up, it keeps adding up, and it keeps adding up. And I know your expenses are tremendous now, and I understand where that is. But we, as citizens and taxpaying citizens, ours are compounded and you are now adding onto that compounding

right now with raising property taxes. I think this is the wrong time, in fact I know it is. After the penny sales tax, we have three and one-half more years of that, and I understand stewardships. So, without that, the sad thing about my house over here is taxation without representation. I cannot vote in this town because my main property is here. So, I have no idea what's going on. I've found out at the dentist office that the bypass, option four, was in my backyard; that's how I found out. I know you have tough decisions; I know you will do the right thing. But at this time with the way the economy is and what's going on – fixed income citizens – it's just tough and it's time for us to girt up our loins, all of us, and weather the storm. I appreciate it, thank you.

Mr. James W. Duke, 1643 Barracks Drive, Gilbert, SC 29054 - I do appreciate the opportunity to appear before you tonight and let me say I oppose. I am opposed to the tax increase. In this climate that we are in now with runaway inflation, with other costs escalating at unprecedented rates, this is the time for belt tightening. Not for increasing taxes. We people living on a fixed income in Lexington County, we don't have the option of a pool of taxpayers to go to, to get extra money to live on to pay our bills. I think it is the County's responsibility, it is your responsibility, ladies and gentlemen, to tighten your budget and live within that budget and don't increase taxes. I want to leave you with one thought, impact fees. Look at implementing impact fees or newcomers to Lexington County to make it easier on those of us who have paid for the system over the years. Thank you.

Mr. Grady Stewart, 168 Harbour Watch Blvd., Leesville, SC 29070 - I have been a resident here now for seven years in your county. First of all, I would like to say I'm against any type of tax increase, regardless of what it is. Especially in the climate, economically, that we have existing today. But I have a specific complaint. I think it's already in your budget. But I read that we are building, we being Lexington County, was building a new tennis facility in Cayce or proposed to build it, which is very similar to the one over in the Oak Grove community. Let's say I'm a tennis player; I can appreciate it. I think the County overall has gone out of their way to provide tennis courts throughout the County to people who wish to play. However, I cannot possibly conceive that this poor County and this poor state needs another sec facility in Cayce. I personally question us having the first facility; however, I do realize it brings in some tournaments, which would not be played otherwise in the County. I would really like to know if it is cost effective or not. I seriously doubt it. That's my major complaint. If we are raising taxes and we are spending money for a second tennis complex, then you guys are not doing your job. You just can't afford it. It's just like at home. You can't have that new 60 inch plasma; you just can't afford it. So let's use some fiscal responsibility and do the right thing. Thank you.

Ms. Belinda McKay, 158 Janna Court, Lexington, SC 29073 - I bought an acre and a fifth of land in 1978. I am a barber; I am self-employed and I pay quarterly taxes, which is about one-third of what I make. I have a son that lives by me on this piece of property and three grandchildren. I have an aunt and uncle who are disabled and they live by me on this property. Last year it was misrepresented as a trailer park and I came up here and they made me provide that my son was my son. I had to go back to Indianapolis where he was born, I lived there the year he was born, to prove that he was my son and paper from the electric company that he lived there and they took a part of that tax off of my aunt and uncle that raised me and she lived with me until I was 12 years old. I could not take anything off there because I was not blood kin, and I am doing the best I can. I saw this in the paper, and I don't have any numbers for you or anything, but I'm a fifth generation South Carolinian. My grandfather owned land in Lexington County during the 19th century and he lost his land because of taxes. I beg you, please do not, whatever you do, make me have to sell my land cause that's all I have. Thank you.

Mr. Derrick noted that no one else had signed up in opposition and closed the public hearing.

Ordinance 08-10 - An Ordinance Adopting an Annual Budget for Fiscal Year 2008-09 - Consideration of Changes to Ordinance 08-10 - An Ordinance Adopting an Annual Budget for Fiscal year 2008-09 - No changes were considered.

Cayce Tennis Facility - Lexington County Recreation Commission - In response to Mr. Stewart's comments about the tennis facility, Mr. Banning noted for the audience that the County did not have anything to do with the Cayce tennis facility.

Mr. Derrick did say the tennis facility was part of a \$17 million recreational bond issue to build/improve facilities in Pelion, Red Bank, Swansea and this is a part of that bond. Mr. Derrick offered to have Mr. Jay Criscione, Director of Lexington County Recreation Commission, contact Mr. Stewart for further information.

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

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

There being no further business, the meeting was adjourned.

Respectfully submitted,

Diana W. Burnett
Clerk

William C. Derrick
Chairman