

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

Board of Zoning Appeals - Mr. Morris Phillips - Mr. Banning made a motion, seconded by Mr. Keisler to reappoint Mr. Morris Phillips.

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

Assessment Appeals Board - Beth Lindardt - Mr. Jeffcoat made a motion, seconded by Mr. Keisler to reappoint Ms. Beth Lindardt.

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

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

Museum Commission - Laura Howell - Mr. Jeffcoat made a motion, seconded by Mr. Carrigg to appoint Ms. Laura Howell. Ms. Howell replaces Ms. Sandra Burdett.

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

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

Bids/Purchases/RFPs - A motion was made by Mr. Keisler, seconded by Mr. Cullum to approve the following Bids/Purchases/RFPs (Tabs O - S):

Print and Mail Services Request for Proposal - Multiple Departments - The County of Lexington issued a Request for Proposals to establish a contract with a firm to provide print and

mail services for the Auditor, Treasurer, and Assessor offices. An evaluation committee reviewed and evaluated the proposals submitted from two (2) firms and conducted in-depth interviews with both firms. The Committee selected American Solutions for Business, Inc. as the highest rated firm.

The term of the contract shall go through December 31, 2013 and may be extended if it appears to be in the best interest of the County. The extension will be on an annual basis and may be less than, but will not exceed four (4) additional one year periods. Total cost, including tax, is \$102,036.59 annually.

Employee Grocery Gift Cards - Human Resources - Bids were advertised and solicited from qualified full line grocery chains for Christmas gift cards for County employees at a face value of twenty-five dollars (\$25.00), at a discounted amount to the County. Six (6) bids were received.

Staff recommended that the award be made to Piggly Wiggly as the lowest responsive bidder. Total cost is \$30,937.50.

Bunker Gear - Term Contract - Public Safety/Fire Service - Bids were solicited and advertised for a term contract for bunker gear for Public Safety/Fire Service. The term of the contract is for the initial period of one (1) year with the option to extend the contract for two (2) additional one (1) year periods, if deemed to be in the best interest of the County. Six (6) bids and one (1) no bid were received.

Staff recommended multiple awards to the following lowest bidders meeting specifications: Quest Protective Clothing \$58,646.70; Municipal Emergency Services \$8,174.01; Newton Fire Safety \$5,743.76; and Slagle's Fire Equipment \$2,552.59. Total cost, including sales tax, is \$75,117.06.

Silv-Ex Class "A" Foam - Term Contract - Public Safety/Fire Service - Bids were solicited and advertised for a term contract for Silv-Ex Class "A" Foam for Public Safety/Fire Service. Two (2) bids and two (2) no bids were received. Staff recommended multiple awards to the following lowest bidders meeting specifications: NAFECO - \$19,059.38 and Municipal Emergency Services - \$10,621.09. Total cost, including tax, is \$29,680.47.

Oil/Gas Mixture Tanks - Solid Waste Management - Recycling (Grant Funds) - Bids were solicited for three (3) oil/gas mixture tanks for Solid Waste Management. Only one (1) bid was received. Staff recommended the award of the bid to the sole bidder, S.E.W.E. Company. Total cost, including tax, is \$26,675.10.

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

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

Approval of Minutes - Meeting of October 14, 2008 - A motion was made by Mr. Cullum, seconded by Ms. Summers to approve the October 14, 2008 minutes as submitted.

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

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

Ordinance - Ordinance 08-15 - An Ordinance to Amend Ordinance No. 95-12 as Amended by Subsequent Ordinances Relating to the Joint County Industrial Park of Lexington and Calhoun Counties so as to Enlarge the Park to Include Property in the Saxe Gotha Industrial Park and Property Which Encompasses the Farmers Market -2nd Reading - Mr. Cullum made a motion, seconded by Mr. Banning to approve second reading of Ordinance 08-15.

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

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

Committee Reports - Economic Development, S. Davis, Chairman - Ordinance 08-17 - An Ordinance Authorizing the Execution and Delivery of a Fee-in-Lieu of Ad Valorem Taxes Agreement by and Between Lexington County, South Carolina, and (Project Wind), its Affiliates and Assigns, to Provide for the Inclusion of the Company in a Multi-County Business or Industrial Park; and Other Matters Thereto Related - 1st Reading by Title - Mr. Davis reported the Economic Development Committee met during the afternoon to discuss matters relating to Project Wind. The Committee voted in favor to recommend to full Council approval of first reading by title only of Ordinance 08-17.

Mr. Davis made a motion, seconded by Mr. Kinard to approve first reading by title of Ordinance

08-17.

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

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

Opposed: Mr. Jeffcoat

Planning & Administration, J. Jeffcoat, Chairman - Other Post Employment Benefits (OPEB) Liability - Mr. Jeffcoat reported the Planning & Administration Committee met and discussed in detail the Other Post Employment Benefits (OPEB) Liability. The Committee voted in favor of the staff's recommendation to recommend to full Council for approval.

A motion was made by Mr. Jeffcoat, seconded by Ms. Summers the following changes to the County's Health Insurance Plan.

Effective October 28, 2008

- (1) Revise the retirement plan eligibility for future participants to require twenty (20) years of consecutive years of County service.
- (2) Revise the Post Employment Health Insurance Plan to state that if a former employee is eligible under another benefit plan provided through his/her or spouse's employment, he/she will no longer be eligible for the County plan.
- (3) Any new participant who enters the plan will be required to pay the active employee rate for the employee premium but the COBRA rate for any covered spouse or dependent.

Effective January 1, 2009

- (1) Adjust the Post Employment Health Insurance plan for existing retirees that are participating in the County's Post Employment Health Insurance plan. The rates for existing retirees will increase to 150 percent of the active employee rate for employees.
- (2) The plan deductible for all participants (active and retiree) will increase from \$250 to \$350 per person and the maximum out-of-pocket will be increased from \$1,500 to \$1,750 per person.

Prior to July 1, 2009

The County will implement a Retirement HRA, as a part as a defined contribution plan, for existing and future employees.

Mr. Derrick opened the meeting for discussion.

Mr. Derrick stated this action is part of the requirement of GASB 45 where the County has to now pay for the employees who will be receiving benefits after retirement age.

Ms. Hubbard said that this was not an easy recommendation for staff, but felt it was only prudent for staff to bring this recommendation in order to allow the County to keep a post employment health insurance plan as opposed to a recommendation that the County cannot afford one.

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

Opposed: Mr. Keisler Mr. Carrigg

*Attached are copies of the **Post Employment Health Insurance Plan** and **Impact of OPEB Liability on the County's Post Employment Health Insurance Benefits** that Council referred to during the Planning and Administration Committee on October 28, 2008.

Justice, B. Banning, Sr., Chairman - Midlands Regional Explosive Ordinance Disposal Enhancement Grant Award - On behalf of Mr. Banning, Mr. Kinard reported the Justice Committee met to consider acceptance of the Midlands Regional Explosive Ordinance Disposal Enhancement grant award from SLED. The grant award is in the amount of \$100,000 with no County match. The funds will be used to upgrade current equipment, purchase a new bomb suit, and train two additional bomb technicians. The Committee voted in favor to recommend to full Council for approval.

Mr. Kinard made a motion, seconded by Mr. Keisler to approve the acceptance of the grant award.

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

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

Highway Safety DUI Enforcement Grant Award - On behalf of Mr. Banning, Mr. Kinard reported the Justice Committee met to consider acceptance of the Highway Safety DUI Enforcement grant. The grant in the amount of \$223,150 requires a 20 percent County match or \$44,629, which is budgeted in the Sheriff Department's FY08-09 budget. The funds will pay for

personnel, operating and equipment costs for three officers. The grant is on a declining scale with FY09/10 being funded 50/50. In FY 10/11 it will become 100 percent funded by the County. The Committee voted in favor to recommend to full Council for approval.

Mr. Kinard made a motion, seconded by Mr. Keisler to approve the acceptance of the grant award.

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

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

Palmetto Pride Enforcement Grant Application - On behalf of Mr. Banning, Mr. Kinard reported the Justice Committee also met to consider staff's request to submit the Palmetto Pride Enforcement grant application. The grant in the amount of \$4,996 requires no County match. If awarded, it would allow the Sheriff's Department to purchase 13 digital cameras and 15 binoculars to support and strengthen court presentations of litter cases. The Committee voted in favor to recommend to full Council for approval.

Mr. Kinard made a motion, seconded by Mr. Davis to approve staff's request to submit the Palmetto Pride Enforce 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	

Health & Human Services, J. Carrigg, Jr. Chairman - Conservation Assessment Program Grant Application - Mr. Carrigg reported the Health & Human Services Committee met to consider staff request to submit the Conservation Assessment Program grant application. The grant in the amount of \$7,860 requires an 8.52 percent County match or \$670. The County match will be paid for by the Friends of the Museum. If awarded, the funds will partially pay for two conservation professionals to assess the Lexington County Museum's collections and historic structures. The Committee voted in favor to recommend to full Council for approval.

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

Budget Amendment Resolutions - The following BARs were distributed and signed:

09-040 - A supplemental appropriation decrease in the amount of \$7,151 to adjust the budget approved in the budget process to match the grant award. The Sheriff's Department was awarded \$178,521 for the Highway Safety DUI Enforcement grant from the Department of Public Safety.

09-041 - A supplemental appropriation increase in the amount of \$100,000 to budget funds received from SLED for the Midlands Regional Explosive Ordinance Disposal Enhancement grant award.

09-042 - A supplemental appropriation increase in the amount of \$61 to reflect the increase received from the Department of Justice/Bureau of Justice Assistance for the 2008 State Criminal Alien Assistance program grant award.

Executive Session/Legal Briefing - Mr. Derrick stated Executive Session will consist of seven contractual matters and five legal matters.

Ms. Summers made a motion, seconded by Mr. Kinard to 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 reconvened the meeting in open session and reported no motions were to be considered at this time as Council would need to go back into Executive Session following the public hearings.

6:00 P.M. - Public Hearings – Ordinance 08-14 – An Ordinance Amending the Lexington County Stormwater Management Ordinance 06-10 for the Creation of the Stormwater Advisory Board - Mr. Derrick opened the public hearing and stated no one had signed up to

Speak in favor or in opposition to Ordinance 08-14.

Mr. Derrick closed the public hearing.

Ordinance 08-15 - An Ordinance to Amend Ordinance No. 95-12 as Amended by Subsequent Ordinances Relating to the Joint County Industrial Park of Lexington and Calhoun Counties so as to Enlarge the Park to Include Property in the Saxe Gotha Industrial Park and Property Which Encompasses the Farmers Market - Mr. Derrick opened the public hearing and stated no one had signed up to speak in favor or in opposition to Ordinance 08-15.

Mr. Derrick closed the public hearing.

Old Business/New Business - Ordinance 08-16 - An Ordinance to Amend the Lexington County Code of Ordinances, Chapter 14, Building and Building Regulations; by Adding a New Article Therein for the Purpose of Establishing Regulations and Requirements Related to Smoking in Retail Food Establishments in the Unincorporated Areas of Lexington County - As an item of old business, Mr. Kinard made a motion, seconded by Mr. Keisler to require all restaurants and bars to decide and post on their storefront that the establishment will be either a “no smoking” or “smoking” facility and to allow the clientele to make their own choices and decisions about whether they would like to enter or not.

Mr. Derrick opened the meeting for discussion.

Mr. Carrigg stated that Ordinance 08-16 has already had first reading and the correct parliamentary procedure would be to amend Ordinance 08-16.

Mr. Kinard withdrew his motion; Mr. Keisler withdrew his second.

Mr. Kinard made an amendment to Ordinance 08-16, seconded by Mr. Keisler to require all restaurants and bars to decide and post on their storefront that the establishment will be either a “no smoking” or “smoking” facility in order to allow their clientele to make their own decisions about whether they would like to enter or not.

Mr. Derrick opened the meeting for discussion.

Ms. Summers asked if Council needed to give the businesses a guideline and timeframe, perhaps 30, 60, or 90 days, to comply. She also asked whether businesses would be required to purchase the signs from the County or purchase their own.

Mr. Davis stated this is an amendment to first reading.

Mr. Carrigg stated there are three aspects for this ordinance. You will have to require it; you will have to have an enforcement provision; and you will have to have a fine for not having it.

Mr. Jeffcoat asked once the ordinance has been passed, can we (Council) agree to revisit or inspect the results of the ordinance maybe 90, 120 days or, what Council agrees, to see if it is working and if not, revisit the ordinance.

Mr. Derrick asked if six months would be appropriate to revisit Ordinance 08-16 after the signs have been installed.

Ms. Summers said it would give Council an opportunity to see how the citizens and businesses like it.

Mr. Derrick asked staff to bring back the amended ordinance for review.

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

Not Present: Mr. Banning*

*Mr. Banning left following executive session.

Lease Agreement - The Shops at Gilbert - As an item of new business, Mr. Keisler made a motion, seconded by Mr. Carrigg to approve the County, on behalf of the Sheriff, to enter into a Lease Agreement for the West Region pending legal approval.

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

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

Not Present: Mr. Banning

Executive Session/Legal Briefing - Mr. Derrick stated Council will need to re-enter Executive Session to continue discussion of 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. Cullum

Not Present: Mr. Banning

Matters Requiring a Vote as a Result of Executive Session - Mr. Derrick reconvened the meeting in open session and reported there were no motions to be considered.

Motion to Adjourn - Ms. Summers made a motion, seconded by Mr. Davis to adjourn.

In Favor: Mr. Derrick Ms. Summers
 Mr. Davis Mr. Keisler
 Mr. Jeffcoat

Not Present: Mr. Banning Mr. Carrigg *

*Mr. Carrigg was not present when the vote was taken.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Diana W. Burnett
Clerk

William C. Derrick
Chairman