

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

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

Rev. Betty Franks, Chaplain with the Lexington Medical Center Board of Chaplains, gave the invocation. Brooklyn Grace Golden, granddaughter of Councilman Keisler, led the Pledge of Allegiance.

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

Not Present: *George H. Smokey Davis

*Mr. Davis was absent due to medical reasons.

Also attending: Katherine Hubbard, County Administrator; Joe Mergo, III, Deputy 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 Resolution for Alive@25 - Presented by The Honorable Nikki Haley, House of Representatives - Representative Nikki Haley presented a framed resolution to Lt. Jim Crawford recognizing his efforts in establishing the Alive@25 Program in South Carolina. Rep. Haley reported that due to the program there has not been a single loss of life of those who have participated in the Alive@25 Program.

Presentation of Resolution for the Strom Thurmond Excellence in Law Enforcement Award - Presented by The Honorable Kit Spires, House of Representatives - Representative Kit Spires presented Pelion Police Chief Chris Gardner a resolution and a motion from the House of Representatives in recognition of his receiving the 2008 Strom Thurmond Excellence in Law Enforcement Award. Rep. Spires said that Chief Gardner received the award for his leadership and strong community involvement in law enforcement in the Pelion area.

Chairman's Report - 2008 J. Mitchell Graham Memorial Award - Mr. Derrick reported that staff has submitted the Jail Overcrowding Committee for the 2008 J. Mitchell Graham Memorial

Award at the SCAC Conference scheduled next week, July 31 through August 3, 2008 and thanked the Committee for its hard work.

Richland County Council Meeting - Mr. Derrick reported that he and Ms. Hubbard attended the Richland County Council meeting last week, Tuesday, July 15 for their public hearing on the one-percent sales tax.

Administrator's Report - No report.

Employee Recognition - Katherine Hubbard, County Administrator - Ms. Hubbard recognized Angela Seymour, Procurement Officer in the County's Procurement Office. Mr. Reggie Murphy, Procurement Manager, received a letter from a Lexington business owner and County vendor about Angela's assistance of going above and beyond what was required of her.

Presentation of Resolutions - Lewis A. McCarty - Mr. Banning presented a framed resolution to Mr. McCarty for his admirable service to Lexington County with the Sheriff's Department from 1973-1999. During that time Mr. McCarty served as Assistant Sheriff and then as Chief Deputy.

The Town of Irmo, The Town of Irmo's Arbor Day Committee and Staff - Messrs. Carrigg and Jeffcoat presented a framed resolution to the Town of Irmo, the Town of Irmo's Arbor Day Committee and staff members for their efforts in beautification, environmental protection, and providing leadership in enhanced "Quality of Life" for the residents of Irmo, Lexington County, and the citizens of the Central Midlands. Those present to accept the award were Whitt Cline, Town of Irmo Public Services Director; John Hanson, Irmo Town Administrator; John Gibbons, Mayor of Irmo; Town of Irmo's Arbor Day Committee Chairperson, Becky Moore; and Committee members, Jahue Moore and Nancy Clark; and Hardy King, Irmo Town Councilmember.

Presentation of Certificate - James E. Murray - Mr. Banning presented a framed certificate of appreciation to Mr. Murray recognizing him for his eleven years of volunteer service to the Nancy K. Perry Children's Shelter Board of Trustees.

Resolution - College Colors Day in Lexington County - Mr. Kinard made a motion, seconded by Mr. Keisler to approve the proposed resolution for College Colors Day in Lexington County.

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

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

Appointments - Nancy K. Perry Children's Shelter - Carol Metts - A motion was made by Mr. Keisler, seconded by Mr. Banning to reappoint Mrs. Carol Metts to the Nancy K. Perry Children's Shelter.

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

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

Midlands Workforce Development Board - Wallace Steadman - Ms. Summers made a motion, seconded by Mr. Kinard to appoint Mr. Wallace Steadman to the Midlands Workforce Development Board. Mr. Steadman replaced Mr. Fred Price.

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

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

Planning Commission – David L. Lucas, Sr. - A motion was made by Mr. Cullum, seconded by Mr. Banning to reappoint Mr. David L. Lucas, Sr. to the Planning Commission.

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

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

Bids/Purchases/RFPs - Mr. Derrick requested to hold Bid/Purchases/RFP Tab X (Franchised Solid Waste Collection/Disposal) until after the Executive Session and that Tab L (Private/Public Pet Services Request for Proposals) will be voted on separately.

A motion was made by Mr. Keisler, seconded by Mr. Carrigg to approve the following Bids/Purchases/RFPs (Tabs 2-12):

Office Supplies - Term Contract - Central Stores - Bids were solicited and advertised for a term contract for office supplies for Central Stores. Staff recommended awarding the contract to Forms and Supply, Inc. as the lowest responsible bidder. The term of the contract is for the initial period of three (3) years 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. The total cost, including

applicable sales tax, is \$44,928.85.

Three (3) Scanners - Clerk of Court - Staff recommended the purchase of three scanners for the Clerk of Court's office directly from the manufacturer (Dell) through State Contract #A63307. The total cost, including applicable sales tax, is \$9,960.60.

Forty (40) Personal Computers/Monitors and Six (6) Laptops - Library Services - Staff recommended the purchase of forty (40) personal computers/monitors and six (6) laptops for Library Services directly from the manufacturer (Dell) through State Contract #A63307. The total cost, including applicable sales tax, is \$39,938.60.

Two (2) Microfilm Printer Readers - Library Services - Staff recommended the purchase of two (2) microfilm printer readers for Library Services from Palmetto Microfilm Systems through State Contract #07-S7412. The total cost, including applicable sales tax, is \$16,692.00

Software Development - Public Safety/911 Communications Center - Staff recommended the purchase of Software Development for the Public Safety/911 Communications Center from US Computing through State Vendor #030 9992 for temporary IT Staffing Services. The total cost, including applicable sales tax, is \$7,276.00.

Ten (10) Laptops with Accessories (Replacements) - Solicitor - Staff recommended the purchase of ten (10) laptops with accessories for the Solicitor's office directly from the manufacturer (Hewlett Packard) through State Contract #05-S6656-A11230. The total cost, including applicable sales tax, is \$14,038.40.

Sixty-two (62) Dell OptiPlex Desktop Computers & Flat Panel Monitors (Replacements & Additions) - Various Departments/Information Services - Staff recommended the purchase of sixty-two (62) Dell OptiPlex desktop computers and flat panel monitors for various departments and Information Services directly from the manufacturer (Dell) through State Contract #05-S6656-A11104. The total cost, including applicable sales tax, is \$49,386.22.

Fleet Vehicle Addition/Replacements - Various Departments - Staff recommended the purchase of six (6) fleet vehicle additions/replacements for various departments within the County. Five (5) replacement vehicles will be purchased through State Contract #07-S7328-A12755 from Vic Bailey Ford and one (1) additional fleet vehicle will be purchased from Herndon Chevrolet through State Contract #08-S7608-A13404. The total cost, including applicable sales tax, is \$97,695.00

Polo, Tee, Golf, and Sweat Shirts - Term Contract - Various Departments - Bids were solicited and advertized for a term contract for polo, tee, golf, and sweat shirts for various departments. Staff recommended awarding the contract to Eidson's Custom Embroidery as the lowest responsible bidder. 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. The total cost, including applicable sales tax, is \$38,530.97.

Request for Approval to Utilize Competitive Sealed Proposals Process for Annual Contract to Print/Process/Mail County Tax Forms - Staff requested the use of the Request for Proposals (RFP) process in order to seek competitive proposals from potential qualified bidders for an annual contract to print/process/mail electronic forms for the Treasurer's, Assessor's and Auditor's office.

Caterpillar Compactor Caron Wheel Tips - Staff recommended the removal and replacement of Caterpillar 826G Compactor Caron wheel tips for Solid Waste Management from the sole source provider, Blanchard Machinery Company. This has been deemed a sole source as they are the only local Caterpillar vendor capable of providing this replacement. The total cost, including applicable sales tax, is \$42,837.20.

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

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

Private/Public Pet Services Request for Proposals – During the Health & Human Services Committee, the Committee voted unanimously to recommend to Council the approval of the award for the Private/Public Pet Services to Project Pet, Inc. contingent on the County obtaining the landscape easements necessary for the Bower Parkway property.

Mr. Carrigg made a motion, seconded by Mr. Jeffcoat to approve the award for Private/Public Pet Services to Project Pet, Inc.

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

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

Approval of Minutes - Meeting of June 12, 2008 - A motion was made by Mr. Kinard, seconded by Mr. Keisler to approve the June 12, 2008 minutes as submitted.

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

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

Zoning Amendments - Zoning Map Amendment M08-07 - White Water Drive, Portion of Rocky Ramp Drive and Launch Court - 1st Reading by Title - Mr. Derrick announced first reading of Zoning Map Amendment M08-07.

Zoning Map Amendment M08-08 - Three Oak Lane and Water Oak Trail - 1st Reading by Title - Mr. Derrick announced first reading of Zoning Map Amendment M08-08.

Committee Reports - Economic Development, B. Banning, V Chairman - CMC - Inducement Resolution for the Approval of Fee in Lieu of Tax and Special Source Tax Credit Agreement with CMC and Ordinance 08-09 - An Ordinance for the Approval of a Fee in Lieu of Tax and Special Source Tax Credit Agreement With CMC - 2nd Reading - Mr. Banning reported that the Economic Development Committee met this afternoon and voted to recommend to full Council approval of Tab A (Inducement Resolution for the Approval of Fee in Lieu of Tax and Special Source Tax Credit Agreement with CMC) and Tab B (Ordinance 08-09 - An Ordinance for the Approval of a Fee in Lieu of Tax and Special Source Tax Credit Agreement With CMC - 2nd Reading) for CMC.

Mr. Banning made a motion, seconded by Mr. Cullum to approve the Inducement Resolution for the Approval of Fee in Lieu of Tax and Special Source Tax Credit Agreement with CMC and approve second reading of Ordinance 08-09.

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

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

Home Depot - Inducement Resolution for the Approval of a Special Source Tax Credit Incentive Agreement with Home Depot and Ordinance 08-13 - An Ordinance for the Approval of a Special Source Tax Credit Incentive Agreement with Home Depot - 1st Reading - Mr. Banning reported during the Economic Development Committee, the Committee voted to recommend to full Council approval of a Special Source Tax Credit Incentive Agreement with Home Depot and approve first reading of Ordinance 08-13.

Mr. Banning made a motion, seconded by Mr. Cullum to approve the Inducement Resolution for the Approval of a Special Source Tax Credit Incentive Agreement with Home Depot and approve first reading of Ordinance 08-13.

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

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

Approval of First Amendment to Incentive Agreement with 321 Lexington Associates, LLC

- Mr. Banning reported the Economic Development Committee voted to recommend to full Council to approve the First Amendment to Incentive Agreement with 321 Lexington Associates, LLC – also known as the Farmer’s Market program.

Mr. Banning made a motion, seconded by Mr. Kinard to approve the First Amendment to Incentive Agreement with 321 Lexington Associates, LLC.

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

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

Planning & Administration, J. Jeffcoat, Chairman - Zoning Text Amendment T08-06 - To Amend the Lexington County Zoning Ordinance for the Purpose of Defining the

Qualifications for Those Who May Request Map or Text Amendments - 2nd Reading - Mr. Jeffcoat reported that the Planning and Administration Committee met and voted to recommend to Council approval of Zoning Text Amendment T08-06. The Lexington County Planning Commission voted five to zero to recommend approval.

Mr. Jeffcoat made a motion, seconded by Mr. Banning to approve second reading of Zoning Text Amendment T08-06.

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

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

Zoning Map Amendment M08-04 - East Side of Garden Valley Lane and South of the CSX Railroad - 2nd Reading

- Mr. Jeffcoat reported that the Planning and Administration Committee met and voted to recommend to Council approval of Zoning Map Amendment M08-04. The Lexington County Planning Commission voted five to zero to recommend Zoning Map

Amendment M08-04 for second reading. This is an application by SCANA Communications and South Carolina Electric and Gas Company to locate a communications tower and access road on the east side of Garden Valley Lane and south of the CSX Railroad.

Mr. Jeffcoat made a motion, seconded by Mr. Keisler to approve second reading of Zoning Map Amendment M08-04.

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

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

Health & Human Services, J. Carrigg, Jr., Chairman - FY 09 Hazardous Materials Emergency Planning (HMEP) Grant Application - Mr. Carrigg reported that the Health and Human Services Committee met earlier during the day to consider the FY 09 Hazardous Materials Emergency Planning (HMEP) Grant application request. The Committee voted to recommend to full Council that staff be allowed to move forward with the submittal of the grant application. The FY 09 Hazardous Materials Emergency Planning (HMEP) Grant is in the amount of \$8,000 with an 80/20 match. The grant will be used to establish a dedicated Emergency Preparedness website to aid the citizens of Lexington County in preparing for disasters.

Mr. Carrigg made a motion, seconded by Mr. Kinard to approve staff's request to apply for the FY 09 Hazardous Materials Emergency Planning (HMEP) Grant.

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

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

Public Works, D. Summers, Chairman - Taylor Road/City of Cayce Request - Motion withdrawn and item deferred to next Council meeting, August 26, 2008.

Town of Irmo Request - "C" Funds - Ms. Summers reported that the Public Works Committee met to review a request for \$57,000 in "C" Funds from the Town of Irmo for the construction of curb and sidewalks on Carlisle Street adjacent to the Irmo Town Park. The Town has a SCDOT grant of \$145,000 and their 20 percent match is \$57,000. Funds are available in the "C" Fund Special Projects account 2700-121302-539900, unclassified.

Ms. Summers made a motion, seconded by Mr. Jeffcoat to approve the Town of Irmo's request for \$57,000 in "C" Funds.

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

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

Approval of Easement Termination - Ms. Summers reported that the Public Works Committee was presented with an easement termination request and voted unanimously to recommend to full Council to approve the easement termination. The Easement Termination is for a forty-foot right-of-way easement given by Willie T. Lever dated October 21, 1966. The Northwood Baptist Church of Lexington has asked the County to terminate the easement. Staff said the County has never used the easement and recommended approving the Easement Termination.

A motion was made by Ms. Summers, seconded by Mr. Kinard to approve staff's recommendation to terminate the easement.

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

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

Early Action Compact Support Letter - Ms. Summers reported that the Public Works Committee met to consider staff's proposed letter to the United States Environmental Protection Agency (EPA) in support of an early action compact process, which the County has done before. The proposed letter highlights the goals the County achieved as part of the Early Action Compact.

Ms. Summers made a motion, seconded by Mr. Cullum to approve the Early Action Compact Support letter to the United States Environmental Protection Agency (EPA).

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

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

Committee of the Whole, B. Derrick, Chairman - Master-In-Equity Staffing Request –

Mr. Derrick reported that the Committee of the Whole met during the afternoon to review a request from Judge Spence with Master-In-Equity. Mr. Derrick said Council did not get to hear from Judge Spence during the annual budget process regarding a request for an additional staff. Judge Spence is requesting approval for an administrative assistant due to the high volume of cases and foreclosures that his office is experiencing. The estimated cost is \$42,234.

A motion was made by Mr. Banning, seconded by Mr. Cullum to approve staff's request for an additional position for the Master-In-Equity office. Funding will come from the General Fund.

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

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

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

Mr. Banning made a motion, seconded by Mr. Jeffcoat to enter into Executive Session.

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

Mr. Derrick reconvened the meeting in open session and reported that Council would need to enter back into Executive Session for continuation of discussions. There were no motions to be considered at the present time.

Public Hearing - Ordinance 08-12 - 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 as to Enlarge the Park to Add Certain Property Owned or Leased by Home Depot - Mr. Derrick opened the public hearing.

Mr. Derrick reported that no one had signed up to speak in favor or in opposition of Ordinance 08-12.

Mr. Derrick closed the public hearing.

Ordinance - Ordinance 08-12 - 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 as to Enlarge the Park to Add Certain Property Owned or Leased by Home Depot - 3rd and Final Reading - A motion was made by Mr. Banning, seconded by Mr. Kinard to approve third and final reading of Ordinance 08-12.

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

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

Old Business/New Business - None.

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

08-088 - An appropriation transfer of \$160,000 from Economic Development and a supplemental appropriation increase for Public Works "C" Funds for \$160,000. This is a result of a grant received by Stock Building Components through the Department of Commerce for road improvements on Pine Plain Road, which was done by the Public Works Department.

09-022 - A supplemental appropriation decrease in the amount of \$15,811 for a reduction in the Library State Aid that was budgeted during the budget process.

09-023- A supplemental appropriation decrease in the amount of \$70,050 for the DHEC Used Oil Grant due to a decrease in the award grant.

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

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

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

Matters Requiring a Vote as a Result of Executive - Mr. Derrick reconvened the meeting in open session and reported Council discussed the contractual and legal matters during Executive Session and there was one motion to be considered as a result.

Franchised Solid Waste Collection/Disposal - A motion was made by Mr. Kinard, seconded by Mr. Banning to allow the County Administrator to negotiate with prospective collectors of solid

waste for franchise areas three, six and seven.

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

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

Not Present: Mr. Carrigg *

* Mr. Carrigg was not present at the time the vote was taken.

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

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

Not Present: Mr. Carrigg *

* Mr. Carrigg was not present at the time the vote was taken.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Diana W. Burnett
Clerk

William C. Derrick
Chairman