

M I N U T E S
LEXINGTON COUNTY COUNCIL
January 26, 2010

Lexington County Council held its regular meeting on Tuesday, January 26, 2010 in Council Chambers beginning at 4:30 p.m. Chairman Kinard presided.

Reverend Betty Franks, Chaplain with Lexington Medical Center, gave the invocation. Mr. Cullum led the Pledge of Allegiance.

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

Not Present: John W. Carrigg, Jr.*

*Mr. Carrigg was absent due to illness.

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

The Green Business Certificates - Presented by Synithia Williams, Environmental Coordinator and Megan Weidner, Recycling Coordinator - Ms. Williams said to become a Charter Green Business Member a business must pledge to implement certain tasks in one of the following areas: Waste Reduction and Recycling, Energy Efficiency, Air Quality and Water Quality to earn the certification. To be a charter member, businesses that were already doing their part had to get applications in by November 30, 2009.

Ms. Williams and Ms. Weidner recognized the following County's Charter Green Business Members and their certification area(s) and presented each with a Green Business certificate: JC Wilkie Construction - Certified Member; The City of Cayce - Air Quality and Waste Reduction and Recycling; Hahl, Inc. - Water Quality and Waste Reduction and Recycling; American Engineering Consultants, Inc.- Certified Member; Sun Printing - Certified Member; Environmental Consulting Services, Inc. - Certified Member; TCM America - Waste Reduction and Recycling; The Habitat for Humanity Restore - Energy Efficiency and Waste Reduction and Recycling; CR Jackson, Inc. - Certified Member; Lexington Medical Center - Certified Member; Michelin - Certified Member; North Lake Automotive - Certified Member; Seeing Green - Waste Reduction and Recycling; Chapin High School - Waste Reduction and Recycling; Builders Wholesale - Waste Reduction and Recycling; Roof Basket Works, Inc. - Certified Member; and The Town of Lexington - Certified Member.

Special Presentation by Representative Nikki Haley and Representative Chip Huggins - Order of Silver Crescent - Rep. Nikki Haley and Rep. Chip Huggins presented the Order of the Silver Crescent awarded by Gov. Mark Sanford to Councilman Bobby Keisler. The Silver Crescent is the state's highest honor for volunteer and community service.

Lexington High School Government Class and Lexington County EMS Explorers - Mr. Kinard recognized students from Lexington High School attending as part of their government class assignment and Lexington County EMS Explorers.

Chairman's Report - Chairman Kinard reported he attended a meeting with the National Institute of Corrections to gather ideas on how to work with the Sheriff and the Jail Overcrowding Committee with the County's jail population to enhance the process to save taxpayers' money.

Wildlife Federation Annual Awards Banquet - Mr. Kinard reported during the Wildlife Federation Annual Awards Banquet, Lexington County received the Legislative/Government Conservation Award for adopting the Outdoor Burn and Stormwater Management ordinances.

AT&T Utility Tax Credit Presentation by Henri E. Baskins, AT&T Regional Director - Ms. Henrietta Baskins presented a \$50,000 check, through a Utility Tax Credit Grant, to Lexington County Council for the Saxe Gotha Industrial Park.

Council Members' Activities and/or Comments - Mr. Derrick reported he is serving as Committee Chairman for the Broadband Communications Subcommittee for the South Carolina Association of Counties. Since being formed, the Subcommittee has had two meetings and noted approximately 16 other counties throughout the state are wanting to be involved with the WiMAX initiatives.

Administrator's Report - FY08-09 Audit Report - Mr. Ken Prince - Brittingham, Brown, Prince & Hancock, CPA, LLC - Mr. Prince thanked Council for allowing his firm to serve again as the independent auditor and staff in assisting his firm during the audit process.

Mr. Prince stated the financial statements were prepared by the County's Finance staff and that Brittingham, Brown, Prince & Hancock, CPA, LLC was able to issue an opinion with no qualifications.

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 in the CAFR (Comprehensive Annual Financial Report).

Mr. Prince said his firm also provides a report in the Single Audit Section of the CAFR that addresses the County's compliance with Single Audit requirements of OMB Circular A-133 and a Government Auditing Standards report that looks at internal compliance and found no findings and questioned costs.

He said during the year, the County's net assets were \$230 million, an increase of \$11 million. Of this, approximately \$8 million was from governmental activities and \$3 million from business type activities leaving approximately \$85 million unrestricted and available to meet the County's ongoing obligations.

The County's governmental funds had an ending fund balance of approximately \$97 million, an increase of approximately \$7 million over the previous fiscal year. Of this, approximately \$93 million remains as unreserved.

The General Fund had an ending fund balance of approximately \$54 million, an increase of approximately \$752,000 from last fiscal year. This ending fund balance equates to 58.94 percent of General Fund expenditures and transfers out for the year. Of that balance, \$26 million is designated for specific items, leaving approximately \$27.5 million undesignated and unreserved. That represents approximately 81 working days of expenditures.

The General Fund revenues were approximately \$809,000 over budget and expenditures were less than final budget appropriations by approximately \$10 million, which demonstrates that the County is both fiscally responsible and budgetarily conscious.

Mr. Prince noted during 2009, the County retired approximately \$2.6 million of general obligations bonds and did not issue any new bonds.

H1N1 - Chief Brian Hood gave a power point presentation of the recent H1N1 public vaccination event that the County held on Saturday, January 16 on Ball Park Road. Chief Hood reported during the event, approximately 600 people received the free H1N1 vaccine. He said the event was a great success and showed how well state, county, town, hospital professionals and volunteers work together. Most importantly, it was an indicator of how quickly and efficiently a plan could be in place if the County was to experience an emergency for an all-hazards point of distribution.

Mr. Jeffcoat said he attended the event and was moved by how well organized the event was and thanked staff for making it a success.

Employee Recognition - Katherine Hubbard, County Administrator Lexington County and Habitat for Humanity Restore Recycling Event - Ms. Hubbard reported during the Lexington County and Habitat for Humanity Restore Recycling Event on January 16, at the Habitat for Humanity Restore facility in West Columbia, 178 vehicles came through disposing TVs, computers, monitors, etc. Approximately 10-15 tons of electronic equipment was collected that would have ended up at the landfill.

Resolution - Revision to County Employee Handbook - A motion was made by Mr. Davis, seconded by Mr. Derrick to approve the resolution.

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

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

Appointments - Wrecker Rotation Disciplinary Board - Richard Allen Adams - Mr. Cullum made a motion, seconded by Mr. Jeffcoat to appoint Mr. Richard Adams.

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

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

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

One (1) RMAT Response Vehicle (Grant Funds) - Public Safety/EMS - Staff recommended the purchase of a RMAT Response vehicle from Vic Bailey Ford through State Contract Number 4400000371. Total cost, including tax, is \$74,886.70. Funding will come from the Supplemental Homeland Security grant.

Professional Engineering Services Road Design Projects (RFQ) - Public Works - Resumes were solicited from qualified engineering firms for the design, construction, and administration of various road projects in Lexington County. The top three evaluated engineering firms selected will be assigned roads on an "on call" basis and will be responsible for surveying, permits, soil testing, design calculations, utility relocation, plans and specifications, cost estimates, bid documents, review of bids, contract administration, construction conferences, construction inspections, materials testing, final inspection, right-of-way acquisition, and right-of-way staking as required. Resumes were received from twenty-three (23) firms. Staff recommended having a contract with The LPA Group, Inc., Dennis Corporation, and RPM Engineers. The term of the contract shall be for two (2) years with three (3) one (1) year extensions.

Workstations, Cabinets, and Accessories (Grant Funds) - Sheriff's Department - Competitive bids were solicited for workstations, cabinets, and accessories for the Sheriff's Department. Two (2) bids and one (1) no bid were received. Staff recommended the award of bid to VWR International, LLC as the lowest bidder. Total cost, including tax, is \$30,985.21

Three (3) Waste Compactors - Solid Waste Management - Staff recommended the purchase of three (3) waste compactors from the sole source provider, Amick Equipment Company, Inc. as they are the only vendor capable of providing this type of equipment. Total cost, including tax, is \$110,164.98.

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

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

Zoning Amendment - Zoning Map Amendment M09-06 - 3rd and Final Reading - Mr. Jeffcoat made a motion, seconded by Mr. Banning to approve third and final reading.

Mr. Kinard opened the meeting for discussion.

Mr. Jeffcoat said that Councilman Carrigg was unable to be here for tonight's meeting, but did call to let him know that the parties came together and are in agreement of Zoning Map Amendment M09-06.

Mr. Kinard called for further discussion; none occurred.

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

Committee Reports - Economic Development, B. Banning, Sr., Chairman - Project Crown - Inducement Resolution - Mr. Banning reported during the Economic Development Committee meeting, the Committee voted unanimously in favor to recommend to full Council for approval the Inducement Resolution.

Mr. Banning made a motion, seconded by Mr. Jeffcoat to approve the Inducement Resolution.

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

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

Abstained: Mr. Derrick *

*Mr. Derrick abstained as his company, Derrick Plumbing, Inc., may be involved in the construction of the building.

Project Crown - Ordinance 10-02 - An Ordinance Authorizing the Execution and Delivery of a Fee-in-Lieu of Ad Valorem Taxes Agreement by and Between Project Crown and Lexington County, SC With Respect to Certain Property Whereby the County Will Covenant to Accept Certain Fees-in-Lieu of Ad Valorem Taxes With Respect to Such Property and Such Property Will be Added to the Joint Park with Calhoun County - 1st Reading by Title - A motion was made by Mr. Banning, seconded by Mr. Jeffcoat to approve first reading by title.

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

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

Abstained: Mr. Derrick*

*Mr. Derrick abstained as his company, Derrick Plumbing, Inc., may be involved in the construction of the building.

Planning & Administration, J. Carrigg, Jr., Chairman - Zoning Map Amendment M09-08 - Boyd Miller Circle - 2nd Reading - On behalf of Mr. Carrigg, Committee Vice Chairman Derrick reported the Committee met earlier in the day to discuss Zoning Map Amendment M09-08. He said the Planning Commission vote 7-0 in favor for approval. The Committee voted unanimously in favor to recommend to full Council for approval.

A motion was made by Mr. Derrick, seconded by Mr. Banning to approve second reading of Zoning Map Amendment M09-08.

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

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

Public Works, B. Derrick, Chairman - 2009 NPDES Annual Report - Mr. Derrick reported the Committee met and received the 2009 NPDES Annual report from staff and voted in favor to recommend to full Council for approval.

Mr. Derrick made a motion, seconded by Mr. Cullum to approve the 2009 NPDES Annual Report.

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

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

Solid Waste, D. Summers, Chairman - PalmettoPride Community Pride Grant Award - Ms. Summers reported the Committee met to consider the PalmettoPride Community Pride Grant award. The award in the amount of \$4,000 requires no County match. Funds will be used to purchase outdoor recycling containers for the County’s parks and sports complexes. The Committee voted unanimously in favor to recommend to full Council for approval.

A motion was made by Ms. Summers, seconded by Mr. Keisler to approve acceptance of the grant award.

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

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

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

10-094 - An appropriation transfer of \$96,000 from “C” Funds to cover the County’s portion of the LiDAR mapping project.

10-095 - An appropriation transfer of \$53,129 from the unused portion of the COPS Meth Initiative Grant to purchase additional equipment for the Sheriff’s Department.

10-096 - An appropriation transfer of \$100,000 to be used toward the Lexington County Recreation and Aging road project at Saxe Gotha and 12th Street.

10-097- A supplemental appropriation increase of \$17,273 for funds received from the 2009 Local Emergency Management Performance Grant award.

10-098 - A supplemental appropriation increase of \$4,000 for funds received from the 2010 PalmettoPride Community Pride Grant award.

10-099- A supplemental appropriation increase of \$3,160 for the value of the 1999 Ford Expedition that the Sheriff's Department was awarded through a narcotics seizure.

10-100 - An appropriation transfer of \$28,975 from the Gang Task Force Grant award. The Department of Public Safety has approved the Sheriff's Department to purchase additional equipment for gang officers.

Old Business/New Business - None

Executive Session/Legal Briefing - Mr. Kinard reported Council discussed several Executive Session items during the afternoon Committee of the Whole meeting but needed to go back in Executive Session to continue discussions on two legal matters.

Ms. Summers made a motion, seconded by Mr. Banning to go back into Executive Session.

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

Matters Requiring a Vote as a Result of Executive Session - Mr. Kinard reported as a result of Executive Session there were no motions to be considered.

Old Business/New Business - Mr. Derrick stated that he had voted in the affirmative for the Inducement Resolution and Ordinance 10-02 for Project Crown and requested that the records be changed to reflect he abstained. Mr. Derrick stated the reason for the abstention is that his company, Derrick Plumbing, Inc., may be involved in the construction of the building. (*Note - The vote recorded for the Inducement Resolution and Ordinance 10-02 was changed to reflect Mr. Derrick abstaining.)

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

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

There being no further business, the meeting was adjourned.

Respectfully submitted,

Diana W. Burnett
Clerk

James E. Kinard, Jr.
Chairman