

M I N U T E S  
LEXINGTON COUNTY COUNCIL  
May 11, 2010

Lexington County Council held its regular meeting on Tuesday, May 11, 2010 in Council Chambers beginning at 4:30 p.m. Chairman Kinard presided.

Chief Keith Kirchner gave the invocation. Councilman Davis, an ex-marine, 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	John W. Carrigg, Jr.
	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.

**Chairman's Report** - Chairman Kinard reported he attended the following events: April 30 - Toured the new Cayce Water Plant; May 5 - Attended the Law Enforcement Network Meeting; May 6 - Attended the President's Party for Midlands Technical College Graduation; May 7 - Participated in the Sheriff's Department Special Olympics Torch Run; and May 10 - Participated in the Lake Murray Triathlon.

**Administrator's Report - Presentation of the FY2010 -11 Recommended Non-General Budgets - Finance - Larry Porth, Director** - Mr. Larry Porth, Director of Finance, gave Council a brief recap of the FY2010-11 recommended Non-General Fund budget. The General Fund as previously stated is \$96.2 million, which contains the majority of the operating budgets of the County. In the Non-General Fund there are two large activities – County Library and Solid Waste. Those two budgets together with a number of grants for the Solicitor, Law Enforcement, Community Development Program, "C" Funds, Economic, etc total about \$55 million. Also, the millage agencies - Lexington County Community Mental Health, Lexington County Recreation & Aging Commission, Irmo Chapin Recreation Commission, Midlands Technical College, Riverbanks Zoo, and Irmo Fire District budgets total about \$20 million.

**Employee Recognition - Katherine Hubbard – County Administrator - 13<sup>th</sup> Annual Tug-a-Plane** - Ms. Hubbard announced that the Lexington County Tug Team placed 4<sup>th</sup> with a pull time of 10.89 seconds and the Sheriff's Department had a pull time of 11.47 seconds.

**Presentation of the Waterway Apartment Fire - April 23, 2010** - Chief Brian Hood gave a slide show of the Waterway Apartment fire. Chief Hood said there were over 75 responders from seven different agencies working on the scene and reported there were no injuries sustained by either the civilians or

public safety employees.

**Lexington High School Economics and Government Class** - Mr. Kinard recognized students from Lexington High School attending as part of their economics and government class assignment

**Resolutions - National Public Works Week - May 16-22, 2010 and Lexington County Peach Festival** - Mr. Derrick made a motion, seconded by Mr. Jeffcoat to approve the resolutions.

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

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

**Appointments - Children's Shelter - Ronald S. Lockhart and Central Midlands Council of Governments - Clabie Edmonds** - Mr. Derrick made a motion, seconded by Mr. Jeffcoat to reappoint Mr. Ronald Lockhart to the Children's Shelter and Mr. Clabie Edmonds to the Central Midlands Council of Government.

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

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

**Central Midlands Development Corporation Board - Mayor Bobby Horton** - Mr. Banning made a motion, seconded by Mr. Derrick to reappoint Mayor Bobby Horton.

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

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

**Bids/Purchases/RFPs** - Mr. Jeffcoat made a motion, seconded by Mr. Keisler to approve the following Bids/Purchases/RFPs (Tabs L, M, N, O, P and Q).

**Bitternut Court Engineering Fees - Community Development** - Community Development submitted a purchase request for engineering services to RPM Engineers for the design of Bitternut Court. The engineering services will be purchased under Lexington County Contract Number PQ10009-09/15/10S. Total cost for this service is \$55,029.85.

**2010 HMA Resurfacing Program - Public Works** - Bids were solicited for the 2010 resurfacing program for Public Works. The project consists of preparing each road including but not limited to: milling pothole patching, full depth patching, grass removal and treatment, base failure repair, repairs or improvements to existing drainage systems, curb replacement, and repairs to any surface distress that may affect the new surface. Four (4) bids were received. Staff recommended the award of the bid to C.R. Jackson, Inc for an estimated project cost of \$568,518.

**Aggregate Materials - Term Contract - Public Works** - Competitive bids were solicited for a term contract to purchase aggregate, rip rap, and various stone sizes from a contract supplier to be picked up by a contracted hauler or County owned vehicles and delivered to various Public Works sites located within the County. The term of the contract is for the initial period of one (1) year with the option to extend the contract for four (4) additional one (1) year periods, if deemed to be in the best interest of the County. Two (2) bids were received. Staff recommended the award of the contract to both bidders: Vulcan Materials Co., LLC and Martin Marietta Materials.

**Elbert Taylor Road Paving Design/Engineering Services - Public Works** - Staff recommended the design and engineering services purchase for Public Works from Dennis Corporation for the Elbert Taylor Road paving project. Services will be purchased in accordance to Lexington County Contract Number PQ10003-09/15/09S. Total cost, including tax, is \$49,000.

**Conduct a Six (6) Day All Hazards Incident Management Team Class - Sheriff's Department** - Competitive bids were solicited for the training requirement to conduct a six (6) day All Hazards Incident Management Team (AHIMT) class for the Sheriff's Department. Four (4) bids were received. Staff recommended the award of the bid to Incident Management Training Consortium, LLC in the amount of \$38,000.

**Seven (7) In-Car Digital Video Systems - Sheriff's Department** - Competitive proposals were solicited to establish a term contract with a firm to provide seven (7) in-car digital video systems. The term of the contract shall be in accordance with the proposal and shall be effective for a period of three (3) calendar 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. Five (5) proposals were received. Staff recommended the award of the contract to L-3 Communications Mobile-Vision, Inc. The estimated first year contract is \$46,199.31.

Mr. Kinard opened the meeting for discussion.

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

**Approval of Minutes - Meeting of April 13, 2010** - Ms. Summers made a motion, seconded by Mr. Cullum to approve the April 13, 2010 minutes as submitted.

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

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

**Committee Reports - Planning & Administration, J. Carrigg, Jr., Chairman - 2010-2014 CDBG/HOME Consolidated Plan and Analysis of Impediments to Fair Housing Choice** - Mr. Carrigg reported the Planning and Administration Committee met during the afternoon to review and consider the 2010-2014 CDBG/HOME Consolidated Plan and Analysis of Impediments to Fair Housing Choice documents. The consultant, Mr. Wayne Freeman, of Training and Development Associates presented a power point presentation of the report. The Committee voted in favor to recommend to full Council for approval.

The 2010-2014 Consolidated Plan is a plan that is prepared every five years that must be submitted to HUD for approval that describes the County's housing and community development needs, priorities, and strategies. The 2010-11 Annual Action Plan describes how the County proposes to utilize the CDBG funds in the upcoming year.

Mr. Carrigg made a motion, seconded by Mr. Jeffcoat to adopt the 2010-2014 CDBG/HOME Consolidated Plan, FY2010-11 Annual Action Plan and Analysis of Impediments to Fair Housing Choice.

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

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

**Justice, S. Davis, Chairman - Encouraging Innovation: Field -Initiated Programs Grant**

**Application** - Mr. Davis reported the Justice Committee met during the afternoon to review and consider the request by the Public Defender's Office to apply for the Encouraging Innovation: Field-Initiated Programs grant. The grant, if awarded, will be used to hire an Assistant Public Defender who is fluent in Spanish to represent indigent clients who speak Spanish. The first year application is for \$63,631 and requires no County match. The Committee voted unanimously in favor to recommend to full Council for approval.

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

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

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

**Public Works, B. Derrick, Chairman - Hallman Mill Road Partial Legal Closing** - Mr. Derrick reported the Public Works Committee met on Tuesday, April 27, 2010, to review a request submitted for the partial legal closure of Hallman Mill Road. The following is the Committee Report:

Mr. John Fechtel, Public Works Director, presented a request from the Hallman Family for the legal closing of a portion of Hallman Mill Road, for a total of 2,800 feet. After letters were sent to property owners and the proposed section posted, one objection was received from Ms. Barbara Gaines. Mr. Fechtel reported a pond is located on the portion requested to be closed but the pond dam is not part of the road; however, if any problems occur with the pond the County would be responsible for repairing the portion damaged. Staff has no objections with the road closure and has notified the necessary Public Safety Departments. He confirmed the County's policy that if any objections to a legal closure were received, Council would not necessarily object to the closing but would not pay the legal costs for the closure. The Committee asked if this section is closed how the County will maintain the other sections of road. Mr. Fechtel responded it would be maintained along with the other roads in the same general area. He recommended as part of the legal closure that some type of turnaround area or cul-de-sac for emergency vehicles be included. If Council approves, Mr. Fechtel recommends sending a letter to all the property owners explaining Council has no objections to the road closure, **property owners are to pay all legal fees for the closure, and turnarounds must be included. Also, if property owners pursue the legal closure, and the road was ever to be reopened, the County would require a 50 foot of right-of-way and pave to County standards.**

The Public Works Committee voted in favor, with one opposed, to approve the request from the Hallman Family to legally close a portion of Hallman Mill Road.

Mr. Derrick made a motion, seconded by Mr. Cullum to approve the request for the legal closure of a portion of Hallman Mill Road.

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. Carrigg
	Mr. Banning	

**Preliminary Evaluation for Kinley Creek Watershed** - In addition, Mr. Derrick reported the Public Works Committee also met on Tuesday, April 27, 2010, to review the preliminary evaluation for the Kinley Creek Watershed. The following is the Committee Report:

Mr. John Fechtel, Public Works Director, and Mr. Randy Edwards, County Engineer, presented staff's preliminary study of Kinley Creek, K-1, and K-2. The following options were presented for discussion and consideration; 1) channel improvements, 2) detention ponds, 3) a combination of both channel improvements and detention ponds, and 4) selection and removal of existing structures with flooding conditions. For FEMA consideration, all options need to be considered with related cost figures and hydrology studies to be eligible for funding. Mr. Fechtel said the County could be funded up to 75 percent from FEMA for channelization or detention and utility relocations. Potential funding sources may be available through the Department of Natural Resources and the Emergency Management Division

only after the study is complete and dependent on various criteria and competitive application. Other possible funding sourcing are special tax districts, stormwater utility fees, and in-kind matches, etc.

Mr. Fechtel reported the Kinley Creek Project could be addressed in project phases at \$4 million increments which is FEMA's maximum allowance. (The FEMA grant would be a 75/25 percent match fund.) However, the County could not apply for additional FEMA funding until each project phase is completed. Staff has estimated that the preliminary cost for a complete study is approximately \$250,000. This does not include other potential costs after the study is complete which would be wetland mitigation credits, additional easement widths, etc. Mr. Fechtel said staff would be able to utilize the County's LiDar information and save money on the engineering study.

The County owns 11.79 acres on Piney Grove Road across from Nottingham Road that could be converted into a detention pond, reducing the flows in Kinley Creek. Mr. Fechtel said that additional property would need to be identified and purchased to be able to provide detention ponds for the other flood areas. The complete study will need to be conducted prior to proceeding and would be eligible for the FEMA 75 percent match if the application is made with solutions. The grant would cover majority of the expenses, including utility relocation and purchase of property. Mr. Fechtel will check to see if the 11.79 acres can be used as an in-kind match. The Committee requests the Administrator to find funding for the preliminary project study after staff has confirmed with a qualified firm the actual cost of the study.

The Public Works Committee voted unanimously to request the County Administrator to locate funding for the initial Kinley Creek, K-1 and K-2 Watershed Study as presented after staff provides costs for the engineering firm, preliminary study, and project.

Mr. Derrick made a motion, seconded by Mr. Cullum to request that the County Administrator locate funding for the initial Kinley Creek, K-1 and K-2 Watershed Study as presented after staff provides costs for the engineering firm, preliminary study, and project.

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. Carrigg
	Mr. Banning	

**Budget Amendment Resolutions** - The following Bar was distributed and signed:

10-118 - An appropriation transfer of \$20,000 to cover additional funds needed for legal services in reference to the Intergovernmental Agreement of the Tourism Development Fee.

**Executive Session/Legal Briefing** - Following the afternoon Budget Worksession, Council entered into Executive Session to discuss one personnel, four contractual, and three legal matters. Because Council was unable to complete all discussions, Council re-entered Executive Session during the Committee of the Whole Committee meeting to continue discussion of two legal matters. At the conclusion of Executive Session there was one motion to be considered.

**Matters Requiring a Vote as a Result of Executive Session - Shealy Contract** - Mr. Davis made a motion, seconded by Mr. Jeffcoat to approve the Contract to purchase 77.08 acres of property in the Batesburg/Leesville area.

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

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

**Budget Amendment Resolution** - The following BAR was distributed and signed pertaining to the Shealy Contract.

10-111 - An appropriation transfer of \$5,456 in Solid Waste Management to cover the additional funds needed to purchase the Shealy property.

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

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

There being no further business, the meeting was adjourned.

Respectfully submitted,

Diana W. Burnett  
Clerk

James E. Kinard, Jr.  
Chairman