

M I N U T E S
LEXINGTON COUNTY COUNCIL
July 27, 2010

Lexington County Council held its regular meeting on Tuesday, July 27, 2010 in Council Chambers beginning at 4:30 p.m. Chairman Kinard presided.

Ms. Gwen Riley Chaplin with Lexington Medical Center gave the invocation. Karl Pfahler, retired army veteran, 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; 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-

Ms. Williams recognized the following new members into the County's Green Business Program and their certification area(s) and presented each with a Green Business certificate: CMC Steel, Waste Reduction and Recycling; Talmage Architects, Inc., Energy Efficiency; NGR Saver 2010 Attic Cover, Certified Member; Tomato Palms, Waste Reduction and Recycling; Earth Care Recycling, LLC; Certified Member; and ECO Strategic Sourcing, Inc., Certified Member.

Chairman's Report - Chairman Kinard recognized Evan Birchmore who is working on his Boy Scout merit badge.

Chairman Kinard reported he attended the Regional Cooperation Workshop with Mayor Steve Benjamin of the City of Columbia, Chairman Paul Livingston of Richland County Council, and several area mayors

Administrator's Report - Employee Recognition - Katherine Hubbard, County Administrator - Ms.

Hubbard recognized firefighters Michael Collado, Travis Holliman, and Boynton Manuel on receiving the SC State Firefighters' Association Meritorious Action Award during this year's Fire-Rescue Conference for courageously rescuing a resident from a structure fire.

Also, recognized were the following Fire Service Honor Guard members who performed at the SC State Firefighters' Association Fire-Rescue Conference: Apparatus Operators Nathan Prouse, Tony Banco, Justin Matthews, and Walt Hurley and Firefighter Andre' Fluette.

In addition, Ms. Hubbard recognized Public Safety/Communications and EMS for their dedication and hard work.

Shining Stars for Third Quarter 2010 - Ms. Hubbard recognized Scott Christmas, Registration and Elections, and Jessie Etheredge, Building Services as the winners of the third quarter for the Customer Service Shining Star Award and presented each recipient with an engraved acrylic "Shining Star."

EnviroFlash Air Quality Notification System - Ms. Hubbard said the County has a new link on the County's website to the EnviroFlash Air Quality Notification System where individuals can sign up and have air quality notifications sent to their e-mail address or cell phone. This information will allow individuals to stay better informed about ozone and other air quality matters.

Lexington County Health and Human Service Center - Ms. Hubbard announced that the Health Department and DSS have successfully moved into the new Lexington County Health and Human Service Center at Red Bank Crossing

Resolution - USC Gamecock Baseball Team - Mr. Banning made a motion, seconded by Mr. Cullum to approve the resolution.

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

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

Appointments - Planning Commission - Robert L. Spires - Mr. Keisler made a motion, seconded by Mr. Jeffcoat to reappoint Mr. Robert Spires.

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

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

Planning Commission - Warren L. Cope - Mr. Kinard made a motion, seconded by Mr. Banning to reappoint Mr. Warren Cope.

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. Davis made a motion, seconded by Mr. Carrigg to approve the following Bids/Purchases/RFPs (Tabs Z-7).

Spay/Neuter & Adoption Center - Competitive bids were solicited for the construction of the Spay/Neuter & Adoption Center. Seventeen (17) bids were received. Staff recommended the award to the lowest responsive, responsible bidder, SYS Constructors. Total cost for the Base Bid and Alternate One is \$3,374,999.

Boiler Replacement Project - Lexington County Main Library - Building Services - Competitive proposals were solicited for the boiler replacement project at the Lexington County Main Library. Four (4) bids and two (2) no bids were received. Staff recommended the award to the lowest responsive bidder, Superior Maintenance and Piping, Inc. Total cost, including tax, is \$73,089.

Work Uniforms - Term Contract - Countywide - Competitive bids were solicited for a countywide contract for work uniforms. The term of the contract shall be for a period of one (1) year. The County has the option to extend the contract on an annual basis that shall not exceed two (2) additional one (1) year periods. Eight (8) bids were received. Of those, one did not meet specifications and one submitted a no bid. Staff recommended the award to Rental Uniform Service as the lowest responsive bidder meeting specifications. The estimated annual value of the contract is \$27,646.20.

Request for Approval to Utilize the Competitive Sealed Proposal Process for the Acquisition of Employee Health and Dental Insurance - Staff requested permission to utilize the Request for Proposals (RFP) process to seek competitive proposals from potential qualified providers for the acquisition of employee health and dental insurance. Due to the scope of the project, it is not practical or advantageous to write a comprehensive set of specifications that may limit resources or restrict competition. In selecting a provider, other award criteria in addition to cost will be considered. A review panel will be responsible for reviewing and evaluating proposals based upon specific evaluation factors.

One (1) Storage Area Network Drive - Information Services - Competitive bids were solicited in 2008 for a storage area network drive at which time (2) two bids were received. The vendor was required to hold their prices for five (5) years. Staff recommended approving the additional partial purchase for Phase II from Veristor Systems, Inc. for fiscal year 2010 - 2011. Cost, including tax, is \$40,498.69.

Three (3) Motorgraders (Replacement) - Public Works/Transportation - Staff recommended the purchase of three motorgraders for Public Works/Transportation from Flint Equipment through State Contract Number 4400002343. Total cost, including tax, is \$588,806.32.

Two (2) Backhoes (Replacement) - Public Works/Transportation - Staff recommended the purchase of two (2) backhoes for Public Works/Transportation from Flint Equipment through State Contract Number 4400002343. Total cost, including tax, is \$143,462.

Fleet Vehicle Replacements - Various Departments - Staff recommended the purchase of eight (8) vehicles for various departments from Vic Bailey Ford through the following appropriate State Contract Numbers: 4400000369, 4400001702, and 4400001700. Total cost, including tax, is \$165,355.

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

In Favor: Mr. Kinard Mr. Davis

Mr. Carrigg	Mr. Derrick
Ms. Summers	Mr. Keisler
Mr. Jeffcoat	Mr. Banning
Mr. Cullum	

Approval of Minutes - Meetings of June 15 and June 22, 2010 - Mr. Jeffcoat made a motion, seconded by Mr. Banning to approve the June 15 and 22, 2010 minutes as submitted.

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

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

Zoning Amendment - Zoning Map Amendment M10-01 - P/O Amicks Ferry Road, P/O Timberlake Drive and Fairway Ridge Drive - 1st Reading - Mr. Jeffcoat made a motion, seconded by Mr. Cullum to approve first reading.

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

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

Committee Reports - Economic Development, B. Banning, Sr., Chairman - American Recovery and Reinvestment Act of 2009 Bond Cap Allocation - Mr. Banning reported the Committee met during the afternoon and reviewed the American Recovery and Reinvestment Act of 2009 Bond Cap Allocation and voted in favor to recommend to full Council the approval of the resolution.

Mr. Banning made a motion seconded by Mr. Carrigg to approve the Resolution; allow the Administrator and Economic Development staff to work with those entities that may be interested in applying for funds; and notify the Budget and Control Board that Lexington County does want to acquire the funds.

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

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

Planning & Administration, J. Carrigg, Jr., Chairman - CDBG Program Amendment to 2008 and 2009 Annual Action Plan - Mr. Carrigg reported the Planning & Administration Committee met and received information on the CDBG program amendment for 2008 and 2009. Staff recommended to

amend the 2009 Action Plan and reallocate \$125,000 from the Demolition and Clearance Program to the Minor Home Repair (MHR) program and amend the 2008 Action Plan to reduced the number of lots to purchase on Leica Lane from 15 to 5 and build five single-family houses rather than the original 15 single-family houses. The Committee voted unanimously in favor to recommend to full Council to adopt staff's recommendation.

Mr. Carrigg made a motion, seconded by Mr. Jeffcoat to adopt staff's recommendation to amend the 2008 and 2009 Action Plan.

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	

Ordinance 10-05 - Landscape and Open Space Ordinance Amendments - 1st Reading - Mr. Carrigg reported the Committee also received information on Ordinance 10-05 and voted in favor to recommend to full Council for first reading.

Mr. Carrigg made a motion, seconded by Mr. Davis to approve first reading.

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

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

Justice, S. Davis, Chairman - Forensic Death Investigator Grant Award - Mr. Davis reported during the Justice Committee meeting, the Committee met to consider the acceptance of the Forensic Death Investigator Grant award. The award in the amount of \$76,089 requires a 5 percent County match of \$4,005. Funds will be used to fund the forensic death investigator in the Coroner's office. The Committee voted in favor to recommend to full Council for approval.

Mr. Davis made a motion, seconded by Mr. Jeffcoat to approve acceptance of the grant award.

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	

Gang Task Force Grant Award - Mr. Davis reported the Committee as well considered the acceptance of the Gang Task Force Grant award for the Sheriff's Department. The award in the amount of \$152,550 requires a 5 percent County match of \$8,029. Grant funds will be used to fund two gang officers and equipment. The Committee voted in favor to recommend to full Council for approval.

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

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	

Immigration and Customs Enforcement (ICE) Memorandum of Understanding - Also, Mr. Davis reported during the afternoon Executive Session, Council received a briefing on a contractual/legal matter regarding a Memorandum of Understanding for the Sheriff's Department.

Mr. Davis made a motion, seconded by Mr. Keisler to approve the Memorandum of Understanding for the ICE program.

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

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

Public Works, B. Derrick, Chairman - Uncontested Legal Road Closures - Mr. Derrick noted the Committee took no action on the item.

Chaney Road Partial Closing - Mr. Derrick reported the Public Works Committee met to reconsider the partial closing of Chaney Road. The Committee voted unanimously in favor to accept staff's recommendation. The petitioner, Mr. N. Everette Kneece will pay one-half the legal cost plus provide a cul-de-sac on his property at the end of the closure. (The County will pay 50 percent of the legal cost not to exceed \$1,500).

Mr. Derrick made a motion, seconded by Mr. Keisler to approve staff recommendation for the partial road closing.

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

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

Mr. Cullum

Partial Closing of Pershing Street - Mr. Derrick also reported the Committee reviewed the request for the partial closing of Pershing Street. The Committee voted unanimously in favor to approve staff's recommendation, which is to approve the partial closing contingent upon the Town's concurrence. Ms. Joan T. Caughman is paying all legal costs for the road closure.

Mr. Derrick made a motion, seconded by Mr. Keisler to approve staff's recommendation for the partial closing of Pershing Street.

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

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

Updated Countywide Transportation Plan - The Committee reviewed the revised Updated Countywide Transportation Plan for the expenditures of "C" fund proceeds and voted unanimously in favor to recommend to full Council for approval.

Mr. Derrick made a motion, seconded by Mr. Jeffcoat to approve the revised Updated Countywide Transportation Plan.

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	

Solid Waste, D. Summers, Chairman - Ms. Summers reported during the afternoon Solid Waste Committee, the Committee met to consider the acceptance of the following three grant awards. The Committee voted unanimously in favor to recommend to full Council for approval.

Ms. Summers made a motion, seconded by Mr. Jeffcoat to approve the following three grant awards.

DHEC Solid Waste Mattress Grant Award - The grant award in the amount of \$49,750 requires no County match. The funds will be used to implement a new mattress recycling program.

DHEC Solid Waste Tire Grant Award - The grant award in the amount of \$2,000 requires no County match. The funds will be used to promote proper tire disposal and recycling.

DHEC Used Oil Grant Award - The grant award in the amount of \$47,135 requires no County match. The funds will be used to maintain and expand the County's used oil recycling program.

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

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

Committee of the Whole, J. Kinard, Chairman - HUD Sustainable Communities Regional Planning Grant Memorandum of Understanding - Mr. Kinard reported during the afternoon Committee meeting, the Committee received a request from Mr. Whitaker, Executive Director, of Central Midlands Council of Governments (COG) to consider approving a Memorandum of Understanding to accompany the HUD Sustainable Communities Regional Planning grant application that the COG will be applying for. The Committee voted in favor to recommend to full Council for approval.

Mr. Kinard made a motion, seconded by Mr. Banning to approve the Memorandum of Understanding.

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	

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

10-033 - An appropriation transfer of \$32,140 and a supplemental appropriation decrease of \$4,500 to cover additional expenditures related to the FY10 LEMPG. The grant award was less than anticipated.

11-022 - An appropriation transfer of \$10,000 to establish an account to pay for the County's contribution to the Regional Transit Authority. This covers the transit system in Lexington County through 9/30/2010.

11-023 - A supplemental appropriation decrease of (\$110,360) in the Sheriff's Department for the Victims of Crime Act. The County was not awarded the grant from the SC Department of Public Safety.

11-024 - A supplemental appropriation decrease of (\$7,944) for Library Services to adjust their State Aid budget. The State Aid received was based on just over ninety-six cents per capita rather than the dollar per capita anticipated.

11-025 - A supplemental appropriation decrease of (\$6,030) to adjust the budget to match the grant award received from DHEC for the Solid Waste Mattress grant.

11-026 - A supplemental appropriation decrease of (\$3,750) to adjust the budget to match the grant award received from DHEC for the Solid Waste Tire grant.

11-027 - A supplemental appropriation decrease of (\$23,585) to adjust the budget to match the grant award received from DHEC for the Solid Waste Used Oil grant.

11-028 - A supplemental appropriation decrease in the amount of (\$28,049) and an appropriation transfer of (\$1,402) to adjust the budget to match the grant award received from the SC Department of Public Safety for the Gang Task Force grant.

11-029 - An appropriation transfer of (\$1,055) and a supplemental appropriation decrease of (\$21,104) to adjust the budget to match the grant award received from the SC Department of Public Safety for the Forensic Death Investigator grant.

Old Business/New Business - Ordinance 10-06 - 1st Reading by Title - Mr. Banning made a motion, seconded by Mr. Keisler to approve first reading of Ordinance 10-06 - An Ordinance to Provide for the Issuance and Sale of Not Exceeding Twenty-Five Million Dollars (\$25,000,000) General Obligation Refunding Bonds, Series 2010 of Lexington County, South Carolina, to Prescribe the Purposes for Which the Proceeds Shall be Expended, to Provide for the Payment Thereof, and Other Matters Relating Thereto.

Mr. Banning said during Executive Session, Ordinance 10-06 was discussed, which is the refunding and reissuing of the bonds for the Marc H. Westbrook Judicial Center that will save the County in excess of a million dollars.

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

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

Executive Session/Legal Briefing - During the afternoon Committee of the Whole meeting, Council entered into Executive Session to discuss 8 contract and 13 legal matters but needed to re-enter Executive Session to continue discussions of 6 contractual and 12 legal matters.

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

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

Matters Requiring a Vote as a Result of Executive Session - At the conclusion of Executive Session, Mr. Kinard reported there was one motion to be considered.

Par Tee/USC/Lexington County Agreement - Mr. Cullum made a motion, seconded by Mr. Davis to approve the agreement and sublease between USC, Par Tee, and Lexington County in regard to a portion of the old 321 Landfill.

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

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

Not Present: Mr. Carrigg* Mr. Banning*

Messrs. Carrigg and Banning left following the vote to go back into executive.

Old Business/New Business - Quit Claim Deed - Creek End Circle - As an item of new business, Mr. Cullum made a motion, seconded by Mr. Keisler that we quit claim the cul-de-sac area of property on Creek End Circle in Gilbert that has never been used as a cul-de-sac to the adjoining property owners on each side of the road of where this proposed cul-de-sac is made.

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	

Not Present: Mr. Carrigg Mr. Banning

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

11-031 - An appropriation transfer of \$25,000 and a supplemental appropriation increase of \$20,000 for a sublease agreement between USC, Par Tee Driving Range and Lexington County to construct a practice facility to be used by USC.

11-032 - An appropriation transfer of \$70,000 to move 11 graves located at the Batesburg-Leesville Industrial Park to a permanent gravesite located at the C. Edgar Johnson Cemetery and demolish an abandoned dwelling located in the industrial park.

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

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

Not Present: Mr. Carrigg Mr. Banning

There being no further business, the meeting was adjourned.

Respectfully submitted,

Diana W. Burnett
Clerk

James E. Kinard, Jr.
Chairman