

M I N U T E S  
L E X I N G T O N C O U N T Y C O U N C I L  
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Lexington County Council held its regular meeting on Tuesday, October 26, 2010 in Council Chambers beginning at 4:30 p.m. Chairman Kinard presided.

Thomas Hart, a member of the Lexington County Public Safety Chaplaincy Program and Pastor at Living Word Assembly in Lexington, gave the invocation. Raymond Caughman, 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 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 Amanda St. John, Recycling Coordinator** - Ms. Williams and Ms. St. John recognized the following organizations who became Certified Members into the County's Green Business Certification Program and presented each with a Green Business certificate: South Carolina Association of CPAs; Holiday Inn & Suites – Columbia Airport; 14 Carrot Whole Foods, Inc., Jamestown Coffee Co.; Metts Construction, Inc.; and Pascon Recycling.

**Lexington High School Government and Economic Class** - Chairman Kinard recognized students from Lexington High School attending as part of their economic and government class assignment.

**Chairman's Report** - Chairman Kinard reported he has been extremely busy the past couple of weeks. He reported he and several Council members attended the SCANA Elected Officials reception; attended the Central SC Alliance Board meeting; the South Carolina Association of Counties Coalition meeting; participated in the Economic Development Industry Appreciation Day; attended the Lexington County Museum Haunted History Halloween Program; attended the Transportation Summit; and the Lower State Band Championship Competition (Chapin High School finished 1<sup>st</sup> and Swansea High School finished 3<sup>rd</sup>).

**Council Members' Activities and/or Comments** - Mr. Derrick announced the Batesburg/Leesville Panther Marching Band won the Division 1-A 2010 State Championship.

Mr. Cullum reported that Lexington High School won the State 4-A Swimming Competition.

Mr. Banning reported the County held its Third Annual Industry Appreciation Golf Tournament at Indian River and proudly announced the event drew approximately 130 attendees. In addition, Mr. Banning reported he, too, attended the Transportation Summit.

**Employee Recognition - Katherine Hubbard, County Administrator** - Ms. Hubbard recognized Mark Kerley, new Building Service Manager and Jeff Hyde, who was promoted to Procurement Manager.

Ms. Hubbard reminded everyone that all the County's voting precincts are listed on the County's website at [www.lex-co.com](http://www.lex-co.com)

**Appointments - Children's Shelter - Mr. Rob Winchester** - Ms. Summers made a motion, seconded by Mr. Cullum to appoint Mr. Winchester.

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	

**Bid/Purchases/RFPs** - Prior to taking action, Chairman Kinard announced that Tab N (Window Replacements for the Lexington County Summary Court Center) has been deleted from the agenda.

Mr. Davis made a motion, seconded by Mr. Derrick to approve staff's recommendations on the following Bids/Purchases/RFPs (Tabs O,P, and Q)

**Liquefied Petroleum (LP) Gas - Countywide** - Competitive bids were solicited for a countywide term contract for liquefied petroleum for the County. Three (3) bids and one (1) no bid were received. On August 24, County Council approved staff's recommendation to award the bid to the lowest responsive bidder, Palmetto Propane. Since the award, Palmetto Propane has been unable to provide a performance bond as required by the bid documents and contract. Therefore, staff is recommending to re-award the contract to Ferrellgas LP, the second low responsive bidder. The term of the contract shall be for the initial period of three (3) years. The County has the option to extend the contract for two (2) additional one (1) year periods. The estimated annual value of the contract is \$52,000.

**Roof Replacement at Oak Grove and South Congaree Fire Stations - Public Safety/Fire Service** - Competitive bids were solicited for roof replacements at the Oak Grove and South Congaree Fire Stations. Four (4) responsive bids were received. Staff recommended the award of the bid to lowest responsive, responsible bidder, Davco Roofing and Sheet Meal for items #1, #2, #11, #13, and #14 in an amount not to exceed \$251,650.

**Central Control Touch Panel & Installation (Jail Locking System) - Sheriff's Department** - Competitive bids were solicited for the central control touch panel and installation for the jail locking system at the Sheriff's Department. One (1) responsive bid and two (2) no bids were received. Staff recommended the award of the bid to the lowest responsive bidder, Montgomery Technology Systems, LLC. Total cost, including tax, is \$33,636.

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. Carrigg                Mr. Banning  
                      Mr. Cullum

**November and December 2010 Schedule** - Mr. Jeffcoat made a motion, seconded by Mr. Cullum to meet only on the second Tuesday for the months of November (November 9) and December (December 14). The Chairman may call a Special Meeting should the need arise.

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

**Approval of Minutes - September 14 Special Called Meeting and September 28, 2010** - Mr. Derrick made a motion, seconded by Ms. Summers to approve the September 14 and 28, 2010 minutes as submitted.

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

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

**Ordinance - Ordinance 10-05 - Landscape and Open Space Ordinance Amendments - 3<sup>rd</sup> and Final Reading** - Mr. Davis made a motion, seconded by Ms. Summers to approve third and final reading of Ordinance 10-05.

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

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

**Committee Reports - Economic Development, B. Banning Sr., Chairman - Inducement Resolution R10-08 for ABMA, LLC** - Mr. Banning reported the Committee, during executive session, reviewed Inducement Resolution 10-08 and the FILOT agreement for ABMA, LLC. ABMA is the acronym for Akebono Brake Manufacturing of America, LLC. Following Executive Session and reconvening in open session, the Committee voted in favor to recommend to full Council for approval.

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

R10-08.

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

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

**Ordinance 10-01 - An Ordinance Authorizing the Execution of a Fee Agreement Between Lexington County and ABMA, LLC; Joint Park Designation, and Matters Related Thereto - 1<sup>st</sup> Reading** - Mr. Banning reported this project is an approximate \$20 million project with 283 jobs for the County.

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

**Planning & Administration, J. Carrigg, Jr., Chairman - Zoning Text Amendment T10-02 - Comprehensive Administrative Update - 2<sup>nd</sup> Reading** - Mr. Carrigg reported the Committee met during the afternoon to consider Zoning Text Amendment T10-02. The Committee voted to recommend the revised draft version dated October 21, 2010 approved by the Planning Commission. (The October 21, 2010 draft is different from the August 12, 2010 draft that was included in the agenda.) The following was deleted from Section 123.20 - Extent of Amendment Granted: The County Council may grant a more restrictive zoning amendment that allows fewer principal activities than formally requested by the applicant, but may not grant a less restrictive zoning amendment that allow more principal activities than formally requested by the applicant.

Mr. Carrigg made a motion, seconded by Mr. Derrick to approve second reading of Zoning Text Amendment T10-02 as revised and approved by the Planning Commission on October 21, 2010.

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

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

**Justice, S. Davis, Chairman - Bulletproof Vest Partnership Grant Award** - Mr. Davis reported the Committee met during the afternoon to consider acceptance of the Bulletproof Vest Partnership Grant award. The award in the amount of \$9,849.21 requires a 50 percent County match. The Committee voted in favor to recommend to full Council for approval.

Mr. Davis made a motion, 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	Mr. Davis
	Mr. Keisler	Mr. Derrick
	Ms. Summers	Mr. Jeffcoat
	Mr. Carrigg	Mr. Banning
	Mr. Cullum	

**Health & Human Services, J. Jeffcoat, Chairman - DHEC EMS Grant-in-Aid - Public Safety/EMS Grant Award** - Mr. Jeffcoat reported the Health & Human Services Committee met today and voted in favor to recommend to full Council for approve the acceptance of the Public Safety/EMS Grant award. The award in the amount of \$25,414.66 requires a 5.5 percent County match, which is budgeted in their FY10-11 budget.

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

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

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

**FY09 Citizens Corp (CERT) Grant Award** - Mr. Jeffcoat report the Committee also discussed the FY09 CERT Grant award. The grant award in the amount of \$4,333 requires no County match. The Committee voted in favor to recommend to full Council for approval.

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

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

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

**Public Works, D. Derrick, Chairman - FY2009-2010 Annual County Transportation Committee (CTC) Report and the Disadvantage Business Enterprises (DBE) Report for 2009-2010 for Lexington County "C" Fund Project** - Mr. Derrick reported during the afternoon Public Works Committee, the Committee met to review the above two reports.

The FY2009-2010 Annual County Transportation Committee (CTC) Report contains information regarding "C" funds received and expended during FY2009-2010 and a description of each project with a general accounting of all expenditures.

The Disadvantage Business Enterprises (DBE) Report for 2009-2010 for Lexington County "C" Fund Projects is a State Law requirement, which is a goal to expend a certain percentage of "C" funds on DBEs.

The Committee voted in favor to recommend to full Council for approval.

Mr. Derrick made a motion, seconded by Mr. Keisler to approve the FY2009-2010 Annual County Transportation Committee (CTC) Report and the Disadvantage Business Enterprises (DBE) Report for 2009-2010 for Lexington County "C" Fund Project for submission to SCDOT.

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	

**Airport, T. Cullum, Chairman - Revised Airport Master Plan for the Lexington County Airport at Pelion-** Mr. Cullum reported the Airport Committee met earlier today to discuss the Revised Airport Master Plan for the Lexington County Airport at Pelion. After much discussion, the plan now will be an Airport Layout Plan (ALP) rather than a Master Plan. The LPA Group will do the Airport Layout Plan and include the Business and Marketing Plan. The County's share of the Airport Layout Plan is \$1,990.88 (2.5 percent) and the Business and Marketing Plan is \$26,841 for a combined cost of \$28,831.88. Also, the County will make an application to the State Aeronautics Commission for a 50 percent reimbursement grant toward the cost of the Business and Marketing plan. The Committee voted in favor to recommend to full Council for approval.

Mr. Cullum made a motion, seconded by Mr. Davis to approve moving forward with the Airport Layout Plan (ALP) to include the Business and Market Plan and make application to the State Aeronautics Commission for a 50 percent reimbursement grant toward the cost of the plan.

Mr. Kinard opened the meeting; no discussions occurred.

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

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

11-062 - A supplemental appropriation decrease of \$273,000 for Public Safety/Fire Service. The FY09 Assistance to Firefighter Grant application was not approved. This transaction is to zero out the budget.

11-063 - A supplemental appropriation increase of \$11,699 for the Sheriff's Department for the Bulletproof Vest Partnership Program. This is to increase the budget to match the award and increase the match that is needed for the award.

11-064 - A supplemental appropriation decrease of \$10,031 for Public Safety/EMS. The DHEC/EMS Grant-in-Aid award was less than Public Safety/EMS budgeted for and this transaction is to adjust the budget to the grant award.

11-065 - A supplemental appropriation decrease of \$440 for Public Safety/Emergency Preparedness. This transaction is to adjust the budget to match the 2009 CERT grant award.

**Executive Session /Legal Briefing** - During the afternoon Committee of the Whole meeting, Council entered into Executive Session to discuss three contractual and five legal matters, but was unable to complete discussions. Mr. Kinard reported Council needed to re-enter Executive Session to continue discussions on one contractual and five legal matters.

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

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

**Matters Requiring a Vote as a Result of Executive Session** - At the conclusion of Executive Session, Mr. Kinard reported there were no motions to be considered.

**Old Business/New Business** - None

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

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

There being no further business, the meeting was adjourned.

Respectfully submitted,  
Diana W. Burnett  
Clerk

James E. Kinard, Jr.  
Chairman