

M I N U T E S
LEXINGTON COUNTY COUNCIL
March 22, 2011

Lexington County Council held its regular scheduled meeting on Tuesday, March 22, 2011 in Council Chambers beginning at 4:30 p.m. Chairman Kinard presided.

Councilman Frank Townsend gave the invocation and Mr. John Wayne Parrish, Jr., US Army Veteran and CEO of The Loxscreen Co., led the Pledge of Allegiance.

Members attending: James E. Kinard, Jr. Frank J. Townsend, III
 George H. (Smokey) Davis Debra B. Summers
 Bobby C. Keisler Johnny W. Jeffcoat
 Kenneth Brad Matthews William B. Banning, Sr.
 M. Todd Cullum

Also attending: Katherine Hubbard, County Administrator; Joe Mergo, III, Deputy County Administrator; John Fechtler, 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.

Lexington County Economic Development Ambassador of 2010 - Raul Fernandez-Carreras - Mr. Chuck Whipple, Economic Development Director, stated the SC Department of Commerce hosted its 20th Annual Industry Appreciation Celebration on January 25, 2011 and highlighted 47 individuals from 46 counties for their exceptional efforts to foster economic development activities across South Carolina.

Mr. Whipple recognized Mr. Raul Fernandez-Carreras with Michelin North America as the 2010 Ambassador for Economic Development for Lexington County and presented him with a framed certificate from the State of South Carolina.

Chairman's Report - Chairman Kinard reported he attended the following events: Lexington County Delegation meeting on March 10, the Pelion Community Crime Watch meeting on March 14, and traveled to Washington, DC on March 16-18 with Councilmen Banning and Cullum, Ms. Hubbard, Judge Reinhart, and Mr. Ujcich to view a pilot program on jail overcrowding and pretrial screening.

Council Members' Activities and/or Comments - Mr. Jeffcoat publically thanked SCANA Corporation for adding 38 additional parking spaces on the side of the dam walkway so citizens would not have to cross the busy road. The parking across the road is planned to be closed to protect the public.

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

Katherine Hubbard, County Administrator - Ms. Hubbard announced in partnership with Keep the Midlands Beautiful, Richland County; City of Columbia; and Lexington County, Sam's Club on Harbison

Blvd. will sell compost bins and rain barrels on Saturday, March 26 from 9 a.m. - 3:00 p.m.

Employee Recognition - 2010 Outstanding Safety Achievement Award - Mr. John Henderson, SCAC Risk Manager, presented the 2010 Outstanding Safety Achievement Award from the South Carolina Association of Counties Workers Compensation/Property & Liability Trust to the County of Lexington.

Hwy. 6 and Hwy. 378 Overtaken Tanker Spill - Ms. Hubbard recognized the following agencies and businesses who worked together to ensure everyone's safety during the cleanup of the overturned tanker spill. Several businesses provided refreshments throughout the day for the workers. Those recognized were: Oakleaf Village, Moe's Southwest Grill, Krispy Kreme, Hess Gas Station, Lexington County Public Safety/Fire Service, Lexington County Sheriff's Department, SC Highway Patrol, Lexington School District 1, Lexington County Public Safety/Communications, Lexington County Emergency Management, Town of Lexington Parks & Sanitation, Town of Lexington Utilities Department, Town of Lexington I.T. Department, DHEC, SC Transport Police, Town of Lexington Police Department, Lexington County Public Works, Wayne's Towing, APC, JBR, and A&D.

In addition, Ms. Hubbard recognized Chief David Fulmer. Ms. Hubbard said Chief Fulmer received a letter from Lexington School District One Superintendent, Karen Woodward, thanking him for his work during the tanker spill.

Also, Ms. Hubbard recognized Public Safety/Emergency Management Response Coordinator, Tom Collins. Ms. Hubbard said Mr. Collins received an e-mail from Ms. Mary Beth Hill, Chief Communications Officer for Lexington County School District One, thanking emergency personnel for their assistance, wisdom, and professionalism throughout the day during the tanker spill.

Resolutions - Joint Municipal Water & Sewer Commission - Alternate Member, Lexington Young Professionals, and Lexington County Peach Festival - Mr. Keisler made a motion, seconded by Ms. Summers to approve the resolutions.

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

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

Appointments - None.

Bids/Purchases/RFPS - Mr. Davis made a motion, seconded by Ms. Summers to approve the Aggregate Hauling Term Contract for Solid Waste Management.

Aggregate Hauling - Term Contract - Solid Waste Management - Competitive bids were solicited for a term contract for aggregate hauling for Solid Waste Management. 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. Four (4) responsive bids were received. Staff recommended the award of the contract to JC Wilkie Construction, LLC and Coogler Construction. The estimated yearly cost, including applicable sales tax, is \$46,000.

Mr. Kinard opened the meeting for discussion.

Mr. Townsend said he would need to abstain from voting because he may have a conflict of interest with regard to one of the vendors and will complete the Abstention form that the clerk has given me to be made part of the minutes.

Mr. Kinard called for further discussion; none occurred.

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

Abstained: Mr. Townsend

Rescheduling of the May 10, 2011 Council Meeting - Council cancelled the May 10th meeting. However, Ms. Hubbard said staff will be asking Council to schedule budget worksessions about the same time and if there is any pressing issues or actions that Council may need to address, then those can be tied in with the budget worksession the following week. Therefore, everyone was asked to keep May 17 open as a possible meeting date.

Approval of Minutes - Meetings of February 22 and March 08, 2011 - Mr. Banning made a motion, seconded by Mr. Townsend to approve the February 22 and March 08, 2011 minutes as submitted.

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

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

Ordinance - Ordinance 11-02 - An Ordinance Approving the Conveyance of Real Estate From the County of Lexington to the Lexington County Health Services District - 1st Reading - Mr. Jeffcoat made a motion, seconded by Mr. Banning to approve first reading.

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

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

Committee Reports - Economic Development, B. Banning, Sr., Chairman - Ordinance 11-04 - An Ordinance Authorizing (1) the Execution and Delivery of a Fee in Lieu of Tax and Incentive Agreement (the "Fee Agreement") Between Lexington County, South Carolina (the "County") and Michelin North America, Inc., Acting for Itself and Any Affiliates and any Other Project Sponsors, (Collectively, the "Company"), in Connection With the Expansion of Facilities in the County (the

“Project”); (2) the County to Covenant in Such Fee Agreement to Accept Certain Negotiated Fees in Lieu of Ad Valorem Taxes With Respect to the Project; (3) Special Source Credits in Connection With the Project; (4) the Benefits of a Multi-County Industrial or Business Park to be Made Available to the Company and the Project; and (5) Other Matters Relating Thereto - 1st Reading - Mr. Banning reported the Economic Development Committee met earlier during the afternoon to review Ordinance 11-04. The investment by Michelin North America is \$100 million in the first five years and 125 jobs. The Committee voted unanimously in favor to recommend to full Council to approve first reading of Ordinance 11-04.

Mr. Banning 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. Banning
	Mr. Davis	Mr. Townsend
	Ms. Summers	Mr. Keisler
	Mr. Jeffcoat	Mr. Matthews
	Mr. Cullum	

Planning & Administration, J. Jeffcoat, Chairman - Zoning Text Amendment T11-01 - Public Service Signs - 1st Reading - Mr. Jeffcoat reported the Planning & Administration Committee met and voted in favor to send to full Council to approve first reading of Zoning Text Amendment T11-01.

Mr. Jeffcoat made a motion, seconded by Mr. Matthews to approve first reading of Zoning Text Amendment T11-01.

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

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

Justice, S. Davis, and Chairman - FY11 Bulletproof Vest Partnership Grant Application - Mr. Davis reported the Justice Committee met on Tuesday, March 8, 2011, to review the request from the Sheriff's Department to apply for the FY11 Bulletproof Vest Partnership grant. Following is the Committee Report.

Col. Allan Paavel presented a request to apply for the FY11 Bulletproof Vest Partnership Grant in the amount of \$8,000 with a 50 percent County match required for a total of \$16,000. The funds will be used to offset the cost of buying vests that will expire next year and for new hires.

The Justice Committee voted unanimously to recommend that Council approve staff's request to apply for the FY11 Bulletproof Vest Partnership Grant.

Mr. Davis made a motion, seconded by Mr. Keisler to approve staff's request to apply for the FY11 Bulletproof Vest Partnership Grant.

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

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

Health & Human Services, J. Jeffcoat, Chairman - Resolution R11-04 - Approval of a Resolution Calling for a Public Hearing to be Held Upon the Question of the Issuance of a Not Exceeding \$3,000,000 General Obligation Bond of the Irmo Fire District, SC; Providing for the Publication of the Notice of Such Public Hearing; and Other Matters Relating Thereto - Mr. Jeffcoat reported the Health & Human Services Committee met during the afternoon and voted in favor to recommend to full Council for approval Resolution R11-04.

Mr. Jeffcoat made a motion, seconded by Mr. Matthews to approve the resolution.

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

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

Ordinance 11-03 - An Ordinance Finding that the Irmo Fire District, South Carolina, May Issue a Not Exceeding \$3,000,000 General Obligation Bond and to Provide for the Publication of Notice of the Said Finding and Authorization - 1st Reading - Also, the Committee voted in favor to recommend to full Council for approval first reading of Ordinance 11-03.

Mr. Jeffcoat made a motion, seconded by Mr. Matthews to approve first reading.

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

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

2011 Local Emergency Management Performance Grant (LEMPG) Application - Mr. Jeffcoat reported the Health and Human Services Committee met on Tuesday, March 8, 2011, to review the request from the Public Safety Emergency Preparedness Division for the 2011 Local Emergency Management Performance Grant (LEMPG) application. Following is the Committee Report:

Mr. Tom Collins, Emergency Response Coordinator, presented a request to apply for the 2011 Local Emergency Management Performance Grant (LEMPG) in the amount of \$28,947 which requires a 50

percent County in-kind match for a total of \$57,894. The funds will be used to offset a percentage of the salaries for Emergency Preparedness staff and includes training for the Emergency Response Coordinator.

The Health and Human Services Committee voted unanimously to recommend that Council approve staff's request to apply for the 2011 Local Emergency Management Performance Grant (LEMPG).

Mr. Jeffcoat made a motion, seconded by Mr. Cullum to approve staff's request to apply for the 2011 Local Emergency Management Performance Grant.

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

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

Public Works, T. Cullum, Chairman - Draft NPDES MS4 Permit Changes and Comments - Mr. Cullum reported the Public Works Committee met during the afternoon and discussed the NPDES MS4 permit where we are asked by DHEC to make comments or changes on the proposed permit plan. The Committee voted unanimously in favor to recommend to full Council for approval to provide a letter to be signed by the Council Chairman to DHEC explaining some of the comments and changes that we would like to see made in the MS4 permit before it is actually granted.

Mr. Cullum made a motion, seconded by Mr. Matthews to allow the Council Chairman to send a letter to DHEC explaining some of the changes that we feel are needed and noted comments about some of the requests they are asking us to perform in the permit.

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

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

Waterline Easement Request - Joint Municipal Water & Sewer Commission - Mr. Cullum also reported the Committee considered the waterline easement request for the Joint Municipal Water & Sewer Commission. The Committee voted unanimously in favor to recommend to full Council for approval contingent to approval by our County Attorney.

Mr. Cullum made a motion, seconded by Mr. Keisler to allow granting the easement to the Joint Municipal Water & Sewer Commission only upon the agreement of our County Attorney.

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

In Favor:	Mr. Kinard	Mr. Cullum
	Mr. Keisler	Mr. Townsend

Mr. Davis Ms. Summers
Mr. Jeffcoat Mr. Matthews
Mr. Banning

Airport, T. Cullum, Chairman - Working Paper 1 for Airport Layout Plan at Lexington County Airport at Pelion - Mr. Cullum reported the Airport Committee met during the afternoon noon. The consulting group, LPA Group is proposing that we send to the FAA Working Paper 1 for the Lexington County Airport at Pelion to begin the planning process. The Committee voted unanimously in favor to recommend to full Council for approval.

Mr. Cullum made a motion, seconded by Mr. Townsend to accept the Working Paper 1 for the Airport Layout and sent to FAA.

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

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

Solid Waste, D. Summers, Chairman - DHEC Solid Waste Management Grant Application - Ms. Summers reported the Solid Waste Committee met on Tuesday, March 8, 2011, to review the request from the Solid Waste Management Department for the South Carolina Department of Environmental Control (DHEC) Solid Waste Management Grant application. Following is the Committee Report:

Mr. Dave Eger, Solid Waste Management Director, presented a request to apply for the DHEC Solid Waste Management Grant in the amount of \$7,000. There is no County match required. The funds will be used toward the purchase of a metal storage building at the Edmund Landfill to store e-scrap collected at the main landfill and the collection and recycling centers.

The Solid Waste Committee voted unanimously to recommend to full Council to approve staff's request to apply for the DHEC Solid Waste Management Grant.

Ms. Summers made a motion, seconded by Mr. Cullum to approve staff's request to submit the grant application.

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

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

DHEC Solid Waste Used Oil Grant Application - Ms. Summers reported the Solid Waste Committee also met on Tuesday, March 8, 2011, to review the request from the Solid Waste Management Department for the South Carolina Department of Environmental Control (DHEC) Used Oil Grant

application. Following is the Committee Report:

Mr. Dave Eger, Solid Waste Management Director, presented a request to apply for the DHEC Used Oil Grant in the amount of \$34,470. There is no County match required. The funds will be used to purchase items to maintain and upgrade used oil recycling sites, educate residents about the used oil program, and provide staff training.

The Solid Waste Committee voted unanimously to recommend to full Council to approve staff's request to apply for the DHEC Used Oil Grant.

Ms. Summers made a motion, seconded by Mr. Cullum to approve staff's request to submit the grant application.

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

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

DHEC Solid Waste Used Tire Grant Application - In addition, the Solid Waste Committee met on Tuesday, March 8, 2011, to review the request from the Solid Waste Management Department for the South Carolina Department of Environmental Control (DHEC) Solid Waste Tire Grant application.

Mr. Dave Eger, Solid Waste Management Director, presented a request to apply for the DHEC Solid Waste Tire Grant in the amount of \$6,000. There is no County match required. The funds will be used to promote proper tire disposal/recycling and training for staff.

The Solid Waste Committee voted unanimously to recommend to full Council to approve staff's request to apply for the DHEC Solid Waste Tire Grant.

Ms. Summers made a motion, seconded by Mr. Davis to approve staff's request to submit the grant application.

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

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

Committee of the Whole, J. Kinard, Chairman - Resolution R11-03 - Town of Lexington Annexation Request - TMS 004300-08-005 - Mr. Banning made a motion, seconded by Mr. Jeffcoat to approve Resolution R11-03.

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

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

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

11-090 - A supplemental appropriation increase of \$1,160 in the Sheriff's Department. A Sheriff's Department vehicle was damaged in a wreck and will not be repaired due to the vehicle being pulled from service in this budget year.

11-091 - A supplemental appropriation increase of \$8,954 from the sale of used and confiscated firearms in the Sheriff's Department.

11-092 - A supplemental increase of \$45,353 in the Sheriff's Department to purchase an additional boat with equipment for the Sheriff's Department's marine fleet. DNR will reimburse the Sheriff's Department using Water Recreation Resource Tax funds.

11-093 - An appropriation transfer of \$11,353 for Public Safety/EMS. EMS has determined that the CAD AVL system that was originally requested is no longer necessary and DHEC has approved a revision to allow EMS to purchase other capital items to help with training.

Old Business/New Business - None.

Executive Session/Legal Briefing - Council concluded executive session consisting of five contractual and two legal matters during the afternoon Committee of the Whole meeting.

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

Recess - Mr. Banning made a motion, seconded by Mr. Davis to adjourn until the Public Hearing at 6:00 p.m.

Reconvene - Mr. Kinard reconvened the County Council meeting.

6:00 P.M. - Public Hearing - Council members present: Kinard, Townsend, Davis, Summers, Keisler, Jeffcoat, Matthews, Cullum.

Ordinance 11-01 - Ordinance to Amend Section 2-132, Term Limits, Under Article IV Entitled Boards, Commissions and Committees, of the Lexington County Code of Ordinances - Prior to opening the public hearing, Mr. Kinard reviewed the guidelines for the public hearing.

Mr. Kinard opened the public hearing for Ordinance 11-01.

Mr. Kinard announced no one signed up in favor or in opposition; therefore, closed the public hearing.

11-01 - Ordinance to Amend Section 2-132, Term Limits, Under Article IV Entitled Boards, Commissions and Committees, of the Lexington County Code of Ordinances - 3rd and Final Reading - Mr. Jeffcoat made a motion, seconded by Mr. Davis to approve third and final reading of Ordinance 11-01.

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

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

Not Present: Mr. Banning

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

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

Not Present: Mr. Banning

There being no further business, the meeting was adjourned.

Respectfully submitted,

Diana W. Burnett
Clerk

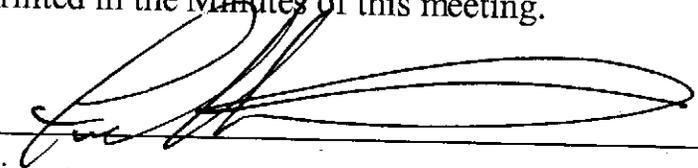
James E. Kinard, Jr.
Chairman

ABSTENTION FROM VOTING AND DELIBERATING

I am hereby asking the Chairman to excuse me from voting and deliberating on the matter of Aggregate Hauling - Term Contract because of a potential conflict of interest because of the following:

J.C. Wilkie is a customer of my business

I am furnishing this statement to the Chairman and I request that this statement be printed in the Minutes of this meeting.



Signature

Date: 3-22- _____, 2011