

M I N U T E S
LEXINGTON COUNTY COUNCIL
April 12, 2011

Lexington County Council held its regular scheduled meeting on Tuesday, April 12, 2011 in Council Chambers beginning at 4:30 p.m. Chairman Kinard presided.

Mr. Bruce Rucker, Director of Public Safety, gave the invocation. Harry Wiggins and Ed Savage, Cub Scouts with Troop 221 at Mt. Horeb Methodist Church, 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; Larry Porth, Finance Director/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 and Council have been heavily involved with the Amazon.com issue that is going on at the State House. Also, he reported a Press Conference was held in Council Chambers on Thursday, April 7 whereby approximately 200 business leaders were in attendance in support of Amazon.com. Also, spent time with Ms. Hubbard to receive an overview of the FY2011-12 requested budgets.

Council Members’ Activities and/or Comments - Employee Banquet (30th Year) - Ms. Summers said she and several council members attended the County’s 30-Year Employee Banquet and thanked staff and employees on a great event.

Katherine Hubbard, County Administrator - Presentation of the FY2011-2012 General and Non-General Requested Budgets - Ms. Hubbard asked Mr. Larry Porth, Finance Director and Assistant County Administrator, to give Council a brief recap of the FY2011-12 General and Non-General requested budgets and revenue projections.

Prior to Mr. Porth’s overview, an Annual Budget Overview handout with pertinent information was distributed to Council.

Mr. Porth reported the total requested General Fund budget is \$112,220 million. Of that, \$103,000 million is for existing programs and \$8.6 million is for new programs. In addition, there are several Special Revenue Funds and Grants that total approximately \$53 million. Also, there are additional requests from the Millage Agencies (Lexington County Mental Health, Lexington County Recreation & Aging Commission, Irmo Chapin Recreation Commission, Midlands Technical College, Riverbanks

Zoological Park & Botanical Garden, and Irmo Fire District).

There is a population adjustment allowable at 1.57 percent and a 1.64 percent for CPI. The current Total County Operating mil is 82.063 and, if we used the statutorily allowed percentage, it would equate to 84.696 mils.

The FY2011-12 General Fund Operations Base Revenue Estimate in comparison to the Requested Appropriations reflects a \$15.5 million difference.

Ms. Hubbard said the budget worksessions will begin on May 17.

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

Employee Recognition - Ms. Hubbard announced April 10-16 is National 911 Telecommunications week and recognized several 911 Telecommunications members in attendance.

Ms. Hubbard recognized Stephanie Couch and Janice Hodges, employees in the Assessor's (Assessment and Equalization) office. Ms. Hubbard reported Mr. Rick Dolan, Director of Assessment and Equalization, received a voicemail from a citizen commenting how impressed he was with the service he received from both these individuals while visiting the office. He went on to say that he had never been in a government office where he received "better care, more responsive care, and caring care."

Geoff Johnson and Kathy Wells in the Assessor's office were also recognized. Mr. Stewart Mungo wrote the Administrator regarding assistance he received from Geoff and Kathy while he was settling his father's estate. Mr. Mungo said both Geoff and Kathy went above and beyond what is normally expected to resolve discrepancies in a piece of property. He went on to say it is a tribute to the County and its departments that we have employees who are so helpful.

Ms. Hubbard recognized Battalion Chief John Edrington. Chief Brad Cox received an email from Donna Jackson, a friend of Mr. Dawson who was transported to Lexington Medical Center for minor burns received from a brush fire. Ms. Jackson said Mr. Edrington and a Red Cross volunteer returned to Mr. Dawson's home and waited until his children came home from school and then accompanied them to Lexington Medical Center to check on Mr. Dawson's condition. Ms. Jackson said it is a blessing to find individuals who truly care about others and have the compassion to take extra steps to help a stranger.

In addition, Ms. Hubbard recognized Robbie Rector, Wes Swygert, and Ken Prater with the Lake Murray Fire Department. She said Chief Bruce Rucker, Director of Public Safety, received a letter from Landis Price of Barr-Price Funeral Home thanking Messrs. Rector, Swygert, and Prater for their quick response for lifting assistance.

Ms. Hubbard recognized Ms. Barbara O'Connor, Assistant County Veterans Affairs Officer, who will be retiring on April 22.

Presentation of Resolution - Cathy Novinger Presented by Councilman Johnny Jeffcoat - Councilmen Johnny Jeffcoat and Bill Banning presented a framed resolution to Ms. Cathy Novinger in appreciation of all she has done for the Midlands of South Carolina and Lexington County and its citizen.

Resolutions - Jeff Satterfield and Justice Tobias - Mr. Keisler made a motion, seconded by Mr. Cullum to approve the resolutions.

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

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

Appointments - Lexington County Health Services District Board - Rev. Charles Benjamin Jackson, Sr. - Mr. Davis made a motion, seconded by Mr. Banning to appoint Rev. Charles Jackson, Sr. to the Lexington County Health Services District Board of Directors. Rev. Jackson replaces Dr. Vasa W. Cate.

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

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

Bids/Purchases/RFPs - Mr. Jeffcoat made a motion, seconded by Mr. Cullum to approve the following bids/purchases/RFPs (P-S).

Request for Approval to Utilize Competitive Sealed Proposals Process for Annual Contract to Print/Process/Mail County Assessment and Tax Forms - Auditor/Assessor/Treasurer- Staff requested the use of the Request for Proposals (RFP) process to seek competitive proposals from potential qualified bidders for an annual contract to print/process/mail electronic forms for the Treasurer's, Assessor's and Auditor's office. 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 contractor 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.

EECBG - Lexington County Summary Court Mechanical, Electrical and Plumbing (MEP) Replacement - Building Services - Competitive bids were solicited for mechanical, electrical, and plumbing replacement at the Lexington County Summary Court. Three (3) responsive bids were received. Staff recommended the award of the bid to Cayce Company, Inc. for the amount of \$707,000.

Public Safety Employee Physicals - Term Contract - Public Safety - Competitive bids were solicited for a term contract for Public Safety Employee Physicals. Four (4) responsive bids were received. Staff recommended the award of the bid to KAC, Inc. dba Fitness Forum as the lowest bidder meeting specification for an estimated annual cost of \$73,950. The term of the contract will be for the initial period of one (1) year with the option to extend the contract for four (4) additional one (1) years periods, if deemed to be in the best interest of the County.

Wood Moor on Wescott Drainage Pipe Replacement (Bond Funds) - Public Works - Competitive bids were solicited for drainage pipe replacement to Wood Moor. The project consists of supplying materials, equipment, and labor to replace existing drainage pipes under Lexington County maintained roads. Four (4) responsive bids were received. Staff recommended the award of the bid to the lowest bidder, R&T Grading, Inc., for a total amount of \$134,364.50

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

Approval of Minutes - Meeting of March 22, 2011 - Mr. Banning made a motion, seconded by Ms. Summers to approve the March 22, 2011 minutes as submitted.

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

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

Ordinances - Ordinance 11-02 - An Ordinance Approving the Conveyance of Real Estate From the County of Lexington to the Lexington County Health Services District - 2nd Reading - Mr. Banning made a motion, seconded by Mr. Keisler to approve second reading.

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

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

Ordinance 11-04 - An Ordinance Authorizing the (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 - 2nd Reading- Mr. Banning asked that Council delay second reading to allow the attorneys to complete the final documents.

Committee Reports - Planning & Administration, J. Jeffcoat, Chairman - Community Development Block Grant (CDBG) Program Grant Increase for the Town of Lexington Keeping Every Youth Safe (KEYS) Program - Mr. Jeffcoat reported the Planning & Administration Committee met to consider a request by the Town of Lexington for an additional \$13,000 in CDBG funds to continue the KEYS program through the end of the 2010-11 school year. The Committee voted unanimously to recommend to full Council for approval.

Mr. Jeffcoat made a motion, seconded by Mr. Davis to approve an additional \$13,000 in CDBG funding for the Town of Lexington's KEYS program.

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. Banning
	Mr. Cullum	

Homeless Prevention and Rapid Re-housing Program (HPRP) Budget Reallocation -Also, Mr. Jeffcoat reported the Committee discussed the Homeless Prevention and Rapid Re-housing Program budget reallocation. The request is to reduce the Lexington Interfaith Community Services (LICS) Relocation and Stabilization project budget by \$55,000 and reallocate the \$55,000 to LICS Rapid Re-housing budget. The Committee voted unanimously to recommend to full Council for approval.

Mr. Jeffcoat made a motion, seconded by Mr. Cullum to approve the budget reallocation.

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	

Library Services and Technology Act (LSTA) Grant Application- In addition, the Committee considered the Library Services and Technological Act (LSTA) grant application. The grant in the amount of \$1,200 requires an in-kind match of \$497.84. The match will come from the Youth Service Coordinator salary for hours worked during the planning and implementation of grant activities. The Committee voted unanimously to recommend to full Council for approval.

Mr. Jeffcoat made a motion, seconded by Mr. Banning to approve staff's request to submit the grant application.

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	

Volunteer Incentive - As an item of Old Business, Mr. Jeffcoat reported the Health and Human Services Committee met on Tuesday, February 22, 2011, to review the proposed Fire Service Incentive Policy. Following is the Committee Report.

Chief Turner, Public Safety/Fire Service, presented an outline of the proposed Fire Service Incentive Policy for volunteer personnel. Staff has submitted a revision of the General Operating Guidelines for the volunteer subsistence program. Chief Turner reported that the revisions were prompted by changes in new fire training requirements by the South Carolina Fire Academy and an updated pay scale based on qualifications as outlined.

The Health and Human Services Committee voted unanimously in favor to recommend that Council approve staff's recommendations for the proposed Volunteer Incentive Policy.

Mr. Jeffcoat made a motion, seconded by Mr. Townsend to approve the proposed Volunteer Incentive Policy.

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

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

Justice, S. Davis, and Chairman - Violence Against Women Act (VAMA) Grant Application - Mr. Davis reported the Justice Committee met on Tuesday, March 22, 2011, to review the Sheriff's Department request to apply for the Violence Against Women Act (VAMA) Grant. Following is the Committee Report.

Colonel Allan Paavel presented a request to apply for the Violence Against Women Act (VAMA) Grant in the amount of \$147,898. The grant is funded at 100 percent with an in-kind match of 25 percent at \$49,299 which will come from a portion of the Criminal Domestic Violence (CDV) salaries paid by the Sheriff's Department General Fund. The funds will be used for the CDV Investigator and Program Coordinator salary and fringes as well as some operating costs for day-to-day operations. This is the fifth consecutive year of VAMA funding.

The Justice Committee voted unanimously in favor to recommend full Council to approve staff's request to apply for the VAMA grant.

Mr. Davis made a motion, seconded by Mr. Cullum to approve staff's request to submit the Violence Against Women Act grant application.

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

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

Public Works, T. Cullum, Chairman - Nursery Road Bridge Recommendation - Mr. Cullum reported the Public Works Committee met earlier during the day and discussed staff's recommendation for replacing the Nursery Road bridge. He reported there was considerable amount of feedback from the community in the area about the possible restoration of the Goldstone Drive bridge or the actual replacement of the Nursery Road bridge. After much consideration, staff recommended allocating \$1,450,000 to replace the Nursery Road bridge with the possibility of realigning Kiawah Road that intersects with Nursery Road and Old Bush River Road and allowing Goldstone Road bridge be open to pedestrian traffic only. The Committee voted unanimously to full Council for approval.

Mr. Cullum made a motion, seconded by Mr. Matthews to move forward with staff recommendation of allocating \$1,450,000 to construct a bridge on Nursery Road providing connectivity for that road from Bush River all the way back to the Nursery Road School.

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

Victor Road Request - SCDOT- The Public Works Committee met on Tuesday, March 22, 2011, to review a request from the South Carolina Department of Transportation (SCDOT) for fees associated with the paving of Victor Road. Following is the Committee Report.

Mr. John Fechtel, Public Works Director, presented a request from SCDOT for payment of \$1,500 for legal fees associated with securing the right-of-way for the paving of Victor Road.

The Public Works Committee voted unanimously in favor to recommend full Council to approve staff's recommendation to approve the request from SCDOT.

Mr. Cullum made a motion, seconded by Mr. Matthews to approve the expenditure of \$1,500 for legal fees associated with securing the right-of-way for the paving of Victor Road.

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

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

11-094 - A supplemental appropriation increase of \$1,569. Irmo Fire District reimbursed the County for the purchase of firewalls to protect network connectivity as part of the Dispatch/Records Management System project.

11-095 - An appropriation transfer of \$13,000 from CDBG for the Town of Lexington's KEYS program.

11-096 - An appropriation transfer of \$55,000 in the Homelessness Prevention & Rapid Re-Housing fund. Reallocation of \$55,000 from the Lexington Interfaith Community Services (LICS) Relocation and Stabilization project budget to the LICS Rapid Re-housing budget.

Guest Recognition - Mr. Jeffcoat recognized Mr. Bert Holland, a member of the Lexington County Health Services District Board of Director, who was in attendance.

Old Business/New Business - None.

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

Matters Requiring a Vote as a Result of Executive Session - As a result of Executive Session, there were no motions to be considered.

Recess - Ms. Summers made a motion, seconded by Mr. Davis to take a short recess until the Public Hearings at 6:00 p.m.

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

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 and Banning.

Prior to opening the public hearings, Mr. Kinard reviewed the guidelines for public hearings.

Ordinance 11-02 - An Ordinance Approving the Conveyance of Real Estate From the County of Lexington to the Lexington County Health Services District - Mr. Kinard opened the public hearing for Ordinance 11-02.

Mr. Jeff Anderson, County Attorney, gave a brief overview of the ordinance. Mr. Anderson said this is for the approval of two contracts selling property to Lexington County Health Services District (Lexington Medical Center). One contract is for the sale of 3.73 acres at the corner of Maxie Road and Old Cherokee Road for \$612,000. The other contract is for the sale of 1.66 acres adjacent to the Carroll Campbell Center for \$237,098.58. Total purchase price for both contracts is \$849,089.58.

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

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- Mr. Kinard opened the public hearing for Ordinance 11-03.

Mr. Gary Pope, attorney representing the Irmo Fire District, gave a brief overview of Ordinance 11-03.

Mr. Pope said the Irmo Fire District is proposing to issue a bond not to exceed \$3,000,000 in order to refurbish certain equipment, purchase a ladder truck and two pumper trucks, and to realize some cost savings from refunding of a lease-purchase. Two of the trucks they are replacing are reaching the end of their useful life and are about to be taken off their ISO rating and that could have a negative impact on homeowners' insurance premiums in the area and will also allow for them to provide the high level of service that have been providing in the past. In consultation with their financial advisor, they anticipate issuing a bond in the amount of approximately \$3,000,000 for a maturity of approximately ten years and that would have a millage impact of just under 2.8 mils, which equate for a resident homeowner of about \$12.00 a year on a \$100,000 house.

Mr. Kinard stated Mr. Pope was the only person to sign up in favor and no one signed up in opposition.

Mr. Kinard closed the public hearing.

Ordinance 11-04 – An Ordinance Authorizing the (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 - Mr. Kinard opened the public hearing.

Councilman Banning gave a brief overview of Ordinance 11-04. This is for an expansion of Michelin's facility that will create at least 125 new jobs and \$150 million investment or a \$400 million investment and no jobs; either way, a huge investment for the County.

Mr. Kinard announced no one signed up in favor or opposition to Ordinance 11-04; therefore closed the public hearing.

Mr. Banning said Michelin was one of the first companies that stepped up and agreed to sponsor the County's first Lexington County Legislative Night, which was a huge success with over 428 attendees. As a token of appreciation Mr. Banning and Mr. Whipple presented Mr. Chamblee an engraved Palmetto Tree.

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

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

There being no further business, the meeting was adjourned.

Respectfully submitted,

Diana W. Burnett
Clerk

James E. Kinard, Jr.
Chairman