

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 scheduled meeting on Tuesday, May 24, 2011 in Council Chambers beginning at 4:30 p.m. Chairman Kinard presided.

Councilman Frank Townsend gave the invocation. Rodney Pimental, Army Retired Lt. Colonel and Manager of Lexington County Central Stores, 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; 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.

Chairman's Report - Chairman Kinard reported it has been a very busy past three weeks. He and Ms. Hubbard attended the Regional Issues meeting with Mayor Benjamin with the City of Columbia and Chairman Livingston with Richland County; he, Councilmen Banning, Jeffcoat, and Cullum and several legislatures met with Gov. Haley; participated in MTC graduation ceremony; participated in the Special Olympics Torch Run with the Sheriff's Department; attended the announcement of Michelin's \$1 Billion investment in Lexington County and their groundbreaking of their new project; attended a campaign event for Senator Setzler and Councilman Jeffcoat; participated with all of Council in a press conference at the Statehouse in support of Amazon.com prior to the House of Representatives meeting; attended the Justice Coordinating Council meeting; and will be participating in the Jail Break 5-K at the Sheriff's Department.

Council Member's Comments - Mr. Cullum reported he had the distinct pleasure of welcoming the top 99 Bass Master Elite Series participants to Lake Murray.

Mr. Keisler reported the Gilbert-Summit Fire Department held a BBQ fundraiser to raise money for equipment and thanked the firefighters for all they are doing for their community.

Mr. Davis recognized and commended Mr. Banning and his "team" for not giving up on Amazon.com. at the Statehouse. Mr. Banning and his "team" spent long hours explaining and educating House members of the economic development endeavor that the County was trying to put together.

Administrator's Report - E-Recycling Event - Ms. Hubbard announced an E-Recycling Event will be held on Saturday, May 28 at the Forts Pond Elementary School in Pelion and the old Winn-Dixie parking lot in Batesburg. Both events will run from 10:00 a.m. to 1 p.m.

Memorial Day- Ms. Hubbard announced the County Administrative offices will be closed Monday, May 30 in observance of Memorial Day.

Presentation of Resolution - Columbia Opportunity Resource (COR) and Lexington Young Professionals (LYP) Presentation by Councilman Debbie Summers - Councilman Summers presented framed resolutions to Columbia Opportunity Resource and Lexington Young Professionals organizations to recognize their dedication in establishing a community of young professionals who are dedicated in building and fostering relationships through professional development, philanthropic involvement and cultural and social opportunities within their community and surrounding areas.

Resolutions - William Gregory Shockley, Vasa W. Cate, M.D., National Tourism Week, Wingate by Wyndham Columbia/Lexington, William Stillwell, and James Shealy - Mr. Davis made a motion, seconded by Mr. Banning to approve the resolutions.

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	

Employee Recognition - Katherine Hubbard, County Administrator - Ms. Hubbard recognized Kent Smith in the Public Works Department. Ms. Hubbard related that Mr. Smith stopped to help a stranded motorist whose car had blown a tire. Not knowing that the motorist was Lexington County Communications employee, Karen Diehl, Mr. Smith immediately stopped to offer his assistance with changing the tire. Ms. Diehl said she was a little apprehensive at first until Mr. Smith exited his vehicle with a County work shirt on. Ms. Diehl was most appreciative of Mr. Smith's assistance and commended how polite and pleasant he was.

Ms. Hubbard said she received an e-mail from Jim Eckstrom, Treasurer, praising Kyle Shealy, Bob Horne, and Steve Smith with Building Services for work they had recently done in his office. Mr. Eckstrom said the precision and professionalism the men displayed set the bar high for the rest of the county employees.

Employee of the 1st Quarter- Ms. Hubbard recognized Bob Horne, Senior Construction Assistant with Building Services and Jenny Goulden, Library Assistant III with Library Services as nominees for the Employee of the First Quarter.

Ms. Hubbard presented a plaque to Mr. Horne as the Employee of the First Quarter and a Certificate of Excellence to Ms. Goulden.

Appointments - None.

Bids/Purchases/RFPs - Mr. Keisler made a motion, seconded by Mr. Banning to approve the following three bids/purchases/RFPs (L, M, N).

2011 Full Depth Reclamation Program - Public Works - Competitive bids were solicited for improvements to the 2011 Full Depth Reclamation Program. The project consists of providing all materials, equipment, and labor to reclaim approximately 4.5 miles of Lexington County maintained roads. Four (4) responsive bids were received. Staff recommended the award of the bid to C.R. Jackson for total of \$1,319,738.25.

Ammunition - Sheriff's Department - Competitive bids were solicited for a term contract to provide ammunition for the Sheriff's Department. The term of the contract shall be for a period of one (1) year with the option to extend the contract for (2) additional one (1) year periods. Four (4) bids were received. Staff recommended making multiple awards to the following lowest bidders meeting specifications – Lawmen's Safety Supply - \$17,782.54; Craig's Firearm Supply - \$990.61; and Streicher's - \$31,062.10 for a total of \$49,825.35.

Employee Health Care Insurance - Human Resources/Risk Management - Proposals were solicited from potential qualified bidders to provide third party administrative services for self-insured medical and dental plans for County employees. The term of the contract will be for a period of three (3) years with the option to extend the contract an additional three (3) years. The plan year will begin on January 1, 2012. One (1) proposal and two (2) letters of "no bid" were received. The annual cost of the administrative fees for the contract is \$153,504 and the annual cost to the County is \$336,816. Staff recommended the award of the contract to Planned Administrator's Inc.

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

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

Summer Schedule- Mr. Davis made a motion, seconded by Mr. Keisler that Council meet on the 4th Tuesday of July and August (July 26 and August 23) and cancel the 2nd Tuesday of July and August (July 12 and August 9). The Chairman can call a special meeting, if the need arises.

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	

Approval of Minutes - Meetings of April 12 and 26, 2011 - Mr. Cullum made a motion, seconded by Ms. Summers to approve the April 12 and 26, 2011 minutes as submitted.

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

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

Ordinances - Ordinance 11-05 - An Ordinance Adopting an Annual Budget for Fiscal Year 2011-12 - 2nd Reading - The item was delayed until after the public hearing.

Ordinance 11-06 - An Ordinance Authorizing Pursuant to Chapter 44 of Title 12, South Carolina Code of Laws, 1976, as Amended, the Execution and Delivery of a Fee Agreement Between Lexington County, South Carolina and Interstate Container Columbia LLC; and Matters Relating Thereto - 2nd Reading - Mr. Cullum made a motion, seconded by Mr. Townsend to approve second reading of Ordinance 11-06.

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

Ordinance 11-07 - An Ordinance to Amend Ordinance No. 95-12 as Amended by Subsequent Ordinances Relating to the Joint County Industrial Park of Lexington and Calhoun Counties so as to Enlarge the Park (Interstate Container Columbia LLC) - 2nd Reading - Mr. Jeffcoat made a motion, seconded by Mr. Cullum to approve second reading of Ordinance 11-07.

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

Committee Reports - Planning & Administration, J. Jeffcoat, Chairman - Zoning Text Amendment T11-01 - Sign Amendments (Goal 2) - 2nd Reading - Mr. Jeffcoat reported the Planning & Administration Committee met to review the two recommended changes approved by the Planning Commission. The two changes are: increase the maximum height of an Off-Premise Public Service sign from 4 feet to 5 feet and delete the word "Directional." The Committee voted in favor to recommend to full Council for approval.

Mr. Jeffcoat made a motion, seconded by Mr. Matthews to give second reading to 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

Library Services and Technology Act (LSTA) Grant Award -Also, the Committee discussed the acceptance of the Library Services and Technology Act grant award. The award in the amount of \$1,200 will be used to procure services for a children’s touring theatre and a professional storyteller to provide programming for a county elementary school and eight daycare centers to promote the Library’s Summer Reading Program. There is an in-kind match of \$497.84. The Committee voted in favor to recommend to full Council for approval.

Mr. Jeffcoat made a motion, seconded by Mr. Keisler to accept the grant award.

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

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

Solid Waste, D. Summers, Chairman - Solid Waste/Processing Facility Application #11-01 - First Reading - Ms. Summers reported the Solid Waste Committee met to discuss Solid Waste/Processing Facility Application 11-01, but delayed discussions for further information.

Executive Session/Legal Briefing - Mr. Kinard reported Council entered into Executive Session during the afternoon Committee of the Whole meeting to discuss two personnel, two contractual and three legal matters.

Matters Requiring a Vote as a Result of Executive Session - As a result of Executive Session, Mr. Kinard reported there was one motion to consider.

Resolution Ratifying Mutual Aid and/or Inter-jurisdictional Agreements - Mr. Cullum made a motion, seconded by Mr. Matthews to approve the resolution which approves and ratifies all existing mutual aid and inter-jurisdictional agreements between the Sheriff’s Department and other jurisdictions and which authorizes the County Administrator to sign such agreements in the future.

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:

11-097 - A supplemental appropriation increase of \$500. Lexington County submitted \$500 to SCDOT for a dedication sign, which was applied to York County. The refund the County received in December should have included the \$500 and this action is to show the refund to the County for a portion of the 2008 Match Program for Road Resurfacing.

11-098 - A supplemental appropriation increase of \$849,090 to record the revenue from the sale of two parcels (3.73 acres and 1.66 acres) to the Lexington County Health Service District, Inc.

11-099 - A supplemental appropriation increase of \$1,200 received from the State Library for the Library Service and Technology Act (LSTA) grant award.

Old Business New Business- None.

Recess - Mr. Kinard adjourned the meeting until the Public Hearings at 6:00 p.m.

Reconvene - Mr. Kinard reconvened the County Council meeting.

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

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

Ordinance 11-06 - An Ordinance Authorizing Pursuant to Chapter 44 Title 12, South Carolina Code of Laws, 1976, as Amended, the Execution and Delivery of a Fee Agreement Between Lexington County, South Carolina and Interstate Container Columbia LLC; and Matters Relating Thereto- Mr. Kinard opened the public hearing for Ordinance 11-06.

Mr. Kinard said no one signed up in favor or in opposition to Ordinance 11-06; therefore, closed the public hearing.

Ordinance 11-07 - An Ordinance to Amend Ordinance No. 95-12 as Amended by Subsequent Ordinances Relating to the Joint County Industrial Park of Lexington and Calhoun Counties so as to Enlarge the Park (Interstate Container Columbia LLC) - Mr. Kinard opened the public hearing for Ordinance 11-07.

Mr. Kinard said no one signed up in favor or in opposition to Ordinance 11-07; therefore, closed the public hearing.

Ordinance 11-08 - An Ordinance (1) to Amend Ordinance No. 95-12 as Amended by Subsequent Ordinances Relating to the Joint County Industrial Park of Lexington and Calhoun Counties so as to Enlarge the Park to Add Certain Property Owned by Michelin North America, Inc; and (2) Approving and Authorizing Other Matters Related Thereto - Mr. Kinard opened the public hearing for Ordinance 11-08.

Mr. Kinard said no one signed up in favor or in opposition to Ordinance 11-08; therefore, closed the public hearing.

Ordinance 11-05 - An Ordinance Adopting an Annual Budget for Fiscal Year 2011-12 - Mr. Kinard opened the public hearing.

Opposed:

Ann Behnke, 15 Mallard Shores Place, Lexington, SC 29072 - "As a taxpayer, I expect you to be good stewards of our tax dollars and not to use this as a golden goose and jack up our taxes every year as you all seem to do, especially in these times when people are losing their jobs and they are having a hard time paying their bills. Gas is going up and everything is going up and I see that our taxes are going up as well. And, I have to say that I think that y'all ought to be looking at the budget and seeing where you can trim rather than where you can add, and I would appreciate that. There are a number of things I saw just going through the first budget – the General Fund Budget. There are just a couple of things that stood out to me when I went through it that I question. But, of course, I don't expect answers from you here, but I just want you to just think about it. Like for the County Council, you have 12 new laptops that you are planning on buying. Is that really necessary? I don't understand why you are spending \$33,000 on subscriptions, dues, and books. Why does Human Resources need \$34,000 for an Employee Service Awards when they only spent \$2,300 last year? Why can't you take money out of the fund balance this year for requested equipment instead of raising our taxes? I noticed that the Law Enforcement Division would like to have new cars, radios, guns. I know they are hiring new personnel and need all that equipment, but it would be nice if you could use money out of the fund balance that you already have rather than raising our taxes. And, I am also concerned about the approximately \$400,000 price tag on the security of the old courthouse when there has never been a problem. I know you mentioned at the meeting last week that you would take a look at it. But, I would appreciate it if we would look at what we actually need and not what was asked for. Again, to finish off - you have a lot of money carried over from the previous years. I know you like to use it on capital expenditures, and I expect you to do that rather than raise taxes on the taxpayer. Thank you very much.

J. Carl Jordan, 145 Willow Drive, Lexington, SC 29072 - Just a few comments here. All property is an extension of a person's life, energy, and ingenuity. And my money is my property. So to confiscate such property in reality is an attack on life essence itself and the actions taken in passing this budget is like that frog, slowing boiling in water. Government is gradually taking away our property and freedoms, bit by bit. While I observed your work sessions today, I saw no resistance to spending more and more of taxpayer's dollars. Are there any fiscal conservatives here? The greater the government taxes; the greater the need because government management is inferior to individual management and the money is often misallocated. As long as people believe taxation means opposition to civilized society, we will see a continuation in the decline of our liberty. So, Council, I respectfully urge you not to increase our property taxes. Thank you very much.

David Whetsell, 171 Cannon Trail Road, Lexington, SC 29073 - I found out some interesting things today. County Council meets twice a month for a Council meeting and Committee meetings, and I am finding out that the Council gets full-time benefits just like state employees and you get perks and such. I looked all afternoon to find out what your salaries were because I think that should be public information and they said they didn't have to tell it because you made under \$50,000. But, y'all are keeping this hidden so where is the transparency? Council wants to increase the budget by approximately a million dollars. All of you stood up last week and said we needed Amazon to come in here because the citizens of Lexington County need jobs. People are having hard times, and I agree that we need jobs in this county. But you just want to put more taxes on them by increasing the millage rate and some of them don't even have jobs and not all of us are getting salary increases. You are just putting more taxes on the

backs of unemployed citizens. I know all of you are Republican; I am a Republican also. And, all you want to do is raise taxes and spend more money. This does not look like the Republican platform to me; it looks like the Democratic platform. Thank you.

Robert Cormany, 165 Round Hill Lane, Lexington, SC 29072 - They hit on a lot of points that I wanted to cover anyway. I personally find that it is insulting as a taxpayer in these days and times that every time you go to spend your dollar, you have to pay more – gas pumps, everywhere. I cannot understand how we cannot cut 1 percent out of the Lexington County budget. It is getting to the point when you will never own a piece of property because your fees will constantly increase and it is time to start tightening the belt. When is too much? When is it going to be the final straw that breaks the back of the working people? I had to leave work early today because I felt it was important enough to come down here and voice my opinion because I don't really think that y'all are really getting the message. I find it hard to believe that we can't cut a million dollars out of a budget that is large as it is in Lexington, South Carolina. So, I would like for you to really think about the people that are really out there breaking their backs to pay the taxes. I see numerous county vehicles, brand new, running around the streets; I know they are doing their job, but we have got to find more efficient ways of doing the job. We can't just make the easiest thing – we will just raise the taxes. And, the idea of well we raise it a little bit at a time, that doesn't work either. We need to lower taxes. I will go along with lowering taxes a little bit at a time. But, we just can't continue to say we will just keep raising the prices. Because sooner or later we are out of money, and we don't have money to buy goods from Amazon, which is getting a tax break. So, I would like for y'all to consider anytime you think about increasing the budget that it is coming out of my pocket, off of my back, and there is a lot of people out there that feel the same way. Thank you for your time.

Mr. Kinard reported no one else signed up in opposition; therefore, closed that portion of the hearing.

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

Mr. Kinard said Council did talk about the courthouse security issue and asked Ms. Hubbard to elaborate.

Ms. Hubbard said at the last meeting, Council asked that she meet with the Sheriff and the Chief Magistrate and, if it is okay with Council, believes the item can be referred to the Justice Committee to assist us with a recommendation on how to proceed. She said the courthouse security issue (\$400,000) was not included in the recap in the afternoon meeting for consideration.

Mr. Davis asked staff for the salary for Council members.

Mr. Porth responded that the salary is a little over \$17,000 per year. However, the Chairman and Vice-Chairman are slightly higher.

Mr. Kinard asked Mr. Porth for a recap of the tax increase for the County portion over the last years.

Mr. Porth responded, very minimal; however, there was a small adjustment last year.

Mr. Kinard asked how much the County has been cut in State Funding and mandated services.

Mr. Porth responded, our highest has been about \$13 million; however, it is now about \$8.5 million.

Ordinance 11-05 - An Ordinance Adopting an Annual Budget for Fiscal Year 2011-12 - 2nd Reading
- Mr. Davis made a motion, seconded by Ms. Summers to approve second reading of Ordinance 11-05.

Mr. Kinard opened the meeting for discussion.

Mr. Townsend asked what the original proposed budget that we started with and the amount that we are considering.

Mr. Matthews replied it was \$119 million and it was cut to \$98 million.

Mr. Townsend replied that was a \$21 million difference from the original proposed budget.

Mr. Kinard called for further discussion.

Ms. Hubbard asked if the motion included the changes that were voted on during the Committee of the Whole's afternoon Budget Worksession.

Mr. Davis withdrew his first; Ms. Summers withdrew her second.

Mr. Kinard reported the Committee of the Whole voted to make several adjustments to the recommended budget since first reading. The new budget figure for second reading is \$100,480,191 plus \$1.9 million from Fund Balance, which is for a one-time capital purchase.

Committee of the Whole - Recommended Budget Plus Adjustment - Mr. Kinard made a motion, seconded by Mr. Matthews to approve the recommended budget plus the adjustments made during the afternoon Budget Worksession.

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

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

Ordinance 11-05 - An Ordinance Adopting an Annual Budget for Fiscal Year 2011-12 - 2nd Reading
- Mr. Davis made a motion, seconded by Ms. Summers to approve second reading on the proposed budget as amended during the Committee of the Whole Budget Worksession.

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

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

Old Business/New Business- None.

Motion to Adjourn - Mr. Banning made a motion, seconded by Mr. Davis to adjourn.

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

There being no further business, the meeting was adjourned.

Respectfully submitted,

Diana W. Burnett
Clerk

James E. Kinard, Jr.
Chairman