

M I N U T E S
LEXINGTON COUNTY COUNCIL
October 11, 2011

Lexington County Council held its regular meeting on Tuesday, October 11, 2011 in Council Chambers beginning at 4:30 p.m. Chairman Kinard presided.

Brian Hood, Public Safety/ EMS Coordinator, gave the invocation and Chief Eddie Turner, Public Safety/Assistant Fire Chief, 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 - Mr. Kinard reported he participated in the Gaston Collard Festival parade.

Council Members' Reports/Comments - Ms. Summers reported she attended LRADAC's CARF (Commission on Accreditation of Rehabilitation Facilities) survey closing session on Friday, October 7 and was impressed to hear what the surveyors thought of LRADAC's services.

Mr. Jeffcoat reported that he, Ms. Summers and Mr. Banning were on an Economic Development trip last week and visited Amazon and Boeing.

Presentation of Resolution - Volunteer Firefighters Day Presented by Chairman Kinard - Chairman Kinard and Vice-Chairman Banning presented a framed resolution to Chief Brad Cox and several volunteer firefighters proclaiming Sunday, October 16, 2011 as "Volunteer Firefighters Day" in Lexington County to recognize the great commitment that the volunteer Firefighters provide in our communities.

Administrator's Report - Ms. Hubbard announced the CMRTA will be holding a public forum on Tuesday, October 18 at the West Columbia Municipal Complex beginning at 5:30 p.m. to receive feedback on some of the proposed changes to the routes.

Employee Recognition - Katherine Hubbard, County Administrator - Ms. Hubbard recognized the following individuals who participated in the September 28th V.C. Summer Nuclear Exercise: Randall Smith, Information Services; Butch White, P/S Communications; Meg Swearingen, FEMA; Robert Nash, FEMA; Anuradma Nair, SC Emergency Management; Joe Harworth, FEMA; Bob Hall, Building Services; Valerie Gray, Planning & GIS; Chief Eddie Turner, Fire Service; Quinn Ivy, FEMA; Jack

Maguire, Planning & GIS; Bruce Rucker, Public Safety Administration; Mark Chretien, Lexington Medical Center; Harold Hainey, Chesterfield County Emergency Management; Chief David Fulmer, Fire Service; Bill Kazmierczak, Fleet Services; Chief Brian Hood, EMS; Deputy Chief John Thivierge, EMS; Michael Poole, School District 5; John Fachtel, Public Works; Doug Padgett, Public Works; Charlotte Foster; American Red Cross; Arnie Granke, American Red Cross; George Brothers, Sheriff's Department; Lt. K. D. Phelps, SChP; Officer G. T. Levine, SChP; Joe Mergo, County Administration; David Weissman, School District 5; Jeff Hyde, Procurement; Pete Garcia, Sysco; Dwayne Mc Cloud, Sysco; Kathy Gracey, DSS; Jonathan Garris, Sheriff's Department; Chris Folsom, Animal Services; Del Derrick, SCE&G; Dana Cook, SCDHEC; Scot Morgan, Harvest Hope; Nikki Rodgers, Communications; Barbara Charles, DHEC; Gary Lennert, RACES (Ham Radio Systems); Angela Garnett, SCE&G; Crystal Morehouse, Public Safety Administration; Scot Yarborough, SC Emergency Management and Katherine Hubbard, County Administration.

Ms. Hubbard recognized April Herndon with Public Safety/Communications. Ms. Hubbard received a letter from Ms. Wilkinson with Palmetto Lifeline saying that Ms. Herndon went above and beyond her duties when she contacted her about a call she received from an citizen informing her that a dog that had been hit had a Pawmetto Lifeline phone number on its tag. Ms. Wilkinson said she appreciated that Ms. Herndon took the initiative to contact their organization.

Ms. Hubbard recognized Tom Collins and Norma Mercado of Emergency Management and Millie Massey, CERT manager. She said she received an e-mail from Becky Grudzien and Robert Felder of SLED commending them on the great job they did of organizing and training their team during the Lexington County CERT (Citizen Emergency Response Team) in-service.

Ms. Hubbard recognized Joe Montgomery of Public Works. Ms. Hubbard said she received an e-mail from Ms. Jean Hinson, Secretary/Treasurer of the Wescott Homeowners' Association, expressing the property owners' appreciation of Joe's professional mannerism during the Wood Moor project.

Resolutions - November 6-12, 2011 as Thank a Veteran Week - Mr. Davis made a motion, seconded by Mr. Banning to approve the resolution.

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	

Richard "Dick" Wilkerson - Mr. Davis made a motion, seconded by Ms. Summers to approve the resolution.

Mr. Kinard 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	

Appointments - None.

Bids/Purchases/RFPs - Mr. Cullum made a motion, seconded by Mr. Davis to approve the following bids/purchases/RFPs (Tabs O-R).

Ten (10) Switches (S Series) - Replacements - Information Services - Staff recommended the purchase of ten S Series replacement switches for Information Services from Data Network Solutions through State Contract Number 4400002812. Total cost, including tax, is \$31,366.41.

Network Capacity and Design Study - Information Services - Staff recommended the purchase of a Network Capacity and Design Study for Information Services from Team IA through State Contract Number 4400001378. Total cost, including tax, is \$36,400.

One (1) Sweepster (Replacement) - Public Works - Bids were solicited for a front mount sweepster replacement for Public Works. Two (2) bids were received. Staff recommended the award of the bid to Linder Industrial Machinery Company for the amount, including tax, of \$45,956.50. The County will exercise its option of \$3,500 for the trade-in on its existing equipment.

One (1) Tri-Axle Dump Truck (Replacement) - Public Works - Bids were solicited for a tri-axle dump truck replacement for Public Works. Eight (8) bids were received. Staff recommended the award of the bid to Columbia Truck Center for the amount, including tax, of \$119,429. The County will exercise its option of \$20,000 for the trade-in on its existing equipment.

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

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

Approval of Minutes - Meeting of September 13, 2011 - Mr. Cullum made a motion, seconded by Ms. Summers to approve the 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	

Ordinance - Ordinance 11-16 - An Ordinance to Prohibit the Use, Purchase, Sale or Possession of Bath Salts and Synthetic Marijuana Substances in Lexington County - 2nd Reading- Mr. Banning made a motion, seconded by Mr. Townsend to approve second reading.

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

Committee Reports - Economic Development, B. Banning, Sr., Chairman - Approval of Resolution R11-07 to Section 4.05 of that Certain Fee in Lieu of Tax and Incentive Agreement Dated 9/1/2007 Between Lexington County, SC and Otis Spunkmeyer, Inc. - Mr. Banning reported the Committee voted unanimously in favor to recommend to full Council for approval.

Mr. Banning made a motion, seconded by Mr. Davis to approve the resolution.

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

Justice, S. Davis, Chairman - FY 11 State Criminal Alien Assistance Program (SCAAP) Award (Goal 1) - Mr. Davis reported the Justice Committee met earlier in the day to consider acceptance of the SCAAP award that provides assistance for the housing of alien prisoners for at least four consecutive days in the Lexington County Detention Center. The amount of the award is \$40,266, of which 22% goes to Justice Benefits, Inc. for their assistance in obtaining and providing the information for the grant application. The Committee voted unanimously in favor to recommend to full Council for approval.

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

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

Highway Safety Enhanced DUI Enforcement Award (Goal 1) - The request to submit the grant application was previously approved by the Committee and full Council on February 22, 2011.

Mr. Davis made a motion, seconded by Mr. Cullum to accept the grant award. The award of \$146,409 is for the second year of funding.

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

Committee of the Whole, J. Kinard, Chairman - Lexington CTC Annual C Fund Report for FY 2010-2011 - Mr. Kinard reported during the earlier Committee of the Whole meeting, the Committee reviewed the FY2010-2011 CTC Annual C Fund Report and voted unanimously in favor to recommend to full Council for approval.

Mr. Kinard made a motion, seconded by Mr. Davis to approve the report.

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

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

New Business - Health & Human Services, J. Jeffcoat, Chairman - Volunteer Fire Assistance Grant Application - Mr. Jeffcoat reported as an item of new business, the Committee considered staff's request to submit an application to the SC Forestry Commission for the Volunteer Fire Assistance Grant. The grant application is for \$10,000 and requires a 50/50 match, which have been budgeted for. The funds, if approved, will be used to purchase Class A foam concentrate. The committee voted unanimously in favor to recommend to full Council for approval.

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

Old Business/New Business - Zoning Text Amendment T11-02 - First Reading - As an item of new business, Mr. Matthews made a motion to approve first reading of Zoning Text Amendment T11-02 to revise the regulations pertaining to communication cell towers in residential areas, seconded by Mr. Jeffcoat.

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

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

911 Memorial - As an item of old business, Mr. Jeffcoat said approximately two years ago, Council was approached by some individuals about going to New York to obtain steel beams from the Twin Towers as a memorial to the 911 tragedy. The 911 monument is erected on the grounds of the Columbia Convention Center where a ceremony was held this year in remembrance of 911. The cost of the monument is approximately \$750,000, which was funded mostly by private funds; the City of Columbia donated \$50,000 and Richland County donated \$25,000. However, there still remains a debt of \$25,000 and understands there are mixed emotions whether the County should or should not make a donation.

Mr. Jeffcoat made a motion that we support the effort for the fallen public safety workers who lost their lives during 911 by contributing \$25,000 from Economic Development, seconded by Mr. Townsend. Lexington County's name will be reflected on the plaque.

Mr. Kinard opened the meeting for discussion.

Mr. Davis replied that he appreciates Mr. Jeffcoat's motion but cannot support the motion. He said it is not because he does not support fallen heroes and those who have given their lives, but does not think it is the appropriate use of property taxpayer money.

Mr. Cullum replied he understands Mr. Jeffcoat's feelings and tend to agree with that, but with one exception. He said when the idea was floating around the region, this body was told on a number of occasions that the monument would be done with private money. He said we just had an awards ceremony for our volunteer firemen and said he would much rather put \$25,000 in equipment and training for them than to have the County's name on a plaque and did not think anybody would think less of Lexington County if its name is not on it. He said we have an allegiance to take care of the people in this county and support the programs in this county and not what's in front of us and would rather take tax collections and spend it on training and equipment for our firefighters here and try to keep their names off that memorial.

Ms. Summers said points are well made but her reasons for supporting it are still as strong as they ever were, but probably more so, since she had the opportunity to physically participate in the 911 services that were held in Lexington County. She said we can do all the resolutions we want, but we have to acknowledge that our own participate in very dangerous parts of service for each and every one of us and they put their life on the line all the time for us. Although this is not the normal Economic Development piece, it is something that she truly will encourage to everyone who comes to visit her from another area to go and see because it is moving, and we should never forget. Ms. Summers said she does understand her fellow councilmen's point of view, but also understands that our name being on the structure represents our voice that Lexington County is proud of the men and women who serve in those capacities, be it volunteers or paid, for what they do. Ms. Summers said the first thought she had when she saw the finished piece was ugly, it was an ugly day that day, too, and those raw metal pieces at the Columbia Convention Center is a reminder of that and, therefore, has to support the motion. She said it is the right thing to do – to thank those individuals who worked so hard to raise the money for the monument and to thank all the people who serve.

Mr. Townsend said he is supporting the motion as he was at the groundbreaking and ceremony where he looked into the faces of children and family members who had lost their loved ones.

Mr. Kinard called for further discussion; none occurred

In Favor: Mr. Jeffcoat Mr. Townsend
 Ms. Summers Mr. Matthews
 Mr. Banning

Opposed: Mr. Kinard Mr. Davis
 Mr. Keisler Mr. Cullum

Motion passes.

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

12-063 - A supplemental appropriation increase of \$40,266 for the FY 11 State Criminal Alien Assistance Program (SCAAP) Award received from the US Department of Justice. Of that amount, \$8,858.52 or 22% will be paid to Justice Benefits, Inc. for their assistance in obtaining and providing the information for the grant application.

12-064 - A supplemental appropriation increase of \$146,409 for the Highway Safety Enhanced DUI Enforcement Award received from the SC Department of Public Safety, Office of Highway Safety. This is for the second year of funding.

Executive Session/Legal Briefing - Mr. Kinard reported during the afternoon Committee of the Whole meeting, Council went into Executive Session to discuss one personnel, four contractual, and four legal matters but needed to go back into Executive Session to continue discussions on three legal matters.

Mr. Jeffcoat made a motion, seconded by Ms. Summers to go into Executive Session.

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

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

Old/New Business - Zoning Test Amendment T11-02 - For clarification to the earlier vote under new business, Mr. Matthews said he wanted to clarify the first reading of Zoning Text Amendment T11-02.

Mr. Matthew made a motion that Zoning Text Amendment T11-02 be considered a pending ordinance to revise the regulations as they pertain to communications and cell phone towers, seconded by Mr. Jeffcoat.

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

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

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

In Favor:	Mr. Kinard	Mr. Davis
	Mr. Townsend	Ms. Summers
	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