

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 25, 2011 in Council Chambers beginning at 4:30 p.m. Chairman Kinard presided.

Councilman Brad Matthews gave the invocation. Retired Marine Veteran, Gene Wilbur, 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 since Council's last meeting he attended a SCDOT Commission meeting and competed in the USMC Ultimate Marine Challenge run.

**Council Members' Reports/Comments** - Mr. Banning reported Sharon Willis, an employee, is home recuperating after heart bypass surgery and asked everyone to keep her in their prayers.

Mr. Banning recognized Chuck Whipple, Director of Economic Development, for another successful Lexington County Industry Appreciation event and reported there were over 120 attendees.

Mr. Matthews reported he attended the Gardendale Homeowners' Association meeting, the Lexington County Museum Haunted History Tour, and will be attending the Whitehall Extension Homeowners' Association meeting tonight following the Council meeting.

Mr. Cullum reported he attended the Soil and Water Conservation District meeting, which he has been regularly attending this past year. Also, attended the grand opening of the new Lexington County Recreation and Aging Facility in Cayce.

**Presentation of Resolution - Thank a Veteran Week Presented by Chairman Jim Kinard** - Chairman Kinard and Vice-Chairman Banning presented a framed resolution to Mr. Ed Lundeen, Director of Lexington County Veteran's Affairs, and several retired veterans proclaiming the week of November 6-12, 2011 as Thank a Veteran Week in Lexington County to thank the many men and women for their selfless service, dedication and sacrifice to Lexington County, the state of South Carolina, and the United States of America.

**Administrator's Report - Shining Stars** - Ms. Hubbard recognized the following employees for their positive can-do attitude and helpful approach when interacting with others and presented each with an engraved acrylic "Shining Star." Anna Lusk and Sharon Stone, Register of Deeds; Bonnie Gleaton, Ricky Derrick, David Fulmer, Woody Cannon, Danny Free, Elrod Frick, and Doug Shealy, Public Works.

**Employee Recognition - Katherine Hubbard, County Administrator** - Ms. Hubbard introduced David Kerr, the new Public Safety Director.

**Special Recognition by Sheriff James Metts** - Sheriff Metts recognized Major Joe Quig and Lexington County Detention Center Managers for being nominated for the U.S. Immigration and Customs Enforcement (ICE) Partnerships for Public Safety Awards and management of immigration enforcement at the Detention Center.

**Employee Recognition**- Ms. Hubbard recognized Deputy Coroners Laura Gould, Corky Spires, and Robert Johnson and the following individuals who assisted them with a horrific motorcycle/ horse trailer accident on I-26 on August 22, 2011: Chris Folsom, Animal Services; Jamie Mack, Michael Bollinger, and Mark Baughman with Public Works; Blake Day, Cole Winn, Todd Goff, Chad Wessinger, Kyle Synder, Martin Friar, Rollie Reynolds, Joey Dana, Bill Braithwaite, Eddie Turner, Mike Rawl, O'Neil Wise, Dory Arnold, and Chad Williams with Fire Service.

**Holiday Schedule - November & December 2011 Schedule** - Mr. Cullum made a motion, seconded by Mr. Jeffcoat to meet only on the second Tuesday for the months of November (November 8) and December (December 13) and cancel November 22 and December 27. 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. Cullum
	Mr. Jeffcoat	Mr. Townsend
	Mr. Davis	Ms. Summers
	Mr. Keisler	Mr. Matthews
	Mr. Banning	

**Resolutions - Arbor Day 2011 and Lexington High School Swim Team** - Mr. Banning 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. Banning
	Mr. Cullum	Mr. Townsend
	Mr. Davis	Ms. Summers
	Mr. Keisler	Mr. Jeffcoat
	Mr. Matthews	

**Appointments - Planning Commission - Robert Lee Matthews** - Mr. Banning made a motion, seconded by Mr. Matthews to reappoint Mr. Robert Matthews.

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

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

**Midland's Housing Alliance Transitions Board - Carol W. Addy** - Mr. Banning made a motion, seconded by Mr. Cullum to reappoint Ms. Addy.

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

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

**Library Board - Ray Sharpe** - Mr. Cullum made a motion, seconded by Mr. Jeffcoat to reappoint Mr. Sharpe.

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

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

**Library Board - David Fellows** - Mr. Matthews made a motion, seconded by Mr. Jeffcoat to reappoint Mr. Fellows.

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	

**Board of Zoning Appeals - James D. Spangler** - Mr. Davis made a motion, seconded by Mr. Banning to reappoint Mr. Spangler.

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

**Museum - Miley Hall Rhodes** - Ms. Summers made a motion, seconded by Mr. Banning to reappoint Ms. Rhodes.

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

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

**Central Midlands Regional Transit Authority - Lil Mood** - Ms. Summers made a motion, seconded by Mr. Jeffcoat to appoint Ms. Mood as a voting member to replace Ms. Debbie Summers.

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

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

**Board of Zoning Appeals - Jane Cook**- Mr. Jeffcoat made a motion, seconded by Mr. Davis to reappoint Ms. Cook.

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

**Museum - Jean Annette Lucas** - Mr. Kinard made a motion, seconded by Ms. Summers to reappoint Ms. Lucas.

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

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

**Bids/Purchases/RFPs** - Mr. Cullum made a motion, seconded by Mr. Keisler to approve the following bids/purchases/RFPs (Tabs Q-W).

**One (1) 4-WD Heavy Duty Rescue Vehicle (Replacement) - Public Safety/EMS** - Staff recommended the purchase of a 4-WD heavy duty rescue vehicle including emergency equipment/installation and accessories for EMS. The vehicle will be purchased from Magic City Motor Corp. through State Contract Number 4400002972 for \$36,012. The accessories will be purchased from the following appropriate vendor through State Contract or low bidder: Lee Transport Equipment Inc. - \$14,772; West Chatham Warning Devices - \$7,726.07; and Hansen's Gold Leaf - \$928.50. Total cost for the vehicle and accessories, including tax, is \$59,438.57.

**Chapin Collection and Recycling Center Concrete/Asphalt Replacement - Solid Waste Management** - Bids were solicited for concrete/asphalt replacement at the Chapin Collection and Recycling Center. Six (6) bids were received. Staff recommended the award of items 2 & 4 to the lowest responsive bidder, Charlie Price Paving, Inc. in the amount of \$33,180.

**Fuel Island Canopy for Chapin Public Works Fuel Site - Public Works/Fleet Services** - Bids were solicited for a fuel island canopy for the Chapin Public Works fuel site. Three (3) bids were received. Staff recommended the award of the bid to Lindler Construction Company, Inc. Total cost, including tax, is \$30,546.

**Housing Rehabilitation Project: 323 Hearthstone Road - Community Development** - Bids were solicited for the housing rehabilitation project at 323 Hearthstone Road. Five (5) bids were received. Staff recommended the award of the bid to Diamond Development, LLC in the amount of \$26,850.

**One (1) Crawler Dozer - Public Works** - Bids were solicited for a crawler dozer to replace an existing motorgrader for Public Works. Four (4) bids were received. Staff recommended the award of the bid to Flint Equipment Company. Total cost, including tax is \$88,051.63. The County will exercise its option of \$20,000 for the trade-in on its existing equipment.

**One (1) Rubber Tire Loader (Replacement) - Public Works** - Bids were solicited for a rubber tire loader for Public Works. Four (4) bids were received. Staff recommended the award of the bid to Flint Equipment Company. Total cost, including tax, is \$138,489. The County will exercise its option of \$20,000 for the trade-in on its existing equipment.

**Twenty-Eight (28) Laptops, Ten (10) Personal Computers, Thirty-One (31) Monitors, and Accessories - Sheriff's Department** - Staff recommended the purchase of 28 laptops, 10 computers, and 31 monitors and accessories for the Sheriff's Department. All the items will be purchased from Dell Marketing, LP through State Contract Number 5000008961. Total cost, including tax, is \$62,983.90

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	

**Approval of Minutes - Meeting of September 27, 2011** - Mr. Banning made a motion, seconded by Mr. Townsend to approve the 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	

**Zoning Text Amendment T11-03 - First Reading** - Ms. Summers made a motion, seconded by Mr. Banning to approve first reading and invoke the Pending Ordinance Doctrine with respect to the Height Control Overlay Zones portion of this update.

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

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

**Ordinance - Ordinance 11-18 - An Ordinance to Convey Title to .297 Acres to the SCDOT for Purposes of Roadway Improvements - First Reading by Title** - Mr. Davis made a motion, seconded by Mr. Cullum to approve first reading by title.

Mr. Kinard opened the meeting for discussion.

Mr. Cullum asked staff to update Council what the .297 acres is.

Ms. Hubbard replied this is the property in Lexington where the County is conveying property on Columbia Avenue to SCODT for road widening improvements.

Mr. Kinard asked for further discussion; none occurred.

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

**Committee Reports - Economic Development, B. Banning, Sr., Chairman - Resolution R11-10 - Inducement Resolution for Project Cauliflower** - Mr. Banning reported during the Economic Committee meeting, the Committee went into executive session to receive a legal briefing on Project Cauliflower. Following executive session, the Committee voted unanimously in favor to recommend to full Council the approval of R11-10.

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

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	

**Ordinance 11-19 - Ordinance Authorizing (1) Fee-in-Lieu Between Lex. Cty and Project Cauliflower, (2) Negotiated Fees in Lieu of Ad Valorem Taxes, (3) Special Source Credit, (4) Multi-County Park, (5) Transfer & Conveyance of Property, and (6) Other Matters - First Reading by Title** - Also, following executive session, the Committee voted unanimously in favor to recommend to full Council to approve first reading by title.

Mr. Banning made a motion, seconded by Mr. Davis to approve first reading by title.

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 - Request for Position Re-classification** - Mr. Davis reported the Justice Committee met on Tuesday, October 11, 2011, to review the Sheriff's Department request for a position re-classification.

Colonel Paavel presented a request to reclassify a Secretary I civilian position to a sworn Front Desk Officer position. The Sheriff's Department front desk is manned twenty-four hours with three sworn Front Desk Officers working twelve-hour shifts and one civilian position working eight-hour shifts with remaining hours covered by a supervisor. The Sheriff's Department would like to have four sworn Front Desk Officers available to provide citizens with trained law enforcement personnel at the Sheriff's Department main front desk. The Secretary I is currently a Grade 6 civilian position and the sworn Front Desk Officer is a Grade 7. The cost to fund the position change is \$4,462. The funds are available in the Sheriff's Department contingency account.

The Justice Committee voted unanimously in favor to recommend full Council to approve staff's request for the position re-classification.

Mr. Davis made a motion, seconded by Ms. Summers to approve the position re-classification.

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	

**Health & Human Services, J. Jeffcoat, Chairman - Ordinance 11-17 - Providing for the Expansion of the Service Area Boundaries of the Irmo Fire District - First Reading** - Mr. Jeffcoat reported the Committee discussed Ordinance 11-17 and voted unanimously in favor to recommend to full Council to approve first reading.

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	

**Resolution 11-09 - Calling for a Public Hearing for the Expansion of the Boundaries of the Irmo Fire District** - Mr. Jeffcoat reported the Committee voted unanimously in favor to recommend to full Council for approval.

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

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	

**2010 Local Emergency Management Performance Grant (LEMPG) Supplemental Application** - Mr. Jeffcoat reported the Committee reviewed staff request to submit the 2010 LEMPG Supplemental application. The application amount is for \$9,000 and requires a 50% in-kind match. The funds, if awarded, will be used to go toward an Emergency Management and Homeland Security Certification for the Emergency Response Coordinator and equipment purchase. The Committee voted unanimously in favor to recommend to full Council for approval.

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

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

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

**FY 2011 EMS Grant-in-Aid Award** - Mr. Jeffcoat reported the Committee also approved staff's request to accept the FY2011 EMS Grant-in-Aid Award. The award amount is for \$20,270.13 and requires a

5.5% match.

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

**Committee of the Whole, J. Kinard, Chairman - Resolution No. R11-08 - Town of Lexington Annexation** - Mr. Kinard reported during the earlier Committee of the Whole meeting, the Committee voted unanimously in favor to approve the resolution. This is the Corley Fire Station and by annexing the property, the station's water bill should realize a 50% decrease.

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

**State Set-Aside DBE Report for FY 2010-2011 for Lexington County "C" Fund Projects** - Mr. Kinard reported during the Committee of the Whole, staff presented the State Set-Aside DBE Report for FY2010-2011 and voted unanimously in favor to recommend to full Council for approval.

Mr. Cullum made a motion, seconded by Ms. Summers to approve the State Set-Aside DBE Report for FY 2010-2011 for Lexington County "C" Fund Projects.

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	

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

12-062 -Appropriation transfers of \$34,158 and \$4,463 to re-classify a civilian clerk position to a sworn officer position at the front desk for the Sheriff's Department.

12-065 - An appropriation transfer of \$25,000 and a supplemental appropriation increase of \$25,000 to establish a budget for the contribution to the 911 Memorial at the Columbia Metropolitan Convention

Center.

12-066 - An appropriation transfer of \$299 and a supplemental appropriation decrease of \$5,444. The DHEC EMS Grant-in-Aid was less than what was budgeted and this transaction is to adjust the budget to match the award.

12-067 - An appropriation transfer of \$29,059 and a supplemental appropriation increase of \$29,059 that is required to complete the CAMA project.

12-068 - A supplemental appropriation increase of \$2,500. The County received a Contractor's Performance Bond to complete needed infrastructure at the Reserve at Lake Murray.

12-069 - A supplemental appropriation increase of \$15,628. Project Pet is paying for additional services over and above the original contract.

**Old Business/New Business** - Under old business, Mr. Banning reported during the earlier meetings regarding the issue with bath salts and synthetic marijuana, Council was fully prepared to move forward with passage of Ordinance 11-16, but because of DHEC's action, we won't need to.

**New Business - Resolution R11-11**- Mr. Banning reported South Carolina Association of Counties (SCAC) referred a resolution to each County for consideration. By approving the resolution, Lexington County is joining SCAC in filing an Amicus Curie Briefing opposing the presidential primary funding of how they are trying to pay for it out of the County's local tax dollars, another unfunded mandate.

Mr. Banning made a motion, seconded by Mr. Townsend to approve Resolution R11-11.

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	

**Executive Session/Legal Briefing** - Mr. Kinard reported during the afternoon Committee of the Whole meeting, Council went into Executive Session and completed discussions on one contractual and six legal matters.

**Old Business - Cell Towers** - Mr. Jeffcoat addressed the issue whereby the Board of Zoning Appeals voted to deny zoning variance application request #02-11 for a cell tower inside a neighborhood. The variance request was submitted by a real estate agent looking for property that was for sale for a possible cell tower for Cleartalk Communications. Mr. Jeffcoat said he has been asked on several occasions about it and also read an article in the State paper encouraging Council to not ban cell towers in the County. Mr. Jeffcoat said Council understands and is fully aware that we need cell towers, but not on a residential building lot.

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

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