

M I N U T E S  
LEXINGTON COUNTY COUNCIL  
May 27, 2014

Lexington County Council held its regular scheduled meeting on Tuesday, May 27, 2014 in Council Chambers beginning at 4:30 p.m. Chairman Jeffcoat presided.

Councilman Kinard provided the invocation. Mr. James L. Brazell, US Army Retired, led the Pledge of Allegiance.

Members Attending:	Johnny W. Jeffcoat	James E. Kinard, Jr.
	Frank J. Townsend, III	M. Kent Collins
	Debra B. Summers	Bobby C. Keisler
	Kenneth Brad Matthews	M. Todd Cullum

Not Present: William B. Banning, Sr.\*

\*Councilman Banning were not present due to illness.

Also attending: Joe Mergo, III, County Administrator; Chris Folsom, Deputy County Administrator; Randy Poston, Chief Financial Officer; 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, posted on the County's website, and posted on the bulletin board located in the lobby of the County Administration Building.

Note: The following Council meeting proceedings can be viewed in its entirety on the Lexington County Video Portal at [www.lex-co.sc.gov](http://www.lex-co.sc.gov).

**Presentation of Resolution - Presentation to Public Works Presented by Councilman Cullum** - Councilman Cullum presented a framed resolution to Mr. Barrett, Director of Public Works, and several members of his staff proclaiming the week of May 18-24 as National Public Works Week. Mr. Cullum thanked Mr. Barrett and his staff for the work they do day-in and day-out to make our roads safer for our citizens.

**Presentation of Certificate of Appreciation** - Councilman Townsend presented a Certificate of Appreciation to Ms. Mary Clare Price, fifth grade teacher at Batesburg/Leesville Elementary School, for her passion, ongoing commitment and dedicated services toward providing a positive school experience for the children of School District Three.

**Chairman's Report** - Chairman Jeffcoat reported he was unable to attend many meetings due to emergency surgery.

**Administrator's Report - Employee Recognition** - Mr. Mergo recognized Sonja Davis; Vera Jones; Florence Hiller; and Janice Summers, Custodians with Building Services. Mr. Mark Kerley, Manager of Building Services received an e-mail from Ms. Marsha Moore, Deputy Clerk with the Clerk of Court's Office, regarding the cleanliness of the Judicial Center. Ms. Moore said Judge Benjamin, a visiting judge, stated that Lexington County has the cleanest judicial center that she has ever been in and wanted to be sure that the employees know how much she appreciated them.

Mr. Mergo recognized Shirley Sprenne, Wanda Fogle, Amy Stalnaker, Brenda Sharpe and Vanessa Phillips with the Pelion Library. Ms. Dee Bedenbaugh, Director of Library Services, received a letter from Mr. George Johnson of Michigan complimenting staff. He said staff was always helpful, friendly, and courteous.

**Lexington County Fallen Heroes** - Vice Chairman Cullum called out the names of the fallen heroes from the wars in Iraq and Afghanistan who called Lexington County Home - Specialist Thomas D. Caughman, Lance Corporal Joshua Torrence, 2<sup>nd</sup> Lieutenant Almar Fitzgerald, Sergeant Luther Rabon, Private First Class Kalin Christopher Lee Johnson, 1<sup>st</sup> Lieutenant Ryan Rawl, Sergeant John D. Meadow II, and Captain James Edward Chaffin, III and asked for a "moment of silence."

**Summer Schedule 2014** - Chairman Jeffcoat stated that Council normally meets only once a month during the summer and asked Council to consider meeting on the second Tuesday in July (22), August (26), and September (23) and cancel the first Tuesday in July (8), August (12), and September (9). Also, Chairman Jeffcoat suggested cancelling the Tuesday, June 24 meeting and move it to Wednesday, June 25.

Mr. Kinard made a motion, seconded by Mr. Townsend to adopt the Chairman's suggestions. Cancelled meetings are: June 24, July 8, August 12, and September 9. Scheduled meetings are: June 25, July 22, August 26, and September 23.

Chairman Jeffcoat opened the floor for discussion; no discussion occurred.

Ms. Summers wanted the public to know that Council can at anytime call a Special Called Meeting should the need arise.

Chairman Jeffcoat called for the vote.

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

Not Present: Mr. Collins

**Appointments - Boards and Commissions - Assessment Appeals Board - Robert Price, Jr. -** Mr. Cullum made a motion, seconded by Mr. Kinard to appoint Mr. Price. Mr. Price replaces Mr. William Power.

Chairman Jeffcoat opened the floor for discussion; no discussion occurred.

Chairman Jeffcoat called for the vote.

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

Not Present:   Mr. Collins

**Museum Board - Mary Sharpe -** Mr. Cullum made a motion, seconded by Mr. Kinard to appoint Ms. Mary Sharpe. Ms. Sharpe replaces Ms. Carol Metts.

Chairman Jeffcoat opened the floor for discussion; no discussion occurred.

Chairman Jeffcoat called for the vote.

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

Not Present:   Mr. Collins

**Bids/Purchases/RFPs -** Mr. Keisler made a motion, seconded by Mr. Townsend to approve the following bid:

**Rowland Drive Roadway Improvements - Public Works.** Bids were solicited and advertised for the improvements to Roland Drive. The project consists of fine grading and surfacing of 2,613 linear feet of a Lexington County maintained roadway using a 2" asphalt surface course Type C and a 6" graded aggregate base course. Six (6) bids were received. Staff recommended the award of the bid to Sox & Sons Construction Company, Inc. Total cost, including tax, is \$231,990.30.

Chairman Jeffcoat opened the floor for discussion; no discussion occurred.

Chairman Jeffcoat called for the vote.

In Favor:      Mr. Jeffcoat              Mr. Keisler

Mr. Townsend            Mr. Kinard  
Ms. Summers            Mr. Matthews  
Mr. Cullum

Not Present: Mr. Collins

**Approval of Minutes - Meetings of March 25, April 8, and April 22, 2014** - Ms. Summers made a motion, seconded by Mr. Kinard to approve.

Chairman Jeffcoat opened the floor for discussion; no discussion occurred.

Chairman Jeffcoat called for the vote.

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

Not Present: Mr. Collins

**Zoning Amendments - Zoning Text Amendment #T14-01 - Communication Towers - 2<sup>nd</sup> Reading (Goal 2)** - Mr. Cullum made a motion, seconded by Ms. Summers to approve second reading.

Chairman Jeffcoat opened the floor for discussion; no discussion occurred.

Chairman Jeffcoat called for the vote.

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

Not Present: Mr. Collins

**Zoning Text Amendment T14-03 - Advertising Signs - 2<sup>nd</sup> Reading (Goal 2)** - Mr. Cullum made a motion, seconded by Ms. Summers to approve second reading.

Chairman Jeffcoat opened the floor for discussion; no discussion occurred.

Chairman Jeffcoat called for the vote.

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

Not Present: Mr. Collins

**Ordinance(s) - Ordinance 14-05 - An Ordinance Enacted Pursuant to the Capital Project Sales Tax Act, Title 4, Chapter 10, Article 3 of the Code of Laws of South Carolina, 1976, as Amended, Providing for the Imposition of a One Percent Sales and Use Tax and the Authorizing of General Obligation Bonds Upon Referendum Approval, the Form of the Ballot to be Used in Connection Therewith, and Other Matters Relating Thereto - 1<sup>st</sup>**

**Reading** - Prior to opening the floor for consideration, Chairman Jeffcoat wanted the public to know that County Council is NOT voting tonight to put a sales tax on the citizens of Lexington County. What we are voting on is giving the citizens the opportunity to say "Yes" or "No" to a tax to be added to the sales tax that we have currently in the County. On the ballot will be a list of projects that will be done with the money, with the funding from this sales tax. If you don't want it, vote no. If you do, vote yes. That is what this Council is going to do. They are going to, if it passes, vote to put the question on the ballot if you want the money for eight years to be used for the list of projects that will be on the ballot. We are not voting tonight, and we are not going to vote any other night to put a sales tax on the citizens of Lexington County. We are giving you the opportunity, for those 300+ people on a bad rainy night calling us the next day asking us for road maintenance. We are giving you the opportunity to get your roads fixed. On the ballot, I understand there are approximately a third of the roads that have been put on the paving list, which will give us the opportunity to pave a third of those. We had our Public Works Director tell us that it will take approximately 135 years to pave those roads that are on that list right now based on the funding we have currently. Folks it is okay, and I am not going to get beat up by you or anyone else about this, this is an opportunity for you to say yes or no. If you say no, it is business as usual. We will continue to try to give you the services, and we will try to give you every service we possibly can with the funding that we have. If you said yes, we will get busy, and we will correct a lot of the problems and a lot of the situations that we face every single day in this county trying to give you service. It is not hard for any of you here or anyone of you watching TV to go down the road two blocks and be able to find a road that needs maintenance or needs widening or traffic problems that need to be corrected. We have intersections that need to be corrected, widened, lanes that need to be put on existing roads; all of these things need to be done. We have been cut. Lexington County Council has been cut by the State of South Carolina six years straight in a row, the funding. Folks, we don't have magic. If we don't have the money, we can't do the projects. If you feel like you don't want to do that, that is absolutely okay with everybody up on this stand tonight. Please understand that. I want to make real sure that we have a good understanding of what is happening here. The reason, the only reason, that we are attempting to have a question on the ballot of this nature is because you folks are calling us constantly wanting these problems resolved. We can't resolve them if we don't have the money. Now, a good thing about this, it is a use tax. If you go out of Lexington County right now and you go to Richland County, you go to Orangeburg, or wherever, other than Saluda County, you are helping those people pay. If you buy a car across the river in Richland County, you are helping those people pay for their road improvements at that time. When you spend money over there, you are helping them fix their roads. Now let's take it in reverse. If people from outside of our county come in, and they tell me about a third of the money of the revenue that we will receive from this sales tax, will be from people who don't even live here. This is not a property tax. Your property tax will not be affected by this. So, this is an opportunity to have people that are using our facilities every day or our roads to help pay for it. And you can smile or do whatever you want to do about it, but I am telling you we are trying to help. We are trying to get this job done. You are asking us to help you, and we want to help you. This is serious to us. So, I want to make sure if there are any questions you know that you have

eight people up here (County Council), a County Administrator, a Public Works Director, and people in this building that can assist you. It is transparent; you can see it. The projects are on the internet. They are on the website of the county. You can go right now and look at them if you want to. There is nothing that has been done with this project to this date that is not legal. I hear, well you did illegal this and illegal that. We don't do illegal things. Everything we do we have our attorney to advise us on it; one of the best attorneys, or probably the best attorney for any county in the State of South Carolina. In fact, a lot of counties call and want him to give them advice. So, we have the best attorney. We are doing all we can do to help. We don't want to raise your taxes. This is NOT a property tax increase.

Ms. Summers made a motion, seconded by Mr. Townsend to approve Ordinance 14-05 for first reading.

Chairman Jeffcoat opened the floor for discussion.

Mr. Matthews thanked the Penny for Progress Commission. He said the only thing he has heartburn about is when he reads where it talks about the authorization of General Obligation Bonds. If I vote on this now, is it telling me that I am supporting this with bonds?

Chairman Jeffcoat replied, what this is telling us tonight is that we are putting this on the agenda to be voted on three times, this is the first time. We have two more times to vote on it. If you don't want to vote on it, you don't have to; you know that. So you have a good bit of time here to get any question(s) answered that you want, any part of this ordinance.

Mr. Matthews said he would really like and would like for Council to look at this without bonding the money. He said he would feel more comfortable doing this as "pay as you go." I don't think we pay fees, we don't pay interest, and I think it shows another level of prudence by doing it in that manner. I would love the opportunity to vote on this without the bonding on there. And, is there a manner? I need to know the way. What I am asking - if I support this today, am I saying I am supporting this with bonds? Because that is what I can't do.

Chairman Jeffcoat replied, you are voting on the bond today.

Mr. Cullum said that he is not certain that we are actually approving the bonding ability and understand where it says, "the authorization of General Obligation Bonds upon referendum approval." But, I think as we have been advised that we have to give a determined amount of any bonding that we do. Also, we have been given very good counsel from Bond Counsel and General Counsel that if the question appears on the ballot and where it gives a bonded amount, that is an option only. Because there may be a question in the wording of the ballot that allows us to bond any of these projects to a determined amount, amount not to exceed, does not mean that Council has to issue bonds. What it does do is gives you an opportunity to take advantage of economic conditions at the time when the projects may be completed. Meaning that if it is more advantageous for us to move a number of projects along very quickly, and there are bond costs associated with doing that, there is no doubt about that. The entire project has costs associated with them. It may be for the taxpayers' benefit that we issue a bond. We don't have to bond to the full amount. We can bond partially or half; whatever this body determines. But, again, I would hate to know that if the public does decide that they would agree to a use tax that we have painted them in a corner where you have to wait four and one-half to five years of collections, in where that four and one-half to five years of collections period the cost of construction goes up

20 percent, and that is not unrealistic. We have seen construction cost, particularly in roads, go up 20 percent inside of one year. So, I understand your concern and I can appreciate your concern, and likewise, I think most of us have those concerns. However, I think if you are going to present something to the public, we ought to at least give every option available to take advantage of that time period in which we got to spend that money. It is not a collection period where you collect the money and you don't spend it. It is not how it works. At the end of the period, the money has to be expended with no debt. There are costs associated with the bond. However, if you do bond the project, the bond has to be paid off in full at the end of the timeframe of the collection period.

Mr. Matthews replied, there is also, in giving up that, those people at the bottom, because we are bonding, don't get those project done.

Mr. Cullum replied, that could be.

Mr. Matthews replied, there is not could be; you've got to pay for it. That's what is going to happen.

Mr. Cullum replied, no. If you can get some accounting to scale where you can do those projects very quickly and you can do them all under budget, because you have gone out there and packaged bid them. And if the total package of five projects is \$100 million and you get it done for \$90 million, there is \$10 million that pushes down the list. This is early on; this is first reading.

Mr. Matthews said his basic question was - when will we know on the number?

Mr. Cullum replied, if he is not mistaking and I know we don't take advice from Counsel in open public, but, historically, before we do any ordinance, we try to have everything in order by the time of the second reading. Because if we don't have it as we would like it in the second reading, if it passes second reading, nothing can change when we go to the third. I would suspect, and I don't want to speak out of turn, that all of our information of which it will appear on the ballot will be prepared and ready to be voted on by the second reading.

For the record, Mr. Townsend wanted to reiterate what the Chairman said and that is we are not raising taxes; we are just voting on it (allowing to be put on the referendum for the public to vote).

Mr. Collins said you have two different sides to this. You have the people who want the tax and people who don't want the tax. The people that don't want the tax are asking me to vote no. To exercise my right to vote as a county councilman, if I do that and I vote no, then all the people who want the tax are essentially being disenfranchised. They are not allowed to vote how they want to vote at the end of the day. They are not allowed to enter the voting booth and vote yes or no on this tax, because it will never be there if a majority of Council votes that way, against putting it on the ballot. I am going to vote yes. And the only reason I am doing that is because I believe that everybody needs to get their right to exercise their right to vote. And if you don't get your right to vote, then essentially I am taking away a constitutional right that you have been given by the laws and the Constitution of the United States. I am going to vote yes, but that is the reason - to allow everyone their chance to vote. Going to the poll and vote yes or no whether they want to support this or not.

Mr. Keisler said he agreed with Councilman Collins. He said he is an elected official and sometimes choices are hard to make. I am not saying I am going to the polls and vote yes or no, but that is my choice of how I vote. As an elected official, I think I owe you the choice for the same thing. If you vote yes, that is fine. If you vote no, that is fine. Because I may vote either way. But, as an elected official, I have to give you that choice.

Chairman Jeffcoat called for further discussion. Being no further discussion, Chairman Jeffcoat called for the vote.

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

Chairman Jeffcoat adjourned the Council meeting and opened up the County Transportation Committee.

**Committee Reports - County Transportation, J. Jeffcoat, Chairman - SCDOT "C" Fund Request for Intersection Dedication** - Mr. Cullum made a motion, seconded by Mr. Kinard to approve what the Public Works Committee unanimously brought to the CTC. The Public Works Committee voted to approve and send to the CTC for approval the request to fund the road designation at the intersection of US Highway 1 and Morgan Drive as Army Specialist Thomas Day Caughman.

Chairman Jeffcoat opened the meeting for discussion; no discussion occurred.

Chairman Jeffcoat called for the vote.

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

**Approval of Minutes - Meeting of March 25, 2014** - Mr. Kinard made a motion, seconded by Ms. Summers to approve.

Chairman Jeffcoat opened the meeting for discussion; no discussion occurred.

Chairman Jeffcoat called for the vote.

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

Chairman Jeffcoat adjourned the CTC and reconvened the County Council meeting.

**Committee of the Whole, J. Jeffcoat, Chairman - Resolution R14-1 - Supports and**

**Endorses the Completion of the United Midlands Multimodal Corridor Improvements Project** - Mr. Cullum made a motion, seconded by Ms. Summers to approve.

Chairman Jeffcoat opened the meeting for discussion; no discussion occurred.

Chairman Jeffcoat called for the vote.

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

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

14-124 - A supplemental appropriation (existing funds) increase of \$148 for Fire Services. The Hollow Creek Fire Station received a \$100 donation and the Corley Mill Fire Station closed out their canteen fund. These funds will be put toward the purchase of Fire Prevention Supplies.

14-125 - A supplemental appropriation (existing funds) increase of \$30,315 for the Sheriff's Department. The Sheriff's Department sold seized and confiscated firearms and old service weapons and this BAR is to budget the revenue received.

14-126 - A supplemental appropriation (existing funds) increase of \$186,985 for the Lexington County Airport at Pelion. This BAR is to budget for the engineering portion of the Runway Widening & Strengthening project per the Memorandum of Agreement between the County and the South Carolina Aeronautics Commission (SCAC). The breakdown is as follows: FAA (\$168,287); SCAC (\$9,349); and the County (\$9,349).

**Resolution R14-1 - Supports and Endorses the Completion of the United Midlands Multimodal Corridor Improvements Project** - For benefit of the audience and those watching, Mr. Cullum said R14-1 is a joint effort by Lexington County, Richland County and City of Columbia to make an application to the State Infrastructure Bank (SIB) for the improvements to the airport and to the corridor leading from the airport into downtown Columbia. Included in that is Assembly, Huger, Greene, and Williams Streets and the connector from the entrance to the airport now to Interstate 26.

**Old Business/New Business** - None.

**Executive Session/Legal Briefing** - Chairman Jeffcoat reported, during the earlier meeting of the Committee of the Whole, Council discussed two contractual matters. As a result, there were no motions to be considered.

**Adjournment** - Ms. Summers made a motion, seconded by Mr. Kinard to adjourn.

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

There being no further business, the meeting was adjourned.

Respectfully submitted,

Diana W. Burnett  
Clerk

Johnny W. Jeffcoat  
Chairman