

MINUTES
LEXINGTON COUNTY COUNCIL
MAY 03, 2005

Lexington County Council held its regular meeting on Tuesday, May 03, 2005 in Council Chambers, beginning at 4:30 p.m. Chairman Rucker presided; Ms. Summers gave the invocation; Mr. Cullum led the Pledge of Allegiance.

Members attending: Bruce E. Rucker William C. Billy Derrick
 George H. Smokey Davis Debra B. Summers
 Bobby C. Keisler Johnny W. Jeffcoat
 John W. Carrigg, Jr. Joseph W. Owens
 M. Todd Cullum

Also attending: Art Brooks, County Administrator; Larry Porth; Finance Director/Assistant County Administrator; Katherine Doucett, Personnel 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.

Employee Recognition - Art Brooks, County Administrator - Employee of the 1st Quarter for 2005 - Nominees for the First Quarter - Ray Gunning, Maintenance Assistance II, Building Services; Susan Fort, Bookmobile Driver, Library Services; Barbara O'Connor, Veteran's Affairs Specialist, Veteran Affairs; and Michael Cummins, Homestead Supervisor, Auditor's Office.

Mr. Brooks presented a plaque to Mr. Michael Cummins as the Employee of the First Quarter and Certificates of Excellence were presented to Ms. Susan Fort, Ms. Barbara O'Connor, and Mr. Ray Gunning.

Presentation of Resolution - Herbert J. Hames Presented by Councilman Carrigg - Councilman Carrigg presented a framed resolution to Mr. Herbert J. Hames honoring him for his service and dedication to the Health Services District Board of Directors since 1996.

Resolution - Mr. William A. "Bill" Byrd - Mr. Jeffcoat made a motion, seconded by Mr. Derrick to approve the resolution.

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

In Favor: Mr. Rucker Mr. Jeffcoat

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| Mr. Derrick | Mr. Davis |
| Ms. Summers | Mr. Keisler |
| Mr. Carrigg | Mr. Owens |
| Mr. Cullum | |

Appointments - No appointments were made.

Mr. Derrick asked that Council be provided attendance records periodically on all Boards and Commission.

Bids/Purchases/RFPs - Mr. Cullum made a motion, seconded by Mr. Keisler that the following bids/purchases/RFPs be approved.

Electrical Lighting and Beacon Repairs - Lexington County Airport at Pelion - Bids were solicited through Wilbur Smith Associates for electrical lighting and beacon repairs at the Lexington County Airport at Pelion. These immediate repairs are needed to get the airport operational. Council originally approved \$15,000 for the repairs at the March 22, 2005 Council meeting.

One (1) bid was received. Staff recommended the award of the bid to Walker & Whiteside as the low bidder meeting specifications. Total cost including tax is \$18,383.00.

Installation Generator and Transfer Switch at Cayce Public Safety Office - Public Safety Emergency Preparedness - Bids were solicited for the installation of a generator and transfer switch at the Cayce Public Safety office. This equipment will be utilized at the Cayce Department of Public Safety to keep their emergency services operational should a power outage occur.

Two (2) bids were received. Staff recommended the award of the bid to DNB Electric Inc. as the low bidder meeting specifications. Total cost including tax is \$17,350.00.

Bunker Gear - Public Safety/Fire Service - Competitive bids were solicited for bunker gear for Public Safety/Fire Service.

Nine (9) bids were received. Staff recommended multiple awards to the following vendors meeting specifications: Quest Enterprises - \$43,199.24; Newton's Fire Safety - \$1,742.64; Wally's Fire & Safety Equipment - \$1,007.00; and Carolina Fire Services - \$3,241.06. Total cost including tax is \$49,189.94.

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

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| In Favor: | Mr. Cullum | Mr. Keisler |
| | Mr. Derrick | Mr. Davis |
| | Ms. Summers | Mr. Jeffcoat |
| | Mr. Carrigg | Mr. Owens |

Abstaining: Mr. Rucker

Mr. Rucker recused himself from the discussion and vote due to a possible conflict of interest.

Chairman's Report - 2005 Baltimore/DC Connection - Mr. Rucker announced the 2005 Baltimore/DC Connection hosted by the Greater Columbia and Greater Lexington Chambers of Commerce is June 13-15, 2005.

Lexington County Recreation and Aging Commission - Mr. Rucker stated Mr. Jay Crisicione, Executive Director, is asking Council's permission for the authority to issue general obligation bonds in the amount of \$17 million, not to exceed 1 ½ mils, for numerous and important projects throughout Lexington County. Mr. Rucker asked Council if they would like to take immediate action on this request or postpone until the budget process.

Mr. Davis asked whether a letter of support was sent to the Lexington County Legislative Delegation.

Mr. Rucker acknowledged letters were sent seeking their interest in the Lexington County Recreation and Aging Commission's requests. He said a letter was sent regarding their budget request and only five (5) responded; two were in favor with three opposing. However, he has not received anything from the Delegation on the issuing of general obligation bonds. Mr. Rucker said he was advised by Chairman Mac Toole, Lexington County Legislative Delegation, that Midlands Technical College has also requested additional millage but has not received additional responses from members of the Delegation and stated he was told "it was not their call."

Mr. Davis said he was under the impression that the Lexington County Legislative Delegation nominated and approved those governing bodies (Lexington County Recreation and Aging Commission and Midlands Technical Board of Directors) and was hopeful that they would participate in those decisions of those governing bodies.

Mr. Rucker acknowledged that was true and noted there are several different appointees the Delegation appoints that the County funds i.e. magistrates, but the County is the one who is responsible for making the budgetary decisions.

Mr. Davis stated he would be willing to review both requests during the budget process as he is concerned with the expenditures the County will have on this year's FY 2005/2006 budget.

Mr. Rucker stated the Lexington County Recreation and Aging and Midlands Technical College requests are in the Committee of the Whole for a recommendation and if a recommendation is made that it would have to come out of the Committee to full Council. However, the request for the 1 ½ mils for the general obligation bonds from the recreation commission can come at any time.

H.3652 - Putting Parents in Charge - Mr. Rucker announced that Chairman Mac Toole, Lexington

County Legislative Delegation, advised him that the 1% percent proviso to H.3652 that would have diverted funds collected through Firefighters' Insurance Fund for fire departments to education has been withdrawn from the bill.

Summer Meeting Schedule - Mr. Carrigg made a motion, seconded by Mr. Keisler to amend the summer meeting schedule to one meeting per month for the months of July, August, and September. The new summer dates are July 12, August 23, and September 27, 2005.

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

In Favor: Mr. Rucker Mr. Carrigg
 Mr. Keisler Mr. Derrick
 Mr. Davis Ms. Summers
 Mr. Jeffcoat Mr. Owens
 Mr. Cullum

Administrator's Report - Mr. Brooks announced the Public Works Backhoe Rodeo is scheduled for May 18 at 12:00 p.m. at Public Works on Ball Park Road as well as a retirement drop-in for Mr. O'Neil Bickley who is retiring May 30.

Approval of Minutes - Meeting of April 12, 2005 - A motion was made by Mr. Cullum, seconded by Mr. Davis to approve the minutes as submitted.

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

In Favor: Mr. Rucker Mr. Cullum
 Mr. Davis Mr. Derrick
 Ms. Summers Mr. Keisler
 Mr. Jeffcoat Mr. Carrigg
 Mr. Owens

Executive Session/Legal Briefing - A motion was made by Mr. Carrigg, seconded by Ms. Summers to go into Executive Session to receive a legal briefing to discuss Zoning Text Amendments T05-03 and T05-04.

In Favor: Mr. Rucker Mr. Carrigg
 Ms. Summers Mr. Derrick
 Mr. Davis Mr. Keisler
 Mr. Jeffcoat Mr. Owens
 Mr. Cullum

Mr. Rucker reconvened the meeting in open session.

Matters Requiring a Vote as a Result of Executive Session - Chairman Rucker reported Council

received a legal briefing on the zoning text amendments and reported no motions were to be considered.

Zoning Amendments - Zoning Text Amendment T05-03 - Vested Rights - Proposed Changes to Article 12, Administration, of the Lexington County Zoning Ordinance - Announcement of 1st Reading - Mr. Davis made a motion, seconded by Mr. Cullum that Zoning Text Amendment T05-03 receive first reading.

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

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| In Favor: | Mr. Rucker | Mr. Davis |
| | Mr. Cullum | Mr. Derrick |
| | Ms. Summers | Mr. Keisler |
| | Mr. Jeffcoat | Mr. Carrigg |
| | Mr. Owens | |

Zoning Text Amendment T05-04 - Recycling Centers - 2nd Reading - A motion was made by Mr. Jeffcoat, seconded by Mr. Cullum that Zoning Text Amendment T05-04 be given second reading.

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

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| In Favor: | Mr. Rucker | Mr. Jeffcoat |
| | Mr. Cullum | Mr. Derrick |
| | Mr. Davis | Ms. Summers |
| | Mr. Keisler | Mr. Carrigg |
| | Mr. Owens | |

Ordinances - Ordinance 05-02 - An Ordinance Adopting a Supplemental Appropriation for Fiscal Year 2004 - 2005 - 3rd and Final Reading - A motion was made Mr. Carrigg, seconded by Mr. Jeffcoat to divide the question to separate all Public Safety related items from the remainder of Ordinance 05-02.

Mr. Davis asked whether this motion was considered as an amendment.

Mr. Carrigg responded, no sir; it is under Rule 16.4.

Mr. Davis made a motion to table the motion.

Mr. Carrigg responded there is no debate on the motion.

Mr. Derrick, the Parliamentarian, responded any motion can be tabled without debate and that Robert's Rules be consulted and asked for a legal opinion from Mr. Anderson, County attorney.

Mr. Rucker stated there is a motion to table and asked for a second; Mr. Cullum seconded the

motion.

Vote on motion to table:

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| In Favor: | Mr. Davis | Mr. Cullum |
| | Mr. Derrick | Ms. Summers |
| | Mr. Keisler | Mr. Owens |

Mr. Rucker did not call for further vote on the motion to table. Mr. Rucker recommended moving forward with the proceeding items and returning to Ordinance 05-02 during the session after the ruling from the County attorney.

Ordinance 05-03 - Vested Rights - Proposed Changes to Section 3, Procedures, of the Lexington County Subdivision Regulations - 1st Reading by Title - A motion was made by Mr. Cullum, seconded by Mr. Davis that Ordinance 05-03 receive first reading.

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

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| In Favor: | Mr. Rucker | Mr. Cullum |
| | Mr. Davis | Mr. Derrick |
| | Ms. Summers | Mr. Keisler |
| | Mr. Jeffcoat | Mr. Carrigg |
| | Mr. Owens | |

Ordinance 05-05 - Amendment to the Solid Waste Ordinance - Recycling Centers - 1st Reading by Title - A motion was made by Mr. Jeffcoat, seconded by Mr. Cullum that Ordinance 05-05 receive first reading.

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

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| In Favor: | Mr. Rucker | Mr. Jeffcoat |
| | Mr. Cullum | Mr. Derrick |
| | Mr. Davis | Ms. Summers |
| | Mr. Keisler | Mr. Carrigg |
| | Mr. Owens | |

Ordinances - Ordinance 05-02 - An Ordinance Adopting a Supplemental Appropriation for Fiscal Year 2004 - 2005 - 3rd and Final Reading - Mr. Davis made a motion, seconded by Mr. Cullum to table Ordinance 05-02.

Mr. Carrigg responded there is nothing to table at this junction, Mr. Chairman.

Mr. Davis replied that he tabled Mr. Carrigg's motion.

Mr. Carrigg replied his motion to divide the question was tabled, but said in order to table

something, something has to be on the floor to table.

Mr. Rucker replied this is up for third and final reading and Mr. Davis has made a motion to table this.

Mr. Carrigg replied he understood, but said there has to be a motion to approve and seconded and that an issue has to be on the floor before the body to table anything.

Mr. Derrick stated if no one makes a motion, it is in essence tabled.

Mr. Davis made a motion to delay voting on Ordinance 05-02, seconded by Mr. Cullum.

Mr. Davis replied this is not a motion to kill nor accept it; it is just a motion to delay it and feels that Ordinance 05-02 needs further discussion.

Mr. Rucker called for further discussion; none occurred.

Motion to Delay

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| In Favor: | Mr. Davis | Mr. Cullum |
| | Mr. Derrick | Ms. Summers |
| | Mr. Keisler | Mr. Owens |

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| Opposed: | Mr. Jeffcoat | Mr. Carrigg |
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| Abstaining: | Mr. Rucker |
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Mr. Rucker recused himself from the vote due to a possible conflict of interest.

Committee Reports - Planning & Administration, J. Owens, Chairman - County Employee Handbook Revisions - Personnel - Mr. Owens reported the Planning and Administration Committee met during the afternoon to discuss proposed revisions to the County Employee handbook. The proposed revisions are reflective of recent changes to state legislation impacting “At Will Employment” and to update County policies that have not been significantly updated since 1996.

Mr. Owens made a motion, seconded by Mr. Cullum to approve.

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

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| In Favor: | Mr. Owens | Mr. Cullum |
| | Mr. Derrick | Mr. Davis |
| | Ms. Summers | Mr. Keisler |
| | Mr. Jeffcoat | Mr. Carrigg |

Abstaining: Mr. Rucker

Mr. Rucker recused himself from the discussion and vote due to a possible conflict of interest.

2005-2009 Consolidated Plan & 2005/2006 Annual Action Plan - Community Development Block Grant (CDBG) Program - Community Development - Mr. Owens stated the Planning and Administration Committee met during the afternoon to discuss the 2005-2009 Consolidated Plan and the 2005/2006 Annual Action Plan for the Community Development Block Grant Program (HUD).

The 2005-2009 Consolidated Plan is a plan that is prepared every five years that must be submitted to HUD for approval that describes the County's housing and community development needs, priorities, and strategies. The 2005/2006 Annual Action Plan describes how the County proposes to utilize the CDBG funds in the upcoming year.

The 2005/2006 Annual Action Plan includes the construction of a fire station at Fish Hatchery Road - \$111,440 (including \$430,800 carried over from 2004/2005 funds); Law Enforcement Center at the Lexington County Airport at Pelion - \$671,240; the Old Barnwell Road Water Project for the installation of a water line along Old Barnwell Road from Garden Pond Drive to Shirway/Mac Circle - \$180,000; Low and Moderate Income Neighborhood Study to evaluate several low and moderate-income communities in the County and provide recommendations for improvements - \$32,586; and \$128,688 for administration of the CDBG Program.

Mr. Owens made a motion, seconded by Mr. Davis to approve staff's recommended 2005-2009 Consolidated Plan & 2005/2006 Annual Action Plan.

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

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| In Favor: | Mr. Rucker | Mr. Owens |
| | Mr. Davis | Mr. Derrick |
| | Ms. Summers | Mr. Keisler |
| | Mr. Jeffcoat | Mr. Carrigg |
| | Mr. Cullum | |

Resolution Adopting the All Natural Hazard Risk Assessment and Mitigation Plan for the Central Midlands Region of South Carolina - Mr. Owens stated the Planning and Administration Committee convened on Tuesday, March 22, 2005 to consider a resolution adopting the All Natural Hazard Risk Assessment and Mitigation Plan for the Central Midlands Region of South Carolina that was submitted to Federal Emergency Management Agency (FEMA) by Central Midlands Council of Governments.

The purpose of the plan is to make Lexington County eligible for 75 percent grant funding from FEMA for mitigation that has to be done to address recurring natural hazard events that repeatedly affect the same properties, i.e. hurricanes, winter storms, tornadoes, flooding. Flooding is the most common example of this natural hazard needing mitigation.

Mr. Neil Ellis, Director of Emergency Management recommended the required mitigation plan and resolution by the FEMA be adopted.

The committee voted to recommend that full Council approve the resolution making Lexington County eligible for funding through FEMA.

Mr. Owens made a motion, seconded by Mr. Derrick to approve the adoption of the resolution adopting the All Natural Hazard Risk Assessment and Mitigation Plan.

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

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| In Favor: | Mr. Rucker | Mr. Owens |
| | Mr. Derrick | Mr. Davis |
| | Ms. Summers | Mr. Keisler |
| | Mr. Jeffcoat | Mr. Carrigg |
| | Mr. Cullum | |

Budget Amendment Resolutions - None.

Old Business/New Business - None.

Executive Session/Legal Briefing - A motion was made by Mr. Cullum, seconded by Ms. Summers to go into Executive Session to receive the legal briefing and to discuss personnel matters.

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| In Favor: | Mr. Rucker | Mr. Cullum |
| | Ms. Summers | Mr. Davis |
| | Mr. Derrick | Mr. Keisler |
| | Mr. Jeffcoat | Mr. Carrigg |
| | Mr. Owens | |

Mr. Rucker reconvened the meeting in open session.

Matters Requiring a Vote as a Result of Executive Session - Chairman Rucker reported Council received the legal briefing and discussed personnel matters and reported no motions were to be considered.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Diana W. Burnett
Clerk

Bruce E. Rucker
Chairman