

MINUTES
LEXINGTON COUNTY COUNCIL
OCTOBER 25, 2005

Lexington County Council held its regular meeting on Tuesday, October 25, 2005 in Council Chambers, beginning at 4:30 p.m. Chairman Cullum presided; Mr. Kinard gave the invocation; Mr. Carrigg led the Pledge of Allegiance.

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

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 - Mr. Brooks recognized Megan Timmons, Paramedic and Leah Beasley, EMT with Public Safety/EMS for their professionalism and caring and reassuring attitudes while they assisted a citizen who fell and broke both ankles.

Anna Lusk, Customer Service Clerk, Register of Deeds Office, was recognized for going above and beyond her work duties in helping a customer.

Valerie Gray, GIS Technician, Planning & GIS, was recognized for her professional and courteous attitude while trying to assist a citizen who was trying to use the County's website to obtain information about parcels of land.

Kathryn Barton, Director of Community Juvenile Arbitration, Solicitor's Office was recognized for having received the first Community Juvenile Arbitration Program of the Year Award for Excellence in Community Justice. Donnie Myers, Solicitor, Eleventh Judicial Circuit was recognized for having received the Solicitor's Award. The awards were presented at the annual South Carolina Solicitor's Conference in Myrtle Beach.

Amend the Agenda - Ordinance 05-12 (Honeywell Nylon LLC) - Mr. Derrick made a motion, seconded by Mr. Kinard to amend the agenda to add Ordinance 05-12 for third and final reading.

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

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

Not Present: Mr. Carrigg*

*Mr. Carrigg was not present when the vote was taken.

Presentation of Resolutions - Angela Viney Presented by Councilman Smokey Davis - Councilman Davis presented a framed resolution to Ms. Angela Viney for having received the Evelyn Chace Award given by the National Audubon Society for her contribution to the protection and conservation of South Carolina's wildlife and natural areas.

Guerry K. Taylor Presented by Councilman Smokey Davis - Councilman Davis presented a framed resolution to Mrs. Guerry Taylor, wife of the late Mr. Taylor, in recognition of Mr. Taylor's many years of service on the Library Board.

Resolution - Mary L. Miller - A motion was made by Mr. Jeffcoat and seconded by Mr. Keisler that the resolution be adopted.

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

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

Appointments - Assessment Appeals Board - Paige Hicks - A motion was made by Mr. Owens, seconded by Mr. Keisler to reappoint Ms. Paige Hicks to the Assessment Appeals Board.

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

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

Board of Zoning Appeals - Morris Phillips - A motion was made by Mr. Owens, seconded by Mr.

Jeffcoat to appoint Mr. Morris Phillips to the Board of Zoning Appeals.

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

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

Midlands Workforce Development Board - John Allen, Vicky Horne, Richelynn Douglas, Kathy Olsen, Chevis Ballentine, Tommy Mathias, Kama Staton, George Whittier, Debbie Cannon, Frank Price - Mr. Jeffcoat made a motion, seconded by Mr. Davis to reappoint Mr. John Allen (Labor), Mr. Eugene Roundtree (Education), Ms. Richelynn Douglas (DSS), Mr. Thomas Mathias (Private Sector), and Mr. Chevis Ballentine (Private Sector) and to appoint Ms. Vicky Horne (Education), Ms. Kathy Olsen (Community-Based Organization), Ms. Kama Staton, Mr. George Whittier, Mr. Frank Price, and Ms. Debbie Cannon (Private Sector) to the Midlands Workforce Development Board.

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

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

Regional Transit Authority - Robert W. Price, Jr. and Mike Flack - Mr. Davis made a motion, seconded by Mr. Carrigg to appoint Mr. Robert W. Price, Jr. and Mr. Mike Flack to the Regional Transit Authority Board of Directors.

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

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

Delayed Item - Renaming of the Judicial Center - Mr. Jeffcoat stated Judge Marc H. Westbrook, who was involved in a fatal car accident on September 14th, was the driving force behind the committee for the construction of the Judicial Center and said it was only fitting that the Judicial Center be renamed in his honor.

Mr. Jeffcoat made a motion, seconded by Mr. Carrigg to rename the Judicial Center to the Marc H. Westbrook Lexington County Judicial Center.

Mr. Cullum opened the meeting for discussion.

Mr. Davis stated he talked with Thad Westbrook, the oldest son of Judge Westbrook, who indicated the family supports the renaming of the Judicial Center in honor of their father and said it is most appropriate that it be done.

Mr. Owens commented that the renaming of the Judicial Center in Judge Westbrook's honor is well-deserved. He said Judge Westbrook was the heart and soul of the Judicial family in Lexington County.

Mr. Carrigg stated he doubts Lexington County would have had the new Judicial Center or the new addition to the Administration Building if it were not for Judge Westbrook. He said Judge Westbrook had tremendously deep roots in Lexington County having served as a member of County Council, the House of Representatives, and as a Family and Circuit Court Judge. He said he could not think of a more fitting attribute than to name the Judicial Center after him.

Mr. Cullum called for further discussion on the motion; none occurred.

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

Dedication Committee - Mr. Cullum stated he would be creating tonight a special Dedication Committee to plan a rededication ceremony for the renaming of the Judicial Center. Mr. Cullum appointed Mr. Jeffcoat and Mr. Davis, co-chairs respectively, Ms. Summers, Mr. Owens and Mr. Carrigg.

Mr. Jeffcoat left early due to a prior commitment.

Bids/Purchases/RFPs - Soliciting Full Line Grocery Chains for Christmas Gift Cards - Personnel - Mr. Owens made a motion, seconded by Mr. Derrick to approve staff's recommendation to provide Christmas gift cards for an estimated 1,340 County employees to Piggly Wiggly Carolina in the amount of \$30,150.00.

Bids were advertised and solicited from qualified full line grocery chains for Christmas gift cards for an estimated 1,340 County employees at a face value of twenty-five dollars (\$25.00). The successful vendor was required to have a store located in Lexington/Columbia, South Carolina area. Three (3) bids were received.

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

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

Not Present: Mr. Jeffcoat

Chairman's Report - Mr. Cullum reported he has been quite busy these past few days. He and Councilmen Davis, Keisler and Owens attended the renaming of Pirelli Cables Systems, Inc. to Prysmian Communications Cables and Systems USA, LLC on Monday, October 24. Mr. Cullum also attended the Grand Opening of the Pella Corporation on Saturday, October 22. On Wednesday, October 26 will be attending the Central SC Alliance quarterly meeting and the Girl Scout Appreciation Luncheon at the Brookland Baptist Church in West Columbia. On Thursday, October 27 will be attending the Central Midlands Council of Governments board meeting.

Mr. Cullum reported he attended his first "Poker Run" sponsored by Anthony's on October 15 where approximately \$10,000 was raised for the Jeff Chavis Burn Center. Also in attendance were Councilmen Derrick and Keisler. In addition, Bob Brandi, owner of several Pitt Stop Convenience stores and Burger Kings, also raised approximately \$10,000 through the sale of \$1.00 contribution for fire helmets at his local stores.

Mr. Keisler thanked Sheriff Metts for providing two reserve deputies, who volunteered their time, to assist with the Poker Run.

Administrator's Report - Mr. Brooks announced the following State holidays, which the County will observe, for January-June 2006. January 2, New Year's Day; January 16, Martin Luther King, Jr., Day; February 20, President's Day; May 10, Confederate Memorial Day; and May 29, National Memorial Day.

Mr. Brooks reported that County employees pledged \$18,334 during the United Way Campaign. He said this was slightly less than the previous year but was told that many employees had made prior donations to the National Hurricane relief efforts.

Approval of Minutes - Meeting of September 27, 2005 - A motion was made by Mr. Owens seconded by Mr. Derrick to approve the minutes of September 27, 2005 as submitted.

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

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

Not Present: Mr. Jeffcoat

Zoning Amendment - Zoning Map Amendment M05-07 - 2261 North Lake Dr., 3rd and Final Reading - Mr. Owens made a motion, seconded by Mr. Keisler that Zoning Map Amendment M05-07 be given third and final reading.

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

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

Not Present: Mr. Jeffcoat

Committee Reports - Planning & Administration, J. Owens, Chairman - Zoning Map Amendment M05-08 - 2nd Reading - Mr. Owens made a motion, seconded by Mr. Keisler to approve second reading of Zoning Map Amendment M05-08.

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

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

Not Present: Mr. Jeffcoat

Zoning Text Amendment T05-09 - Article 2, Application of Regulations, Chapter 5, Signs - 2nd Reading - A motion was made by Mr. Owens, seconded by Mr. Derrick that Zoning Text Amendment T05-09 be given second reading.

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

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

Not Present: Mr. Jeffcoat

Economic Development, J. Jeffcoat, Chairman - Approval of Estoppel Agreement and Clarification of FILOT - Pirelli Communications Cables and Systems USA, LLC - Economic Development - Item pulled from the agenda.

Public Safety/Fire Service Fund Raiser - Mr. Cullum announced that Chief Russell Rawl, Fire Service Coordinator and Chief Eddie Turner were en route to St. Bernard Parish, Louisiana that was stricken by Hurricane Katrina to deliver approximately \$51,000 to that fire department. The \$51,000 was generated from the Fire Service "Boot Drive" and donations contributed by Lexington County area fire stations and Harvest Church.

Executive Session/Legal Briefing - A motion was made by Mr. Owens and seconded by Ms. Summers that Council go into executive session to discuss contractual and personnel matters and receive the legal briefing.

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

Not Present: Mr. Jeffcoat

Mr. Cullum reconvened the meeting in open session.

6:00 P.M. - Public Hearings - Landfill Location Review Application L05-01 - Southeastern Associates - Mr. John Fechtel, Director, Public Works presented the information on Landfill Location Review Application L05-01, TMS# 005200-04-037. Mr. Fechtel stated the applicant, Dr. Lamar E. Priester, Jr., is the agent for Southeastern Associates who is seeking permission to use four (4) acres of an existing mining activity off of Golden Jubilee Road near Gilbert. The landfill is a LCD landfill which is part of the reclamation process for the mining activity.

Mr. Cullum opened the meeting for questions from Council members. No questions were posed.

Mr. Cullum opened the public hearing.

Mr. Cullum opened the meeting for those who wished to speak in favor or in opposition to Landfill Location Review Application L05-01. No comments, in favor or against, were received.

Mr. Cullum closed the public hearing.

Ordinance 05-09 - Approving the Conveyance of Real Estate to the Lexington County Recreation and Aging Commission in Exchange of Real Estate from the Lexington Recreation and Aging Commission to the County of Lexington - This is an ordinance approving the conveyance of approximately 8.51 acres located on Nazareth Road and Buck Corley Road to the Lexington County Recreation and Aging Commission in exchange of approximately two acres located on Sunset Drive for the South Congaree library.

Mr. Cullum opened the public hearing.

Mr. Cullum opened the meeting for those who wished to speak in favor or in opposition to Ordinance 05-09. No comments, in favor or against, were received.

Mr. Cullum closed the public hearing.

Ordinance 05-10 - Authorizing the Execution and Delivery of a First Amendment to the Fee Agreement Between Lexington County and SCE&G - This is an ordinance authorizing the execution and delivery of a first amendment to the Fee Agreement between Lexington County and South Carolina Electric & Gas Company (SCE&G) to provide for an additional investment in Lexington County by South Carolina Electric & Gas Company.

Mr. Cullum opened the public hearing.

Mr. Cullum opened the meeting for those who wished to speak in favor or in opposition to Ordinance 05-10. No comments, in favor or against, were received.

Mr. Cullum closed the public hearing.

Ordinance 05-11 - Amend the Multi-County Industrial Park with Calhoun County to add Property - This is an ordinance to amend Ordinance 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.

Mr. Cullum opened the public hearing.

Mr. Cullum opened the meeting for those who wished to speak in favor or in opposition to Ordinance 05-11. No comments, in favor or against, were received.

Mr. Cullum closed the public hearing.

Ordinance 05-12 - Approving the Amendment to, and Assignment of Certain Interests of Honeywell Nylon LLC in, the FILOT Lease Agreement, Inducement Agreement and Millage Rate Agreement and Memorandum of Lease Agreement - Mr. Cullum opened the public hearing.

Mr. Cullum opened the meeting for those who wished to speak in favor or in opposition to Ordinance 05-12. No comments, in favor or against, were received.

Mr. Cullum closed the public hearing.

Mr. Cullum stated that Ordinance 05-12 has been added to the agenda to receive 3rd and Final Reading.

South Carolina Electric & Gas (SCE&G)

Ordinance 05-10 - Authorizing the Execution and Delivery of a First Amendment to the Fee Agreement Between Lexington County and SCE&G - 3rd and Final Reading - Mr. Derrick made a motion, seconded by Mr. Keisler that Ordinance 05-10 be given third and final reading.

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

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

Not Present: Mr. Jeffcoat

Ordinance 05-11 - Amend the Multi-County Industrial Park with Calhoun County to add Property - 3rd and Final Reading - Prior to 3rd and Final reading, Mr. Cullum amended Ordinance 05-11 to included “and to approve the agreement with Cayce concerning fee distribution of fee-in-lieu of taxes. In addition, Tabs P (Ordinance 05-10) & Q (Ordinance 05-11) are subject to any changes approved by our County attorney.

Mr. Davis made a motion, seconded by Mr. Derrick that Ordinance 05-11 be given third and final reading.

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

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

Not Present: Mr. Jeffcoat

Honeywell Nylon LLC

Ordinance 05-12 - Approving the Amendment to, and Assignment of Certain Interests of Honeywell Nylon LLC in, the FILOT Lease Agreement, Inducement Agreement and Millage Rate Agreement and Memorandum of Lease Agreement - 3rd and Final Reading - Mr. Davis made a motion, seconded by Mr. Owens that Ordinance 05-12 be given third and final reading.

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

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

Not Present: Mr. Jeffcoat

Appointments - Lexington Richland Alcohol and Drug Abuse Council - Ms. Mary Louise Resch - Mr. Owens made a motion, seconded by Mr. Davis to appoint Ms. Mary Louise Resch to the Lexington Richland Alcohol and Drug Abuse Council. Ms. Resch will replace Heidi Lewis Shull.

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

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

Not Present: Mr. Jeffcoat

Old Business/New Business - Ordinance 05-09 - Approving the Conveyance of Real Estate to the Lexington County Recreation and Aging Commission in Exchange of Real Estate from the Lexington Recreation and Aging Commission to the County of Lexington - Mr. Keisler asked if Ordinance 05-09 could proceed with third reading. Mr. Anderson indicated that normally Council did not have public hearing and third reading during the same meeting unless there was an emergency and advised that Council wait until the November 8 meeting for third and final reading.

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

An appropriation transfer of \$664,249 to establish accounts for the building of the Law Enforcement Service Center at the Lexington County Airport at Pelion.

A supplemental appropriation increase in the amount of \$12,435 to appropriate carryover funds for the purchase of software approved by the Department of Public Safety. An appropriation transfer of \$1,244 that is needed and is available from a grant that was not funded by the Office of Justice programs.

An appropriation transfer of \$614,170 to transfer funds for the purchase of the Dreher property.

An appropriation transfer of \$38,671 and \$41,056 to reinstate the Clerk of Court and Family Court budget amounts.

A supplemental appropriation of \$39,456 to appropriate expenditures for narcotics confiscation funds approved in the original budget. Expenditures will be used to support the Multi-jurisdictional Task Force Narcotics Enforcement Team.

A supplemental appropriation increase of \$22,459 to appropriate funds for front porch repairs and

two wooden steps on the Leaphart/Harman House.

Executive Session/Legal Briefing - A motion was made by Mr. Owens and seconded by Mr. Kinard that Council return to executive session to continue discussing contractual and personnel matters and receiving the legal briefing.

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

Not Present: Mr. Jeffcoat

Mr. Carrigg left during the executive session.

Mr. Cullum reconvened the meeting in open session.

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

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

An appropriation transfer of \$3,500 (Economic Development funds) to approve funding for hydrant installation reimbursement to Southern Propane Systems, Inc.

An appropriation transfer of \$38,780 to appropriate FY 05-06 funding for startup costs for the CAMA and Register of Deeds systems.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Diana W. Burnett
Clerk

M. Todd Cullum
Chairman