

M I N U T E S  
LEXINGTON COUNTY COUNCIL  
May 25, 2010

Lexington County Council held its regular meeting on Tuesday, May 25, 2010 in Council Chambers beginning at 4:30 p.m. Chairman Kinard presided.

Reverend James Gibson, a pastor at the Church of the Apostles and Associate Chaplain at Lexington Medical Center, gave the invocation. First Sergeant Anthony R. Bennett, led the Pledge of Allegiance.

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

Also attending: Katherine Hubbard, County Administrator; Joe Mergo, III, Deputy County Administrator; Larry Porth, Finance Director/Assistant County Administrator; John Fachtel, 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.

**Presentation - Certificate of Appreciation to Ms. Janice Miller, Babcock Supervisor for the Bush River Road Collection and Recycling Center presented by Councilman Johnny Jeffcoat and Dave Eger, Solid Waste Management Director** - Councilman Jeffcoat and Mr. Eger presented a framed Certificate of Appreciation to Ms. Janice Miller for having shown outstanding performance and integrity while serving the residents of Lexington County.

**Chairman's Report** - Chairman Kinard reported he and several members attended the Employee Awards Banquet on Friday, May 21

**Council Members' Activities and/or Comments** - Mr. Davis said he is working on the Cell Phones for Soldiers and asked everyone to donate their old cell phones to help soldiers in the fields to call home. Each soldier will be allowed one hour and there is no cost to the sender. Mailing bags are available in the Council office.

**Administrator's Report - Memorial Day** - Ms. Hubbard announced the County Administrative offices will be closed Monday, May 31 in observance of Memorial Day.

**Employee Recognition - Katherine Hubbard, County - Charles "Charlie" M. Compton** - Ms. Hubbard recognized Charlie Compton, Director of Planning & GIS, who was inducted into the College of Fellows of the American Institute of Certified Planners (AICP) at the American Planning Association National Conference in New Orleans on April 10, 2010.

**Presentation of Resolution - Saluda River Academy for the Arts presented by Councilmen Todd Cullum and Bill Banning** - Councilmen Cullum and Banning presented a framed resolution to the Saluda River Academy for the Arts for being nationally recognized by the John F. Kennedy Center for the Performing Arts National Schools of Distinction in Arts Education Program. In attendance to accept the resolution were: Ms. Tonya Fryer, Principal; Ms. Connie Boleman, Art Teacher; Ms. Linda Linke, Drama Teacher; Ms. Kayla Jennings, Dance Teacher, and Ms. Gale McLeod, Music Teacher.

As a special treat, the Academy for the Arts students performed a song about South Carolina counties.

**Resolutions - Grace Baptist Church** - Mr. Davis 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. Davis
	Mr. Jeffcoat	Mr. Derrick
	Ms. Summers	Mr. Keisler
	Mr. Carrigg	Mr. Banning
	Mr. Cullum	

**Batesburg/Leesville High School Soccer Team** - Mr. Derrick 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. Derrick
	Mr. Jeffcoat	Mr. Davis
	Ms. Summers	Mr. Keisler
	Mr. Carrigg	Mr. Banning
	Mr. Cullum	

**Appointments** - None.

**Bids/Purchases/RFPs** - Prior to a motion, Chairman Kinard reported that Tab M had been pulled from the agenda.

Mr. Cullum made a motion, seconded by Mr. Keisler to approve the following Bids/Purchases/RFPs (Tabs J, K, and L).

**One (1) Front End Loader Replacement - Public Works** - Bids were solicited for the purchase of one front end loader for Public Works. Nine (9) bids were received. Of those, three (3) did not meet specifications and one (1) was a no bid. Staff recommended the award to the lowest responsive bidder, Flint Equipment Company, in the amount of \$132,231.50

**One (1) Hydro-seeder Truck Replacement - Public Works** - Bids were solicited for one hydro-seeder truck for Public Works. Four (4) bids were received. Of those, two (2) were no bids and one (1) did not meet specification. Staff recommended the award of the bid to Carolina International Trucks, Inc. in the amount of \$120,525.

**Utility Relocation for Dogwood Road - Public Works** - Public Works submitted a requisition for the relocation of utilities for the paving of Dogwood Road. This will be a “no substitution” purchase from SCE&G as they are the sole vendor and utility provider. The cost for the relocation of utilities is \$142,824.

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

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

**Approval of Minutes - Meeting of April 27, 2010** - Mr. Derrick made a motion, seconded by Mr. Cullum to approve the April 27, 2010 minutes as submitted.

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

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

**Ordinances - Ordinance 10-3 An Ordinance to Authorize Installment Payment of Real Property Taxes Pursuant to South Carolina Code Section 12-45-75 - 2<sup>nd</sup> Reading** - Mr. Keisler made a motion, seconded by Mr. Cullum to approve second reading.

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

In Favor:	Mr. Keisler	Mr. Cullum
	Mr. Davis	Ms. Summers
	Mr. Jeffcoat	Mr. Carrigg
	Mr. Banning	

Opposed:	Mr. Kinard	Mr. Derrick
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**FY10-11 Budget Millage** - Mr. Banning made a motion, seconded by Mr. Carrigg to reduce the capital escrow millage by 1.681 mills and Mental Health by .107 mills for a total reduction of 1.788 and increase Fire Service by .928 and .356 mills for a total of 1.284 mills and increase EMS by .504 mills to increase the total millage to 1.788. This means the decrease in capital escrow and Mental Health and the increase in mills for Fire Service and EMS make it a wash so we will have a zero tax increase.

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

In Favor:	Mr. Kinard	Mr. Banning
	Mr. Carrigg	Mr. Derrick

Mr. Davis	Ms. Summers
Mr. Keisler	Mr. Jeffcoat
Mr. Cullum	

**Ordinance 10-04 - An Ordinance Adopting an Annual Budget for Fiscal Year 2010-11 - 2<sup>nd</sup> Reading**  
- Mr. Banning made a motion, seconded by Ms. Summers to approve second reading.

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

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

**Committee Reports - Justice, S. Davis, Chairman - FY10 Bulletproof Vest Partnership Grant Application** - Mr. Davis reported the Justice Committee met during the afternoon to review and consider the request by the Sheriff's Department to apply for the FY10 Bulletproof Vest Partnership grant in the amount of \$4,000. The grant, if awarded, will be used to help offset the cost to purchase new vests for the Sheriff's Department. The grant requires a fifty percent County match. The Committee voted unanimously in favor to recommend to full Council for approval.

Mr. Davis made a motion, seconded by Mr. Derrick to approve staff's request to move forward with the submittal of the grant application.

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

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

**Paul Coverdell Forensic Science Improvement Grant Application** - Also, Mr. Davis reported the Committee considered an additional request by the Sheriff's Department to apply for the Paul Coverdell Forensic Science Improvement grant in the amount of \$31,850. The grant requires no County match. If awarded, the funds will be used to purchase equipment and supplies to renovate the present Crime Scene Investigation Laboratory. The Committee voted unanimously in favor to recommend to full Council for approval.

Mr. Davis made a motion, seconded by Mr. Keisler to approve staff's request to move forward with the submittal of the grant application.

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

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

Mr. Carrigg  
Mr. Cullum

Mr. Banning

**The Committee of the Whole, J. Kinard, Chairman - A Resolution Approving Certain Amendment to the Redevelopment Plan of the City of Cayce, South Carolina and Matters Relating Thereto - Mr. Kinard reported the Committee reviewed and discussed the resolution and voted in favor to recommend to full Council for approval.**

Mr. Kinard made a motion, seconded by Mr. Cullum to approve the resolution.

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

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

**Public Works, B. Derrick, Chairman - Johnny W. Jeffcoat Walkway-** Mr. Derrick reported as a item of old business under the Public Works Committee, the Committee voted unanimously in favor to approve the \$500 for the fabrication and installation of the dedication signs for the Johnny W. Jeffcoat Walkway.

Mr. Derrick made a motion, seconded by Mr. Banning to approve the \$500 appropriation from “C” Funds for the fabrication and installation of the dedication signs for the Johnny W. Jeffcoat Walkway.

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

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

Abstained: Mr. Jeffcoat

**Kinley Creek Engineering Fees -** Mr. Carrigg reported during the Public Works Committee, the Committee discussed the Engineering Fees as presented by staff. The cost for the Kinley Creek, K-1 and K-2 Watershed Study is \$230,404.82.

Mr. Carrigg made a motion, seconded by Mr. Banning to pay 1/3 of the cost of the study from “C” Funds and 2/3 from the General Fund to study possible remediation solutions of flooding problems in that basin. (This needs to be accomplished in order for a decision to be made as to pursuing a FEMA grant to help offset the engineering/remediation costs recommended in the study). The Committee voted unanimously to recommend to full Council for approval.

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

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

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

10-120 - An appropriation transfer of \$100,000 to make a contribution to the SC State Museum Foundation “Windows to New Worlds” campaign.

10-121 - An appropriation transfer of \$44,793 and a supplemental appropriation increase of \$44,793 from the Solicitor’s General Fund to the Community Juvenile Arbitration budget.

10-122 - A supplemental appropriation of \$91,758 for the purchase of two justice patrol boats for the Sheriff’s Department.

10-123 - A supplemental appropriation increase of \$1,000 from the salvageable parts of a donated 2008 Mazda from State Farm to Fire Service for vehicle extrication training. The parts dealer that removed the vehicle donated the money from the salvageable parts.

10-124 - An appropriation transfer of \$9,384 for the reclassification of the Human Resources clerk position to a coordinator position.

10-125 - A supplemental appropriation increase of \$100,000 received through the Coordinating Council for Economic Development for the relocation and start up cost of the DHL Global Forwarding Project.

**Executive Session/Legal Briefing** - During the afternoon Committee of the Whole meeting, Council entered into Executive Session to discuss one personnel, three contractual, and six legal matters. As Council was unable to complete all discussions, Mr. Kinard stated that Council needed to re-enter Executive Session to continue discussions on one personnel and two contractual matters.

Mr. Banning made a motion, seconded by Mr. Derrick to enter into Executive Session to discuss one personal and two contractual matters.

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

**Matters Requiring a Vote as a Result of Executive Session** - Mr. Kinard reported Council completed Executive Session and noted there were no motions to be considered.

**6:00 P.M. - Public Hearing - Ordinance 10-4 - An Ordinance Adopting an Annual Budget for Fiscal Year 2010-11** - Prior to opening the public hearing, Mr. Kinard reviewed the guidelines for public hearings. He stated the purpose of the hearing is to obtain comments from proponents and opponents regarding specific subject matter. He asked that each speaker provide their name and mailing address and

that comments be limited to three (3) minutes. Mr. Kinard asked that if there was anyone present who had signed up to speak but chose not to speak, but wanted to concur with what has been said, it was acceptable to indicate concurrence. Also, Mr. Kinard said there will be no disruptions including cheering, clapping, head counts, etc.

Mr. Kinard opened the public hearing for Ordinance 10-4.

Mr. Kinard stated no one signed up in favor and, therefore, closed that portion of the public hearing.

Mr. Kinard opened the public hearing for those in opposition.

**Opposed:**

**Doug Bouknight - 119 East Circle Drive, Lexington, SC 29072** - I am one of these that say we need to hold the line on taxes this year. A lot of people are out of work; economy is in the tank, and I don't foresee it getting any better like most people. We are in trouble and our government, including our local government, need to do what they can to keep things in check. I know everybody has a lot of things that they need and want to do, but realistically, people are hurting and out of money. If you don't have a job, you can't pay foreclosures and you sure can't pay your taxes if you don't have a job. I think we need to hold the line and keep things what they are for last year at best.

Mr. Jeffcoat stated that he thought Council did a great job for not having an increase and holding the line on taxes.

Mr. Kinard reported no one else signed up in opposition and closed the public hearing.

**Motion to Adjourn** - Mr. Banning made a motion, seconded by Mr. Jeffcoat to adjourn.

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

There being no further business, the meeting was adjourned.

Respectfully submitted,

Diana W. Burnett  
Clerk

James E. Kinard, Jr.  
Chairman