

M I N U T E S  
LEXINGTON COUNTY COUNCIL  
MAY 22, 2007

Lexington County Council held its regular meeting on Tuesday, May 22, 2007 in Council Chambers, beginning at 4:30 p.m. Mr. Derrick presided. Ms. Summers gave the Invocation and Mr. Jimmy Strickland, a freshman at Brookland-Cayce High School, led the Pledge of Allegiance. Mr. Strickland is a member of the Marching and Concert bands and a member of the JROTC. In addition, he participates in the Drill Team and the Color Guard.

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

Also attending: Katherine Hubbard, 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.

**Employee Recognition - Katherine Hubbard, County Administrator** - Ms. Hubbard recognized Ms. Mary Ann Taylor, Personal Property Coordinator in the Auditor's Office, for going beyond the call of duty. Ms. Hubbard said Mary Ann visited a disabled citizen on her day off, who had called earlier asking about the process for getting a license and tag for her vehicle, and made the necessary trip to the County office to pay her taxes and to the DVM office to obtain her title and tag.

**Presentation of Resolution - National Public Works Week Presented by Vice-Chairman Debbie Summers** - Vice-Chairman Summers presented a frame resolution to John Fechtel, Director of Public Works proclaiming the week of May 20-26, 2007 as National Public Works Week in Lexington County.

**Resolutions - S.C. Association of Clerks of Courts and Register of Deeds 2007 Mid-Year Conference and Horace E. Harmon, Jr.** - Mr. Davis made a motion, seconded by Mr. Carrigg to approve the resolutions.

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

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

**Appointments - Health Services District - Mr. Billy R. Oswald** - Mr. Banning made a motion, seconded by Mr. Jeffcoat to reappoint Mr. Billy Oswald to the Health Services District Board of Directors.

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

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

**Bids/Purchases/RFPs** - A motion was made by Mr. Keisler, seconded by Mr. Davis that the following Bids/Purchases/RFPs (Tabs L and N) be approved.

**Construction of Cedar Grove Fire Station and Construction of Corley Mill Fire Station (Goal 2) - Public Safety/Fire Service** - Competitive bids were solicited for the construction of the Cedar Grove and Corley Mill fire stations. Bids were solicited to allow contractors to bid on each fire station individually or as a combination of both. The Cedar Grove Fire Station consists of a 4,020 square foot pre-engineered steel structure, which included all site work, exterior lighting, and a new generator. The Corley Mill Fire Station consists of a 5,152 square foot pre-engineered steel structure, which included all site work, tap fees, exterior lighting, and a new generator.

A mandatory pre-bid was held on April 17, 2007 in which eight (8) general contractors attended. Five (5) bids were received. The total bid for the Cedar Grove Fire Station is \$536,123; however, the appropriated funds for this project are \$396,500 leaving a deficit of \$139,623. The total bid for the Corley Mill Fire Station is \$647,416; however, the appropriated funds for this project are \$497,680 leaving a deficit of \$149,736. Funds for the deficit of \$289,359 have been identified to cover the deficit. Total combined cost for the construction of both fire stations is \$1,183,539. Staff recommended award of both projects to Moose Construction Co., Inc. as they are the lowest bidder meeting specifications.

**Term Contract - Catch Basin Supplies (Goals 2,3) - Public Works** - Bids were solicited and advertised for a term contract for catch basin supplies for the Public Works Department. Two (2) bids were received.

Staff recommended making multiple awards to the following two lowest bidders meeting specifications: Material Supply Company, Item #1 and #2 - \$28,037 and Lexington Precast, Item #3 - \$14,522. Total cost including tax is \$42,559. The term of the contract is for a period

of one (1) year with the option to extend the contract for two (2) additional one (1) year periods if deemed to be in the best interest of the County.

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

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

**Term Contract - Battery Collection/Recycling Program (Goals 2,3) - Solid Waste Management** - Mr. Jeffcoat made a motion, seconded by Mr. Kinard to approve the Term Contract for the Battery Collection/Recycling Program.

Mr. Derrick opened the meeting for discussion.

Mr. Keisler said, if he remembers correctly, in the past the County had problems with Interstate Battery.

Mr. Derrick injected that Council may need to move into Executive Session to discuss a contractual matter.

Mr. Jeffcoat made a motion, seconded by Mr. Kinard to delay action until after Executive Session.

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

**Chairman's Report** - Mr. Derrick reported former Councilman Wilkerson sent a card to Council and staff as well as stopped by earlier during the day to thank everyone for their condolences during the loss of his father.

**Administrator's Report - MY 911 Program** - Ms. Hubbard recognized Mr. Mike Biediger, CEO and Mr. Bill Stillwell, Chairman of the Board of Directors, of the Lexington Medical Center and gave a brief update of MY 911 program. She said Chief Bruce Rucker and Nikki Rodgers, Communications Coordinator, have met with Lexington Medical Center managers and they have been very supportive of the expansion of the MY 911 program.

**Memorial Day** - Ms. Hubbard reminded everyone that the County will be closed Monday, May 28 in observance of Memorial Day.

**Approval of Minutes - Meeting of April 24, 2007** - A motion was made by Ms. Summers,

seconded by Mr. Kinard to approve the minutes of April 24, 2007 as submitted.

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

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

**Zoning Amendment - Zoning Map Amendment M07-01 - West Side of Charter Oak Road, Lexington - 3<sup>rd</sup> and Final Reading** - Mr. Davis made a motion, seconded by Mr. Cullum that Zoning Map Amendment M07-01 receive third and final reading.

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

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

**Ordinances - Ordinance 07-02 - An Ordinance to Approve a Contract to Sell Approximately 70 Acres of Real Property in the Saxe Gotha Park (Goal 2) - 3<sup>rd</sup> and Final Reading** - Mr. Davis asked that Ordinance 07-02 be delayed until the June 12<sup>th</sup> meeting.

**Ordinance 07-04 - An Ordinance Amending the Outdoor Burning Ordinance (Goal 2) - 3<sup>rd</sup> and Final Reading** - Mr. Cullum made a motion, seconded by Mr. Jeffcoat that Ordinance 07-04 receive third and final reading.

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

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

**Ordinance 07-06 - An Ordinance Authorizing the Irmo-Chapin Recreation Commission of the Irmo-Chapin Recreation District to Issue General Obligation Bonds in the Principal Amount of Not Exceeding \$3,300,000 - 3<sup>rd</sup> and Final Reading** - A motion was made by Mr. Jeffcoat, seconded by Mr. Carrigg to give third reading to Ordinance 07-06 and resolve to approve the issuance of the Irmo-Chapin Recreation District's not exceeding \$3,300,000 General Obligation Bonds, Series 2007.

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

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

**Committee Reports - Justice, B. Banning, Sr., Chairman - Request to Increase Sr. Administrative Assistant from Part-time to Full-time Position** - On behalf of Mr. Banning, Mr. Kinard reported the Justice Committee met during the afternoon to consider a request from Ms. Ann Hubbard, Director of Diversion; Solicitor's Office, that the Sr. Administrative Assistant be increased from part-time to full-time beginning June 1, 2007.

Mr. Kinard made a motion, seconded by Mr. Davis to approve the request and funding will come from the participants of the program.

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

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

**Public Works, D. Summers, Chairman - Bennington Court Extension - Public Works** - Ms. Summers reported the Public Works Committee met during the afternoon to discuss and consider the possibility of paving a portion of the Proposed Amick's Ferry Road/Lexington Avenue connector.

Ms. Summers made a motion, seconded by Mr. Jeffcoat to approve \$187,014.35 to assist with the paving of Bennington Court Extension. The first phase, with the Public Works Department performing the work, will be from Lexington Avenue to the last entrance to Chapin United Methodist Church parking lot. One hundred twenty-five thousand dollars (\$125,000) will come from FY06-07 "C" Fund Special Projects and \$62,014.35 from FY 06-07 "C" Economic Development.

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

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

**Committee of the Whole, B. Derrick, Chairman - Approval of Quit Claim Deed for Ridgemont Drive** - Mr. Derrick reported the Committee of the Whole met during the afternoon

to discuss and consider approving a Quit Claim Deed for Ridgemont Drive.

Mr. Jeffcoat made a motion, seconded by Mr. Kinard to approve the Quit Claim Deed.

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

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

**Approval of Amendment to Lease Agreement** - Mr. Derrick reported at the afternoon meeting of the Committee of the Whole, the Committee considered an Amendment to Lease Agreement for Par Tee Family Golf, LLC.

Mr. Cullum made a motion, seconded by Ms. Summers to approve the Amendment to Lease Agreement.

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

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

**Executive Session/Legal Briefing** - Mr. Derrick stated Executive Session will consist of three contractual and five legal matters.

Mr. Davis made a motion, seconded by Ms. Summers to enter into Executive Session to discuss contractual and legal matters.

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

Mr. Derrick reconvened the meeting in open session.

**Matters Requiring a Vote as a Result of Executive Session** - Mr. Derrick stated Council received the contractual and legal matters and one motion was to be considered under Old/New Business.

**6:00 P.M. - Public Hearing - Ordinance 07-05 - An Ordinance Adopting an Annual Budget**

**for Fiscal Year 2007-08 (Goals 1,2,3)** - Prior to opening the public hearing, Mr. Derrick stated the purpose of the hearing is to receive comments from proponents and opponents regarding the adoption of the annual budget for FY 2007-08. He asked that each speaker provide their name and mailing address and that comments be limited to three (3) minutes. He asked that if there was anyone present who had signed up to speak but chose not to speak, but wanted to concur with what had been said, it was acceptable to indicate concurrence. Mr. Derrick also asked that there be no disruptions including cheering, clapping, etc.

Mr. Derrick opened the meeting for comments from those in favor of Ordinance 07-05.

Mr. Derrick noted that no one had signed up to speak in favor of the ordinance and closed that portion of the meeting.

Mr. Derrick opened the meeting for comments from those in opposition of Ordinance 07-05.

**In Favor:**

**Mr. James Duke - 1643 Barracks Drive, Gilbert, SC 29054** - I have been living there for approximately 17/18 years. First of all let me say thanks to Council. I know you have put a lot of work into this budget. I know requests come at you from many different angles for funding for many different new things. But, let me also say, I have to oppose this budget or any kind of tax increase. The ink is not quite dry on the tax reform bill that was passed. We have yet to receive the full benefit of that tax reform legislation. Here we go instituting a tax creep on that legislation. We have been in a year of record, or near record, of economic growth in South Carolina and in Lexington County. I would ask that you consider keeping the County's budget within that growth. If that can't be done, and Billy is painfully aware of this, every time I get a chance to ring the bell of impact fees. Let's work on some kind of impact fees that can benefit as a whole, not as one specific item. Every time I have brought this subject up, I get smoking mirrors, no straightforward comments from our Legislative Delegation members and others. I would like to see us work together to bring the issue of impact fees to the table and make them function. This is just the first step of the tax increases that, I think, we are fixing to see. The school board, I'm sure, is sitting over in their offices looking at funding for the need of schools in Lexington County District One and other districts. We will soon be, more than likely, hit with a rather large tax referendum to pay for those needs. That's just another creep in the taxes on us citizens of Lexington County. Again, I ask you to stay within the budget, stay within the growth and not propose a tax increase to support Lexington County government. Thank you.

**Mr. Chad Jordan - 331 Spruce Glen Road, Lexington, SC 29072** - I have lived in Lexington for 11 years. When I saw the write up in the paper about the taxes and the increase, the question keeps coming to my mind, as when does it ever stop? When does tax increases ever stop? I'm a business owner. To me it seems as though growth should pay for some needy expenditures. I know you guys take a lot of time on this. I'm sure there are reasons behind the increase, or proposed increase. Maybe I just need to be explained to what those reasons are in more detail because I can't figure it out because year after year, my taxes continue to go up. And as a business owner, they are even higher than personal property. We are looking at 10 ½ percent for business. I have rental properties and they are at 6 percent and it continues to go up year after year. I'm sure there are tax advocates on the board; maybe you just only hear one side

in the paper. But, to be honest, I don't know anything about this budget other than my taxes are going up again. And that's really all I needed to know to be here. I would just ask you to keep that in mind and try to hold the line somewhere. I know they are trying to do things in the State House; I don't know if that is going to work or not, but I would like to see property tax relief somewhere. You guys have a big role to play in that, so I would just ask you to consider that as you make the motion on your vote. Thank you.

Mr. Derrick stated no one else had signed to speak in opposition of Ordinance 07-05 and closed the public hearing.

**OLD BUSINESS/NEW BUSINESS - ADA Lawsuit** - Mr. Davis made a motion, seconded by Mr. Kinard that we approve the settlement of the ADA lawsuit in regard to the County's third-party lawsuit against the architects in regard to the Courthouse and Administration building.

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

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

**Bid/Purchases/RFPs - Term Contract - Battery Collection/Recycling Program - Solid Waste Management** - Bids were solicited for a term contract for providing a battery/collection recycling program for the Department of Solid Waste Management. Two (2) bids and one (1) bid were received.

Staff recommended awarding the contract to Carolina Sales Incorporated dba Interstate Battery System. This is a revenue-based contract and the award is based on the highest bidder meeting specifications. The term of the contract shall be for a period of one (1) year with the option to extend the contract for four (4) additional one (1) year periods.

Mr. Jeffcoat made a motion, seconded by Mr. Cullum to approve the term contract for the battery collection and recycling program.

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

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

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

07-081 - A supplemental appropriation increase in the amount of \$4,000 for the reclassification

for the Sr. Administrative Assistant in the Solicitor's Pre-Trail Intervention program from 15 hours per week to 40 hours per week due to the increase need for assistance in the office. The BAR is to appropriate money to cover the individual for the month of June. The revenue is going to come from program income, so there is no increased cost to the County.

07-083 – A supplemental appropriation increase in the amount of \$289,359 to move money from the Fire Service general fund to the Fire Station construction fund. The supplemental appropriation is to move the needed funds into the accounts to cover the overage in the bids received for the Corley Mill and Cedar Grove Fire Stations.

07-084 – A supplemental appropriation increase in the amount of \$1,000 from the Sam's Club Foundation as a contribution to the annual Fire Service Boot Drive for the Jeff Chavis House that is scheduled for the end of May.

**Ordinance 07-05 - An Ordinance Adopting an Annual Budget for Fiscal Year 2007-08 - Consideration of Changes to Ordinance 07-05 - An Ordinance Adopting an Annual Budget for Fiscal Year 2007-08** - A motion was made by Mr. Jeffcoat, seconded by Mr. Davis to approve the budget recommendations as recommended by the Committee of the Whole.

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

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

There being no further business, the meeting was adjourned.

Respectfully submitted,

Diana W. Burnett  
Clerk

William C. Derrick  
Chairman