

M I N U T E S
LEXINGTON COUNTY COUNCIL
OCTOBER 23, 2007

Lexington County Council held its regular meeting on Tuesday, October 23, 2007 in Council Chambers, beginning at 4:30 p.m. Mr. Derrick presided. Rev. Lonnie Shull gave the Invocation and Mr. Banning led the Pledge of Allegiance.

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| 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; Joe Mergo, III, Deputy 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.

Recognition of Award - 2007 National Housing Quality Award - Mungo Homes & Harbor Homes- Steward Mungo, President and Chris Condon, Columbia Division President of Mungo Homes were recognized for receiving the National Housing Quality (NHQ) Award awarded by the National Association of Home Builders Research Foundation and Professional Builder Magazine.

Employee Recognition - Katherine Hubbard, County Administrator - Ms. Hubbard recognized the following employees in Public Safety/Fire Service for their quick response to a fire that prevented a great loss to the property owners' farm. Pelion Fire Station - Firefighters Kyle Kendal, Frank Sharpe, and Ernie Wooten; and Apparatus Operator, Kevin Clamp. Mack Edisto Fire Station - Firefighter Jeff Dial; and Sharpes Hill Fire Station - Firefighters Matthew and Mitch Lewis and Apparatus Operators Charlie Miles and Chad Williams.

Mike Moore, Building Official and Travis Corley, Marty Lea, and Johnny Waters Commercial Building Inspectors in Community Development; and Fire Marshal, Robert Risinger of Public Safety/Fire Service were recognized for their prompt review of a construction project for battered women.

Mark Akers, Assistant Building Services Manger was recognized for placing first in the International Congress Competition for wood carving.

Appointments - Library Board - Mr. Christopher "Brant" Taylor - A motion was made by Mr. Davis, seconded by Mr. Kinard to reappoint Mr. Brant Taylor to the Library Board.

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

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| In Favor: | Mr. Derrick | Mr. Davis |
| | Mr. Kinard | Ms. Summers |

Mr. Keisler
Mr. Carrigg
Mr. Cullum

Mr. Jeffcoat
Mr. Banning

Central Midlands Council of Governments - Mr. Banning announced that John Fechtel, who he nominated to the Central Midlands Council of Governments on October 9, 2007, was ineligible as the position must be filled by a minority.

Bids/Purchases/RFPs - A motion was made by Mr. Cullum, seconded by Mr. Keisler that the following Bids/Purchases/RFPs (Tabs N through T) be approved.

(4) Furnaces - Building Services - Bids were solicited for the purchase of four (4) furnaces for Building Services to be installed at Fleet Services. Three (3) bids were received. Staff recommended the award of the bid to Broom Heating & Air as the lowest responsible bidder. Total cost including tax is \$9,200.

(5) Motorola 800 MHZ Digital Encrypted Radios - Sheriff's Department - Staff recommended the purchase of five (5) Motorola 800 MHZ digital encrypted radios for the Sheriff's Department directly from the manufacturer (Motorola) through State Contract Number OIR2002.07. Total cost including tax is \$28,751.75.

Management Information System - Public Works - Competitive bids were solicited and advertised for a management information system for Public Works. Two (2) bids were received. Staff recommended the award of the bid to Tracker Software Corporation as the lowest responsible bidder. Total cost including tax is \$23,406.

Vibratory Roller and Lee Boy Paving Machine - Public Works - Competitive bids were solicited and advertised for a vibratory roller and Lee Boy paving machine. Seven (7) bids and one (1) complete no bid were received. Staff recommended award to the following vendors, as the lowest bidders meeting specifications: Arrow Equipment – Lee Boy paving machine in the amount of \$124,612.20 and Van Lott Inc. – Vibratory Roller in the amount of \$69,203.32. Total cost including tax is \$193,815.52.

Plat Cabinet with Hangers - Register of Deeds - Bids were solicited for one (1) plat cabinet with hangers for Register of Deeds. Three (3) bids were received. Staff recommended the award of the bid to American Systems as the lowest responsible bidder. Total cost including delivery and tax is \$5,861.46.

Scanning Index Books - Register of Deeds - Competitive bids were solicited and advertised for the scanning of index books for Register of Deeds. Two (2) bids and one (1) no bid were received. Staff recommended the award of the bid to Record Fusion as the lowest responsible bidder. Total cost including tax is \$27,832.84.

Furniture and Shelving for Gilbert/Summit Library - Library Services - Competitive bids were solicited for furniture and shelving for the new addition of the Gilbert/Summit Branch Library. The solicitation allowed the potential vendors to bid on the furniture and/or shelving by lots. One (1) bid and five (5) no bids were received. Staff recommended the award of the bid to Interior Systems, Inc. for a total cost of \$38,012.48.

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

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

Mr. Jeffcoat
Mr. Banning

Mr. Carrigg

Chairman's Report - Chairman Derrick reported that he and Council attended the Strategic Visioning Workshop on October 14-15, 2007 at the Clark's Hill Training Facility in Plum Branch, SC and on Thursday, October 18 Lexington County Council hosted the first Lexington/Richland social dinner.

Lexington County Sheriff's Foundation Deputy Awards Banquet- Mr. Kinard reported he and several Council members attended the Lexington County Sheriff's Foundation Deputy Awards Banquet on Monday, October 22.

Administrator's Report - Ms. Hubbard reported that Larry Porth, Joe Mergo and herself have reviewed Council's objectives and initiatives from the Strategic Visioning Workshop and will share with staff during the staff meeting on Wednesday, October 24 with an update to Council in January 2008.

Approval of Minutes - Meeting of September 25, 2007 - A motion was made by Mr. Jeffcoat, seconded by Mr. Cullum to approve the September 25, 2007 minutes as submitted.

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

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

Ordinance - Ordinance 07-16 - An Ordinance to Impose a Registration Fee for Manufactured Homes that are Registered with the County - 2nd Reading - Mr. Cullum made a motion, seconded by Mr. Kinard that Ordinance 07-16 be given second reading.

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

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

Committee Reports - Planning & Administration, J. Jeffcoat, Chairman - Update on Consideration of Migration to a Centralized Enterprise E-mail Solution - Mr. Jeffcoat reported the Planning and Administration Committee met on Tuesday, October 9, 2007, to hear an update on consideration for the County's migration to a centralized enterprise e-mail solution.

Mr. Mike Ujcich, Information Services CIO, presented an update on the County's migration to a centralized enterprise e-mail solution. The update was based on a request from Council to address the benefits, solutions and deployment approaches for the migration. The State of South Carolina CIO's office has endorsed the Information Services Department's initial planning to move to a centralized enterprise e-mail solution. E-mail is a vital business function for the County that requires centralization in order to manage, control, secure and recover critical information. Mr. Ujcich addressed three main objectives identified for e-mail services and recapped the County's current e-mail limitations and said that the Microsoft Exchange e-mail system has been identified as meeting all of the objectives as outlined and

provides a platform to meet the County's growing reliance on e-mail communication. Information Services recommends a Hosted Microsoft Exchange Service provided by the State's CIO office. The service will provide the following: increased disaster recovery and business continuity; simplified deployment; predictable and controllable costs; scalable, current and protected solution; 24/7 service desk; and comprehensive user training. The hosted service will allow the County's IS resources to concentrate on other critical projects and services exclusive to the County versus protecting, deploying and maintaining a comprehensive e-mail solution. The recommended service costs would be \$10 per account per month for an annual cost of \$120 per user. Lexington County would be the first County to utilize the State's CIO Hosted Microsoft Exchange Services. The funds have been identified in the current budget and if approved a budgetary amendment resolution will be presented at the October 23, 2007 meeting.

The Planning and Administration Committee voted unanimously to recommend that full Council authorize staff's recommendation to move forward with the State of South Carolina's CIO office Hosted Microsoft Exchange Service.

Mr. Jeffcoat made a motion, seconded by Mr. Davis to move forward with staff's recommendation with the State of South Carolina's CIO office Hosted Microsoft Exchange Service.

Mr. Derrick opened the meeting for discussion.

Ms. Hubbard noted, if the motion passes, a Budget Amendment Resolution will be presented to Council that divides the cost through the different funds and grants. The total cost for the remaining eight months of FY2007/2008 is \$91,200.

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

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

Justice, B. Banning, Chairman - Clerk of Court's Office Mid-Year Budget Request - The Honorable Beth Carrigg - Mr. Kinard, Committee Vice-Chair, reported during the Justice Committee, the committee considered a mid-year budget request from the Honorable Beth Carrigg, Clerk of Court. Ms. Carrigg requested authorization to transfer \$5,760 within her allocated budget for the remaining of FY2007/2008 to re-instate, reclassify, and upgrade the Office Coordinator (grade 8) position to an Office Support Manager (grade 10). The Committee voted unanimously to recommend to full Council for approval.

Mr. Kinard made a motion, seconded by Mr. Keisler to approve the transfer of \$5,760 within her allocated budget for the remaining of FY2007/2008 for the reclassification and upgrade.

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

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

Mr. Cullum

Donated S.W.A.T Vehicle and Highway Safety DUI Enforcement Grant Award - A motion was made by Mr. Kinard, seconded by Mr. Keisler to approve the acceptance of the donated S.W.A.T. vehicle from Pond Branch Telephone Company and approve the acceptance of the Highway Safety DUI Enforcement grant award.

Donated S.W.A.T Vehicle - The Justice Committee met on Tuesday, October 9, 2007, to review the request from the Sheriff's Department for a donated S.W.A.T Vehicle.

Col. Allan Paavel, Sheriff's Department, reported that the Pond Branch Telephone Company has donated a used 2002 Ford E-150 van to the Sheriff's Department. He is requesting that this van be added to the Sheriff's department fleet to be used as a deployment vehicle for the Special Weapons and Tactics Team (S.W.A.T.) and would not be used for every day purposes but S.W.A.T. deployment. Mr. Ellis Gammons, Fleet Services Manager, has recommended the used van be added to the fleet based on its condition and anticipated usage per inspection by Fleet Services staff. Col. Paavel indicated that funds for gas, fuel, and oil, vehicle repairs and maintenance, and insurance costs are available in the Sheriff's general fund LE\Operations accounts. Staff was directed to have the 2002 Ford E-150 van notated on the Fleet master list as a donated van.

The Justice Committee voted to recommend that full Council approve staff's recommendation to add the donated used 2002 Ford E-150 van for use by the Sheriff's Department Special Weapons and Tactics Team (SWAT) to the County's fleet of vehicles.

Highway Safety DUI Enforcement Grant Award - The grant in the amount of \$301,702 requires a County match of 20 percent or \$60,340. The grant will be used to fund three (3) officers, three (3) fully equipped vehicles, and operating costs.

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

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

Health & Human Services, J. Carrigg, Jr., Chairman - 2006 State Homeland Security COBRA Grant Award - Mr. Carrigg reported the Health & Human Services Committee met during the afternoon to consider the acceptance of the 2006 State Homeland Security COBRA grant award. The grant in the amount of \$25,915 requires no County match. The grant will be used to replace required equipment for the COBRA team that has been used or is no longer serviceable. The Committee voted unanimous to recommend to full Council for approval.

Mr. Carrigg made a motion, seconded by Mr. Jeffcoat to approve the acceptance of the 2006 State Homeland Security COBRA grant award.

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

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| In Favor: | Mr. Derrick | Mr. Carrigg |
| | Mr. Jeffcoat | Mr. Kinard |

Mr. Davis
Mr. Keisler
Mr. Cullum

Ms. Summers
Mr. Banning

Public Works, D. Summers, Chairman - Beautification Project Along Airport Boulevard - Ms. Summers reported the Public Works Committee met on Tuesday, October 9, 2007, to review a request from Keep the Midlands Beautiful for a beautification project along Airport Boulevard.

Ms. Heidi Johnson, Keep the Midlands Beautiful Executive Director, presented a request for financial support in the amount of \$5,000 for a beautification project along Airport Boulevard. The total anticipated cost of the project is \$25,000. The area will focus on an approximately one mile stretch of Airport Boulevard that extends from the John Hardee Expressway to Interstate 26. Mr. Rhett Bickley, Lexington County Landscape Administrator, has developed a plan to plant up to 150 trees that includes Live Oaks, Lacebark Elms, Shumard Oaks, and Crape Myrtles along the proposed area. Ms. Johnson indicated the Town of Springdale and the City of Cayce have been asked to take responsibility for watering the trees. Keep the Midlands Beautiful hopes to showcase the Airport Boulevard area as a model for community improvement and public-private partnership that can be replicated across the Midlands. Mr. John Fechtel, Director of Public Works, reported that the beautification project would qualify as a road enhancement and would be eligible for funding of a 20% match up to \$5,000 through the County's "C" Fund Special Project account.

The Public Works Committee voted unanimously to recommend that full Council allow the County Administrator to contribute up to \$5,000 for the beautification project along Airport Boulevard from the County's "C" Fund Special Projects account.

Ms. Summers made a motion, seconded by Mr. Jeffcoat to approve up to \$5,000 from the County's "C" Fund Special Projects account for the beautification project along Airport Boulevard.

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

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

Economic Development, S. Davis, Chairman - Mr. Davis reported during the Economic Development Committee meeting, the Committee did not complete discussions on several economic development issues; therefore, there were no recommendations from the Committee for full Council on the following items.

Michelin - Adoption of Resolution Authorizing the Execution and Delivery of a Petition to the State Budget and Control Board of South Carolina Requesting Approval of the Issuance of Lexington County, South Carolina Industrial Revenue Bonds in an Aggregate Principal Amount not Exceeding \$300,000,000 in One of More Series Through December 31, 2012 - Mr. Banning made a motion, seconded by Mr. Jeffcoat to approve the adoption of the resolution.

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

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

Ordinance 07-17 - An Ordinance Authorizing an Amendment to Lease Agreement Dated as of December 1, 1996 Between Lexington County and Michelin North America, Inc. to Grant the Company Certain Infrastructure Tax Credits; Authorizing the Issuance of Lexington County Industrial Revenue Bonds in One or More Series Through December 31, 2012, in an Aggregate Principal Amount Not Exceeding \$300,000,000 - 1st Reading by Title - Mr. Davis made a motion, seconded by Mr. Banning that Ordinance 07-17 receive first reading.

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

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

Ordinance 07-18 - An Ordinance Amending Section 10 of Ordinance 97-15 Which Sets Forth the Procedure for Distribution of Fee in Lieu of Taxes Received from the Saxe Gotha Property that is Located in the Joint Multi-County Industrial Park - 1st Reading - Mr. Cullum made a motion, seconded by Mr. Banning that Ordinance 07-18 receive first reading.

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

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

Ordinance 07-19 - An Ordinance to Place Certain Property in a Joint County Industrial Park and to Approve an Incentive Agreement to Grant a \$1.8 Million Special Source Revenue Credit to Project Starbright - 1st Reading by Title - Mr. Cullum made a motion, seconded by Mr. Banning that Ordinance 07-19 receive first reading.

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

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

Resolution for Project Ice (Ribeau Entertainment) - A motion was made by Mr. Carrigg, seconded by Mr. Banning authorizing the negotiation and execution of a contingent sale contract with the Irmo-Chapin Recreation Commission for 26 acres +/- and the negotiation and execution of an incentive agreement with Ribeau Entertainment for the construction of a hockey arena, formerly known as Project Ice. (Contingent

upon approval of the County attorney).

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

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

Executive Session/Legal Briefing - Mr. Derrick stated Executive Session will consist of two contractual matters and six legal matters.

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

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

Matters Requiring a Vote as a Result of Executive Session - Mr. Derrick reported Council discussed the contractual and legal matters during the Executive Session and indicated there was one motion to be considered.

Ordinance 07-14 - An Ordinance to Amend Article III, Division 2, Sections 34-66 (Creation) and 34-92 (Powers, Duties, and Authority of the Lexington County Health Services District) of the Lexington County Code – Mr. Cullum made a motion, seconded by Mr. Banning to approve the last text revision (version 3) of Ordinance 07-14.

- Revised Ordinance 07-14 is as stated: (A) **Section 34-66. “Creation” shall be amended as follows:** The district shall maintain an office in or near the City of West Columbia, Lexington County, South Carolina, or at such location within the district as may, from time to time, be determined by the district’s governing board.
(B) **Section 34-92. “Powers, duties, and authority” shall be amended as follows:** (A) The Board shall have the powers, duties, and authority of a governing board of a regional health services district as set forth in S.C.Code 1976, § 44-7-2010 et seq. and shall operate and manage the Lexington County Hospital and the district’s other related health care facilities. The Board shall be authorized to do all things necessary or convenient to provide and maintain adequate hospital facilities for Lexington County, including, and without limiting in any way the generality of this section, the authority to extend the services and to establish and maintain facilities of the district outside the county in counties contiguous to Lexington County upon such terms and conditions as the Board may prescribe, preference always being given to citizens of the County to the extent permitted by law or regulation.

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

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

Mr. Carrigg

6:00 P.M. - Public Hearings - Zoning Map Amendment M07-08 - 1731 Bush River Road, Columbia, SC 29210 - Mr. Derrick opened the Public Hearing and stated no one had signed up to speak in favor or in opposition to Zoning Map Amendment M07-08.

Mr. Derrick closed the public hearing.

Ordinance 07-14 - An Ordinance to Amend Article III, Division 2, Sections 34-66 (Creation) and 34-92 (Powers, Duties, and Authority of the Lexington County Health Services District) of the Lexington County Code - Mr. Derrick opened the Public Hearing and stated no one had signed up to speak in favor or in opposition to Ordinance 07-14.

Mr. Derrick closed the public hearing.

Old Business/New Business - None.

Budget Amendment Resolutions - The following BAR's were distributed and signed:

08-047 - A supplemental appropriation increase in the amount of \$25,915 to appropriate the State Homeland Security (COBRA) grant received from SLED.

08-048 - A supplemental appropriation increase in the amount of \$91,200 to appropriate funds for the Microsoft exchange server for the remaining 8 months in FY2007/2008. The annual cost will be \$136,800.

08-049 - A supplemental appropriation increase in the amount of \$3,879 for additional monies due from the FY06 State Criminal Alien Assistance program award. The original amount received was calculated incorrectly.

08-050 - A supplemental appropriation increase in the amount of \$301,702 to appropriate the Highway Safety DUI Enforcement grant award.

08-051 - A supplemental appropriation increase in the amount of \$27,000 to appropriate the Paul Coverdell Forensic Science Improvement grant award.

08-052 - A supplemental appropriation increase in the amount of \$152,202 to appropriate the Violence Against Women Act grant award.

08-053 - A supplemental appropriation increase in the amount of \$313,300 to appropriate the COPS Methamphetamine Initiative grant award.

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

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