

M I N U T E S  
LEXINGTON COUNTY COUNCIL  
JANUARY 27, 2009

Lexington County Council held its regular meeting on Tuesday, January 27, 2009 in Council Chambers, beginning at 4:30 p.m. Ms. Summers presided.

Ms. Summers asked everyone present with cells phones to please turn them off.

**Matters Requiring a Vote as a Result of Executive Session** - Prior to opening the meeting, Council had entered into Executive Session during the Committee of the Whole meeting earlier during the day to discuss one personnel matter, two contractual matters, and one legal matter. As a result, there were no motions to be considered at this time. However, Council will need to go back into Executive Session during the evening to continue discussions on the above items.

Reverend Lonnie Shull, with Pastoral Care at Lexington Medical Center, gave the invocation.

Ms. Chelsea Marsh, an Irmo High School Senior and Cadet Commander, and Thomas Burnette, an Irmo High School Senior and F Flight Commander, with the Irmo High School Air Force JROTC led the Pledge of Allegiance.

Members attending:	Debra B. Summers	James E. Kinard, Jr.
	William C. Derrick	George H. Smokey Davis
	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 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 of the 911 Sculpture Painting Presented by Artist Val Zaba and Sculpture Artist Randall Hammonds** - Artist Val Zaba and Sculpture Artist Randall Hammonds presented County Council a watercolor painting by Ms. Zaba of the "Fallen but not Forgotten" 911 monument that is located beside the Lexington County Marc H. Westbrook Judicial Center in Lexington.

**Chairman's Report** - No report.

**Administrator's Report - Katherine Hubbard, County Administrator - Deputy Treasurer - Angie McInchok** - Ms. Hubbard introduced Ms. Angie McInchok, the new Deputy Treasurer in the Treasurer's Office.

**Central Stores** - At the request of Council to learn more about staff, Ms. Hubbard introduced Rod Pimental, Inventory Manager, and Madison Stack, Asst. Inventory Manager with Central Stores and asked each to give a brief history about them self and their role in Central Stores.

**Employee Recognition** - Ms. Hubbard said an e-mail was received from a citizen praising the following employees in the Sheriff's Department who assisted in the investigation and arrest of four suspects that were responsible of burglary in two neighborhoods, which he was a victim. The employees were: Det. Brett Sims, Sgt. Ashley Russell, Sgt. Brad Melton, and finger print analyzer, Duane Johnson.

**Employee of the Fourth Quarter 2008** - Nominees for the 4th Quarter were: Tanee Harley, Private First Class - EMT Basic with Public Safety/EMS; Brad White, Field Training Officer, Sheriff's Department; and Michael Robbins, Human Resources Recruiter.

Ms. Hubbard announced that the Employee Committee selected Ms. Tanee Harley as the Employee of the 4th Quarter. A Certificate of Excellence was presented to Mr. White and Mr. Robbins.

**Lexington High School Economic Class** - Ms. Summers recognized students from Lexington High School attending as part of their economic class.

**Mayor Randy Halfacre** - Ms. Summers recognized Mayor Randy Halfacre, mayor of the Town of Lexington.

**Appointments - Aiken/Barnwell/Lexington Counties Community Action Commission, Inc. - Juanice Aaron** - A made a motion was made by Mr. Kinard, seconded by Mr. Derrick to reappoint Ms. Aaron.

Ms. Summers opened the meeting for discussion; no discussion occurred.

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

**Central Midlands Transit Authority - Robert Price** - Mr. Kinard made a motion, seconded by Mr. Cullum to reappoint Mr. Price.

Ms. Summers opened the meeting for discussion; no discussion occurred.

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

**Bids/Purchases/RFPs** - A motion was made by Mr. Jeffcoat, seconded by Mr. Banning that the following Bids/Purchases/RFPs (Tabs T, U, and V) be approved.

**Janitorial Supplies - Term Contract - Central Stores** - Bids were solicited and advertised for a term contract for janitorial supplies for Central Stores. The award of the contract will be for the initial period of one (1) year with the option to extend the contract for four (4) additional one (1) year periods, if deemed to be in the best interest of the County.

Nine (9) bids were received. Staff recommended multiple awards to the following lowest responsive

bidders, per line item. Genesis II, Inc. - \$9,209.09; Waper, Inc. - \$13,366.30; Pyramid School Products - \$13,339.62; and Smith & Jones Distributors - \$19,171.60. Total cost, including tax, is \$55,086.61.

**Panasonic Laptops and Accessories - Sheriff's Department** - Staff recommended the purchase of 39 Panasonic laptops with accessories for the Sheriff's Department from Howard Computers through State Contract Number WSCAA63310. Total cost, including tax, is \$164,874.16.

**Request for Approval to Utilize the Competitive Sealed Proposal Process for Woodgrinder Services**

- Staff requested authorization to use the Request for Proposals (RFP) process to seek competitive proposals from potential qualified bidders to provide wood grinding services for Solid Waste Management. Due to the scope of the project, it is not practical or advantageous to write a comprehensive set of specifications that may limit resources or restrict competition. In selecting a contractor other award criteria, in addition to cost, will be considered. A review panel will be responsible for reviewing and evaluating proposals based upon specific evaluation factors.

Ms. Summers opened the meeting for discussion; no discussion occurred.

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

**Approval of Minutes - Meeting of December 09, 2008** - A motion was made by Mr. Jeffcoat, seconded by Mr. Kinard to approve the December 09, 2008 minutes as submitted.

Ms. Summers opened the meeting for discussion; no discussion occurred.

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

**Zoning Amendment - Zoning Map Amendment M09-01 - 2468 N. Lake Drive, Columbia, SC 29212 - 1<sup>st</sup> Reading** - Mr. Banning made a motion, seconded by Mr. Cullum to approve first reading of Zoning Map Amendment M09-01.

Ms. Summers opened the meeting for discussion; no discussion occurred.

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

**Ordinances - Ordinance 08-16 - An Ordinance to Amend the Lexington County Code of Ordinances, Chapter 14, Building and Building Regulations; by Adding a New Article Therein for the Purpose of Establishing Regulations and Requirements Related to Smoking in the Retail Food Establishments in the Unincorporated Areas of Lexington County - 2<sup>nd</sup> Reading** - Mr. Banning made a motion, seconded by Mr. Jeffcoat to approve second reading with an amendment to amend the

Ordinance to read that we would ban smoking in restaurants and bars that serve food inside and allow smoking on their patios or outside areas.

Ms. Summers opened the meeting for discussion.

Mr. Cullum said in order to have an alcohol license, one would have to serve liquor, which would establish a bar, which would mean the equivalent of what we've got with this amendment - an outright ban in restaurants and bars.

Mr. Banning replied, correct.

Mr. Jeffcoat replied, except for patios and outdoors.

**Appointment of Parliamentarian** - During the discussions, Ms. Summers appointed Councilman Davis as the Parliamentarian.

Mr. Cullum asked for clarification of the amendment.

Mr. Carrigg stated right now on the agenda, Ordinance 08-16 is up for second reading. Mr. Banning has made a motion to amend, pending of second reading, to basically do a modified City of Columbia ordinance. If you have a beer only bar, you can smoke all you want regardless whether you sell food.

Mr. Cullum stated this sounds like an outright ban in restaurants and bars.

Mr. Banning replied, correct.

Mr. Davis replied, inside the building. I think there is a variance.

Mr. Cullum replied that the only variance is that you would have to stand outside to smoke.

Mr. Davis replied, no. You can be served food and smoke outside.

Ms. Summers asked that Council vote on the amendment that has been presented and delay 2<sup>nd</sup> reading until the next meeting until such time a revised ordinance has been drafted for Council to review.

Mr. Banning amended his motion, seconded by Mr. Jeffcoat to withdraw the approval of second reading in his original motion but the remaining portion of the motion remained in effect.

Vote on Amendment:

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

Mr. Derrick made an amendment to the motion, seconded by Mr. Cullum that 50 percent of the bar's proceeds would prohibit smoking from inside (if it is 50 percent food or greater, then it would be non-smoking in doors).

Ms. Summers opened the meeting for discussion.

Mr. Carrigg asked, how can we tell if the proceeds are greater than 50 percent?

Mr. Derrick replied that businesses can break down their cash receipts.

Mr. Carrigg replied that he understood that, but again, asked how will we know?

Mr. Derrick replied, we are going to have to "police" it.

Mr. Cullum asked, how will we police an outright ban?

Mr. Derrick asked that he be allowed to make his point clear. Mr. Derrick said he is not in favor of smoking anywhere, but it is a personal choice, and the business owners have pleaded with Council to allow them to continue operating their business in its current form. The Town of Lexington is getting "hammered" because of a dictatorial smoking ban that they have imposed on their businesses and the mayor is asking Council to pass a smoking ban because the town is getting "hammered." He said the state is currently considering a smoking ban at the State level, which would put everybody on the same playing field if they ban smoking everywhere in the state. Mr. Derrick asked why we (Council) feel the need to bow down to so much pressure from various specific groups of people that want us to impose an additional regulation on these businesses who are just trying to make a living. In this way, at least they would have a chance of survival. The way we are attempting to do it, they are going to fail. We profess to be business friendly in our county, yet we are imposing regulation on them that is unfair to them. That is what I am opposed to.

Mr. Kinard stated that he agreed with Councilman Derrick but keeps going back to the County's mission statement as a County Council. Our purpose and our mission is to provide quality services to our citizens at a reasonable cost. It has nothing to do with regulating smoking. Mr. Kinard says he keeps going back to "choice" and feels that we are meddling in something that we don't have any business in.

Mr. Keisler said he agreed with Councilman Kinard that people should have the option. He said the mayor is here tonight hoping that Council will "bail" him out, so we are taking all the heat for what the town is doing. Mr. Keisler said he attended a couple of the Town of Lexington's meetings and it seemed like everything is being put on the County and doesn't feel that we need to be knocked down for something the town has done. Mr. Keisler said he feels every business should have the option to do what they want to do. If nothing else, we may want to table the issue to see what the State is going to do. Mr. Keisler said he had a restaurant owner come to him saying that he hoped Council would pass the smoking ban because he didn't want to tell his customers. Mr. Keisler said we are doing their dirty work for them and if these owners' can't face the fact, that's tough.

Mr. Banning said since Mayor Halfacre was present that we may want to allow him an opportunity to speak.

In response to Councilman Kinard's statement about the mission of County Council, Mayor Halfacre said the mission of government is to protect the public's welfare, safety, and well-being. That's our mission; that should be our focus. This falls within that umbrella. Secondly, last spring, you (Council) asked the towns/municipalities to work together and move forward on a municipal smoking ban that would then allow Council to implement it countywide. From that prospective, you are putting this on the major municipalities. He said he has had some discussions with West Columbia and Cayce and they were debating, but we being the County Seat, we figured we would step up and show some leadership and move forward, which we did. He said our businesses have challenged us pretty heavy because of our

smoking ban. But, we would like for you to fulfill your commitment, which I thought you had back in the spring, wanting to do a countywide smoking ban and make the playing field level for everybody. But it's all about protecting the public's health, welfare, and safety. When you think about the public, you are not necessarily talking about those patrons that go into the restaurant. You are also talking about those workers; the workers serving the food. And yes, there are choices. But, when you really get down to it, it's really not a whole lot of choice because they have to work in a place where they can get to and they can't drive 20 – 30 miles a day. We just think based on the input that we (Town) received from our citizens; it's the right thing to do. Whether it's a fad or whether it's free enterprise, however you want to look at it, it's an emotional issue and we realize that. But, what it really comes down to, it's all about protecting the public's health, welfare, and safety and that's what we are all about.

Mr. Cullum thanked Mayor Halfacre for his attendance. Mr. Cullum said he does not know what "this commitment" is that Mayor Halfacre is trying to fulfill, rather asking Council to fulfill, because he is not aware of any commitment that this Council has made other than to go out and take a poll. He said he thinks that the municipalities within the county have possibly taken a poll within themselves. Your body has decided they wanted to take an action on smoking, and that's admirable, if that's how you would like to proceed within your municipality. But, the others have chosen not to. He said in his conversations with some of them, they have no intention to. With that being said, and as far as the welfare and protection of the public, at this point in time feels a complete ban of tobacco products because it seems that we are trying to protect only one part of the citizenry, and that's those people that don't use the product. Let's protect the people that are smoking in their homes with children. How about the folks that use other tobacco products? If we are going to protect people from themselves, ban it all together. Then we are going to get into a real mess about who should be protected and who shouldn't be. Again, as a fellow told me this past weekend, it is as if we are changing the rules on them. He was told by this individual that he prepared a business plan with the ability to smoke in his business, and now after operating and trying to make ends meet, you are changing the rules on me. Therefore, you are reducing a revenue stream that I'm not going to have. Mr. Cullum stated he has visited restaurants on Friday and Saturday nights in the City of Columbia, and likewise in those same evenings, have visited other areas in Lexington County and there is a noticeable difference. Here in this very chamber, we've had people that work in bars that say they are non-smokers and they so choose to work in those bars. When we start overstepping our bounds, talking about worker health, etc., we've got a state agency that deals with that and a federal agency. We can go out and make all these rules under the auspices that we are protecting people and workers, but that's not really our job here. Our job is to let people have a little freedom of choice. Put only the infrastructure in place that allows businesses to work and not keep impeding them, which I feel is going on here. He said he feels that people in your own town (Town of Lexington) are feeling like they are being impeded and road blocks have been put before them and now a revenue stream has been taken away. Two-hundred thousand plus people live in this county but only 50 people, as much publicized as this topic has been, showed up for the public hearing, which probably 10 don't even live in the county. And out of those ten, six are supporting some agency with their own propaganda of anti-smoking. Here is a fine example of the minority trying to rule the majority. He said this has disturbed him tremendously that here we are, a local government, going to start pushing people's buttons and tell them what they can and can't do in businesses that they own, operate, insure, pay taxes, and employee people. He said he has heard it time and time again from people on this very council that small businesses are the backbone of our county and here we are taking a direct shot at small businesses; people that own businesses who have been right here where you are standing today telling us, please don't do this.

Prior to calling for the vote on the amendment, Mr. Derrick was asked to restate his amendment. The amendment is if 50 percent of the revenues come from alcohol, then they would be permitted to having smoking in that facility and to require posting of signs; smoking or non-smoking.

Mr. Carrigg said you could come up with a thousand reasons for not enacting a smoking ban. But, the problem is you want to be fair to businesses. There would be nothing better than the State to step up to the plate and pass a uniform set of rules for the whole state so you would not have a hodgepodge of municipalities and local governments enacting rules and, most importantly, different rules. So, you have the Town of Lexington where you can't smoke inside, you can't smoke outside, and you have to be 10 feet away. If you go to the City of Columbia, you cannot smoke inside, but if you have table and chairs outside, it's fine to smoke. Then you have all these different rules and no one knows where the boundary lines are. Then there are just people who want to go to a restaurant who go to West Columbia because you can smoke all you want. But, we are talking about passing, yet, a third set of rules now in the area so you are going to have four whole sets of rules in one little geographical area, which is the part I have a problem with. He said that was really why the whole "reach out" to municipalities was done in the first place. There was no pact that if you enacted some, we didn't enact anything. The deal was - let's don't all have a bunch of different rules, let's have one rule. So that's why we said - we realize that if we pass something, it wouldn't apply in municipalities so we said, are you interested in passing anything because we would all like to pass the same thing. Well, low and behold, now we have ended up with a worse problem that we were trying to avoid.

Mr. Cullum replied that you are going to end up with four or five if the other municipalities do theirs. Again, put up a sign and it's done. Either you do it or don't do it and it is uniform across the county except for the Town of Lexington and they can adjust theirs.

Ms. Summers called for the vote on the amendment.

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

Motion fails.

Mr. Davis made a motion, seconded by Mr. Kinard to table the amended motion and place back into committee to have a revised ordinance for the next meeting and to see what the state may do to make this a universal state-wide law.

Motion to table:

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

**Ordinance 08-18 - An Ordinance Amending Section 46-1 of the Lexington County Ordinance in Regards to Disposal of County-Owned Real Property - 3<sup>rd</sup> and Final Reading** - A motion was made by Mr. Banning, seconded by Mr. Kinard to approve third and final reading.

Ms. Summers opened the meeting for discussion; no discussion occurred.

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

**Ordinance 09-01 - An Ordinance Amending the Lexington County Landscape Ordinance - 1<sup>st</sup> Reading** - A motion was made Mr. Jeffcoat, seconded by Mr. Davis to approve first reading.

Ms. Summers opened the meeting for discussion.

Mr. Derrick asked staff to look at expanding the landscape in his district, District 2, which had been left out. He said his district line was the boundary for the landscape portion and wanted it extended to cover his area.

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

**Ordinance 09-02 - An Ordinance Approving the Conveyance of Real Estate from the County of Lexington to John J. Miller – 2<sup>nd</sup> Reading** - A motion was made by Mr. Cullum, seconded by Mr. Davis to approve second reading.

Ms. Summers opened the meeting for discussion.

Mr. Jeffcoat asked for information about the property.

Ms. Hubbard replied this is property that the County owns in Chapin that is located on Middlefield Road, which was donated to the County, and we received a request to sell the property to this owner.

Mr. Davis asked if the property had been posted.

Ms. Hubbard replied, yes.

Ms. Summers called for further discussion on the motion; none occurred.

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

**Ordinance 09-03 - An Ordinance to Amend the Lexington County Wrecker and Towing Services Ordinance – 2<sup>nd</sup> Reading** - A motion was made by Mr. Banning, seconded by Mr. Kinard to approve second reading.

Ms. Summers opened the meeting for discussion; no discussion occurred.

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

**Committee Reports - Health & Human Services, J. Carrigg, Jr., Chairman - Emergency Operations Center Enhancement Grant Award** - Mr. Carrigg reported his committee met to consider the acceptance of the \$1,000,000 grant award from SLED for the 911 Emergency Operations Center. The grant is a 75/25 grant that requires a county match of \$333,333.00. The committee voted in favor to recommend to full Council for approval.

Mr. Carrigg made a motion, seconded by Mr. Jeffcoat to approve the acceptance of the grant award.

Ms. Summers opened the meeting for discussion; no discussion occurred.

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

**Public Works, D. Summers, Chairman - 2009 State Match Resurfacing** - On behalf of Chairman Summers, Mr. Cullum reported the Public Works Committee met to consider SCDOT's revised 2009 State Match Resurfacing program. SCDOT has revised their budget estimate, which is \$897,944.25, and is now asking the County to contribute an additional \$49,944.25. However, SCDOT will **not** increase their share. The original estimated cost was \$848,000, split 50/50 between SCDOT and the County. The Committee voted in favor to recommend to full Council to approve staff's recommendation to not increase the County's portion of \$424,000.

Mr. Cullum made a motion, seconded by Mr. Derrick to approve staff's recommendation to not increase the County's contribution of \$424,000.

Ms. Summers opened the meeting for discussion; no discussion occurred.

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

**Town of Springdale "C" Fund Request** - Mr. Cullum reported the committee also considered a request for "C" funds from the Town of Springdale. The town is requesting \$36,250 for their 20 percent match for Phase II of Springdale's pedestrian lighting project. Funds are available in the "C" Fund Special Projects account (2700-121302-5R0057). The committee voted in favor to recommend to full Council for approval.

Mr. Cullum made a motion, seconded by Mr. Banning to approve the \$36,250 match for Phase II.

Ms. Summers opened the meeting for discussion; no discussion occurred.

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

**NPDES Annual Report** - Also, the committee received a report from staff on the County's Annual NPDES program that is due to SCDHEC by February 1. The report details the activities for the NPDES program for the 2008 calendar year. The committee voted in favor to recommend to full Council to approve the NPDES Annual report and permission to submit to SCDHEC.

Mr. Cullum made a motion, seconded by Mr. Kinard to approve the NPDES Annual report and submit to SCDHEC.

Ms. Summers opened the meeting for discussion; no discussion occurred.

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

**Solid Waste, J. Kinard, Chairman - Approval of New County Recycling Logo** - Mr. Kinard reported his committee reviewed the proposed Solid Waste recycling logo that will be used on recycling brochures, County equipment, signs, etc. to help identify the program throughout the county.

Mr. Kinard made a motion, seconded by Mr. Davis to approve the County's new recycling logo.

Ms. Summers opened the meeting for discussion; no discussion occurred.

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

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

09-057 - A supplemental appropriation decrease in the amount of \$43,202 as the result of a reduction in state aid for Library Services. The total reduction in state aid for FY08-09 is \$128,918.48 (This is approximately a 25 percent reduction).

09-058 - A supplemental appropriation decrease of \$1,806 as a result of the DHEC/EMS Grant-in-Aid award received from DHEC and a \$100 supplemental appropriation decrease to reduce a portion of the required match. The reduction in the DHEC/EMS Grant-in-Aid award is a result of state budget cuts.

**Executive Session/Legal Briefing** - A motion was made by Mr. Jeffcoat and seconded by Mr. Keisler that Council re-enter Executive Session to continue discussions of two contractual matters and one legal matter.

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

Mr. Derrick  
Mr. Carrigg  
Mr. Cullum

Mr. Davis  
Mr. Banning

**Matters Requiring a Vote as a Result of Executive Session** - Ms. Summers reconvened the meeting in open session and reported Council will have to re-enter Executive Session following the public hearings.

**6:00 P.M. - Public Hearings - Ordinance 09-01 - An Ordinance Amending the Lexington County Landscape Ordinance** - Ms. Summers opened the public hearing for Ordinance 09-01.

Ms. Summers stated no one had signed up in favor or in opposition and, therefore, closed the public hearing.

**Zoning Text Amendment T08-12 (Article 12 - Administration Chapter 3 - Amendments, Section 123.13).** - Ms. Summers opened the public hearing for Zoning Text Amendment T08-12.

Ms. Summers stated no one had signed up in favor or in opposition and, therefore, closed the public hearing.

**Executive Session/Legal Briefing** - A motion was made by Mr. Kinard, seconded by Mr. Banning to re-enter Executive Session to continue discussing a contractual matter.

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

**Matters Requiring a Vote as a Result of Executive Session** - Ms. Summers reported Council discussed the contractual matter during the Executive Session and indicated there were no motions to be considered.

**Motion to adjourn** - Mr. Cullum made a motion, seconded by Mr. Kinard to adjourn.

In Favor:	Ms. Summers	Mr. Cullum
	Mr. Kinard	Mr. Davis
	Mr. Keisler	
Not Present:	Mr. Derrick *	Mr. Jeffcoat *
	Mr. Carrigg *	Mr. Banning *

\*Messrs. Derrick, Jeffcoat, Carrigg, and Banning were not present when the vote was taken.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Diana W. Burnett  
Clerk

Debra B. Summers  
Chairman