

M I N U T E S
LEXINGTON COUNTY COUNCIL
JUNE 26, 2007

Lexington County Council held its regular meeting on Tuesday, June 26, 2007 in Council Chambers, beginning at 4:30 p.m. Mr. Derrick presided.

Chaplain Dave DeDonato, Director of The Lexington Medical Center Pastoral Care Department, gave the invocation.

Tyler Leaphart and Mary Maddox, both of Chapin High School, led the Pledge of Allegiance. Tyler Leaphart is a rising junior and is the vice president of the Chapin High School Senate and the chairperson for the Golden Eagle Evening. Mary Maddox is a rising senior and is the president of the Student Body for the upcoming year and for the past year was the vice president and chairperson for the Golden Eagle Evening. The Golden Eagle Evening is Chapin High School's largest annual community service event.

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.

Presentation of Resolution - Raymond S. Caughman - Presented by Chairman Derrick - Chairman Derrick and members of Council presented Mr. Raymond S. Caughman with a framed resolution and the Grand Ambassador Award. The Grand Ambassador award recognizes extraordinary contributions made by an individual to enhance the quality of life for our community through unwavering commitment, steadfast diplomacy, courageous leadership, and genuine goodwill.

Mr. Caughman is widely known as the retired chairman, president and chief executive officer of the Lexington State Bank, and for his numerous other business and civic endeavors and board memberships rank him as one of South Carolina's greatest leaders. He is viewed as one of South Carolina's most respected business, civic and church leaders as a result of his lifetime of service to this community and State.

Mr. Caughman graciously accepted the awards and thanked Council, as well as the people of Lexington County, for giving him the opportunity to be a part of this community since October 15, 1948 when he began his banking career in Lexington.

Employee Recognition - Katherine Hubbard, County Administrator - Ms. Hubbard recognized Jim Cheatham, Librarian I at the Cayce/West Columbia Library Reference Department for his customer service. She said the library received an e-mail from a citizen commending Mr. Cheatman for his great customer service who said he is consistently professional and listens to his questions with total attention and respect, which, he observed, Jim does with all customers.

Shining Stars - Ms. Hubbard recognized Robbie Derrick, Community Development; Jennifer Hendrix, Veteran's Affairs; and Katie Redmon, Cayce/West Columbia Branch Library as the winners of the third quarter of 2007 for the Customer Service Shining Star award.

Ms. Hubbard presented each recipient an engraved acrylic "Shining Star." In addition, Mr. Derrick will receive a prime parking space at the Administration Building donated by County Council.

Leadership Hour-Glass Award - Brian Hood, EMS Coordinator - Ms. Hubbard presented Brian with the Leadership Hour-Glass Award.

Ms. Hubbard said earlier this year Council began a tradition of leadership recognition for managers within the County's organization that is intended to honor the very best qualities that you want emulated within the County's ranks. She said because the County has a number of exceptionally strong leaders, whom she is very proud of, who quietly and consistently carry the County to the next highest level of achievement that this is a humbling and daunting task.

Ms. Hubbard said the hour-glass represents time as opportunity and challenges for all to lead by example. The hour-glass is engraved with the inscriptions of "Lead by Example" and "Time is Opportunity" on each end of the hour glass. She said Brian demonstrated on a daily basis that time was indeed an opportunity by committing all of his efforts to carrying a division to a whole new threshold of excellence in an extraordinary and almost unbelievable time frame. Over the last two and a half years, he has overcome one obstacle after another, earned the faith of his staff, steadily improved the reputation and morale of his division, raised the bar of professionalism, developed partnerships outside our organization that will have a long-term impact, demonstrated commitment to quality in his words, actions and work product, and shown stellar leadership. He has shown steadfast loyalty to the County over the course of almost two decades in a variety of leadership positions. He has a gentle but courageous spirit, the ability to put people at ease during difficult situations and an infectious positive outlook. She said time is indeed precious in which Brian lives because in a world where seconds count the mantle of responsibility for being prepared to save people's lives rest safety on his shoulders.

Appointments - Mr. Derrick opened the meeting for Board and Commission appointments; no nominations were made.

Bids/Purchases/RFPs - A motion was made by Mr. Jeffcoat, seconded by Mr. Cullum that the following Bids/Purchases/RFPs (Tabs N, O, P and Q) be approved.

Carrier Condensing Unit - Sole Source Procurement - Building Services/Library - A requisition was submitted by Building Services for the purchase of one (1) Carrier Condensing Unit to be installed at the Library. This has been deemed a sole source and will be purchased directly from the manufacturer, Carrier. Building Services has recommended the replacement due to the high cost of replacing condenser coils on the existing unit. Building Services has stock parts and their personnel have been trained on Carrier equipment. The total cost of the unit including applicable sales tax is \$6,779.00

Dell Network Servers - Information Services - A requisition was submitted by Information Services for two (2) Dell Network servers. The servers will be purchased directly from the manufacturer (Dell) through South Carolina Contract #05-S6656-A11104. The servers manage DHCP, WINS2, DNS2, and Domain authentication for all Wide Area Network (WAN) users. The purchase of the units is needed to provide fail-over redundancy in case one of the units fails. The total cost including applicable sales tax is \$9,109.98.

Wireless Access Points and Connectors - Information Services - A requisition was submitted by Information Services for Wireless Access Points and connectors. The hardware will be purchased from Data Network Solution through South Carolina State Contract #06-S6983-A11898.

The wireless connectivity within County facilities was first installed in 2003, starting in the Marc H. Westbrook Judicial Center with funds donated by law firms in Lexington and Richland counties. Changes in wireless technology require that seventeen (17) existing wireless access points be replaced prior to 2008. This purchase would eliminate the connectivity problems the County is experiencing with a few brands of wireless cards recently installed in new laptops. The total cost including applicable sales tax is \$13,447.97.

Term Contract - Work Uniforms - Competitive bids were solicited and advertised for a term contract providing work uniforms for the department of Fleet Services, Central Stores, Public Works, Building Services, and Solid Waste Management. The term of the contract shall be for a period of one (1) year. The County has the option to extend the contract on an annual basis and will not exceed two (2) additional one (1) year periods.

Seven (7) bids of which two (2) were no bids and two (2) were deemed non-responsive were received. Staff recommended the award of the contract to Designlab Incorporated as the lowest responsive bidder meeting specifications.

The cost of the contract is based on estimated quantities projected for use by the departments for a period of one (1) year. The estimated annual value of the contract is \$25,470.49 including sales tax. Purchases are made on an as needed basis and will not exceed funds available in each department's uniform account(s).

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

Chairman’s Report - Mr. Derrick reminded everyone there will only be one meeting in July, August, and September which will be the fourth Tuesday of those months.

Mr. Derrick thanked Fire Service for their participation in this past weekend’s activities during the loss of life in Charleston. (On June 18, nine Charleston area firemen lost their lives in the line of duty on a call to a major fire incident which made national news. It was the worst single loss of firefighters' lives in the nation since the Sept. 11, 2001 terrorist attacks.) He reported that the County was well represented in Charleston and was especially proud of Fire Service and all those that participated by covering at least one shift, representation at the memorial service and providing the use of one of the County’s van for one of the families at the memorial service.

Administrator’s Report - Ms. Hubbard introduced Mr. J. R. Fennell the new director of the Lexington County Museum who is replacing Horace Harmon who recently retired. Mr. Fennel has a Bachelor of Arts in history and a Masters of Art in public history from the University of South Carolina. He has been employed with the Palmetto Trust of Historic Preservation, the University of South Carolina’s Department of History, the South Carolina State Historic Preservation Office, and the South Carolina Confederate Relic Room and Museum.

Solid Waste Management Collection - Ms. Hubbard shared the Solid Waste Management schedule for July the Fourth, which also was provided to the news media. The residential solid waste collection in the unincorporated areas of Lexington County will not occur on Independence Day, Wednesday, July 4. This is for the Lexington County residents of the unincorporated areas serviced by Johnson Garbage Service or Southland Sanitation. Schedule will resume on Thursday, July 5. The Lexington County Landfill and the 12 Lexington County Solid Waste Management Collection and Recycling stations will also be closed on July 4.

MY 911- Ms. Hubbard gave an update of the MY 911. She said there has been an aggressive mailing campaign to get applications out for the MY 911 program and 12 new applications have been received and 43 have been updated.

Mr. Davis requested the My 911 application be given to all Council members at the next Council meeting.

Ms. Hubbard indicated that the updated Outdoor Burn Ordinance pamphlet provided to each Council member reflects the changes in the burning ordinance that Council adopted effective July 1, 2007.

Ms. Hubbard reported that she, the Chairman, Vice Chairman, and Finance Director met with the County’s auditor earlier today and discussed the preliminary plans for the audit. The information will be shared with department heads at the next department head meeting.

Ms. Hubbard also indicated that the long awaited electronic agenda distribution is scheduled for the July 24 agenda. She said she has been working with staff on trying to compress the size of the agenda so that there is no awkwardness or delay in opening the agenda packet. Also, staff is in the process of implementing the Microsoft Outlook Exchange Software that will have better e-mail accessibility.

Zoning Amendment - Zoning Map Amendment M07-03 - 1605 Bush River Road and Adjoining Parcel, Columbia - 3rd and Final Reading - Mr. Carrigg made a motion, seconded by Mr. Keisler that Zoning Map Amendment M07-03 receive third and final reading.

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

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

Ordinances - Ordinance 06-10 - Stormwater Management Ordinance (Goals 1,2) - 3rd and Final Reading - The following amendment was made to the first paragraph of Sec. 3-6 - Ownership and Lexington County Participation. The amendment is: Lexington County will accept maintenance responsibilities of road and storm drainage systems in residential areas. The developer must guarantee the performance of the road and storm drainage system for a period of two years to the satisfaction of the Public Works Stormwater Division. Third and final reading postponed to the July 24, 2007 meeting.

Mr. Banning made a motion, seconded by Ms. Summers approving the amendment for Ordinance 06-10.

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

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

Ordinance 07-07 - An Ordinance Authorizing the Execution and Delivery of a Fee in Lieu of Tax and Incentive Agreement Between Lexington County and Otis Spunkmeyer, Inc. - 2nd Reading - Mr. Banning made a motion, seconded by Mr. Davis that Ordinance 07-07 receive 2nd reading.

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

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

Mr. Carrigg

Mr. Cullum

Abstained: Mr. Derrick*

*Mr. Derrick abstained as his company, Derrick Plumbing, Inc., is a subcontractor working on the plant addition.

Committee Reports

Planning & Administration, J. Jeffcoat, Chairman - Renaming of a Portion of Twelve Mile Creek - Mr. Jeffcoat reported that the Committee met during the afternoon to discuss a proposal from the United States Board on Geographic Names submitted by Mr. Erwin Shaw to make official the renaming of a portion of Twelve Mile Creek to the commemorative name Drafts Branch in Lexington County recognizing an historical family. As part of the renaming process, the board is asking Council for its opinion or if it disagrees with the name change. The Committee requested that Mr. Erwin Shaw address the Committee before proceeding any further.

Justice, B. Banning, Chairman - Justice Assistance Grant (JAG) Application (Goal 3) -

Mr. Banning reported that the Justice Committee met during the afternoon and reviewed a request from the Sheriff's Department to apply for the Justice Assistance Grant Program (JAG) in the amount of \$64,127 offered by the United States Department of Justice. No county match is involved. The JAG funds support all components of the criminal justice system, from multijurisdictional drug and gang task forces to crime prevention and domestic violence programs, courts, corrections, treatments, and justice information sharing initiatives. Funding will be distributed as follows: \$49,378 for the Sheriff's department, \$7,695 for Magistrate Court Services, and \$7,054 for Sistercare. The Committee recommended that Council approve staff's submittal for the Justice Assistance Grant (JAG) application.

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

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

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

Methamphetamine Initiative Grant Application (Goal 3) - Mr. Banning reported that the Committee met to review a request from the Sheriff's Department to apply for a \$449,800 Methamphetamine Initiative grant offered through the United States Department of Justice. The grant will be 100 percent federal funded. The grant will assist in providing funds to address the four (4) major obstacles regarding reduction of methamphetamine related crimes. The defined obstacles are: the formation of criminal organizations, the need for enhanced investigative technology, the need for additional investigative time, and the need to increase information

exchange with other government agencies and the community that will further aid in prevention and public awareness of this problem. The Committee recommended that Council allow staff to move forward with the Methamphetamine Initiative grant application.

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

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

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

State Criminal Alien Assistance Program (SCAAP) - Mr. Banning reported that the Committee met to review a request from the Sheriff's Department to apply for the State Criminal Alien Assistance Program (SCAAP). This is a federal reimbursement program offered by the United States Department of Justice to reimburse the County for the housing of alien prisoners for at least four consecutive days in the County Detention Center. The Committee recommended that Council allow staff to proceed with the State Criminal Alien Assistance Program application.

A motion was made by Mr. Banning, seconded by Mr. Kinard to approve staff's request to move forward with the submittal of the grant application.

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

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

Planning & Administration, J. Jeffcoat, Chairman - Impact Fees (Goals 2,3) - Corley Mill Fire Station - Mr. Jeffcoat reported that the Committee met to discuss and consider impact fees for the Corley Mill Fire Station. The Planning Commission recommended adding commercial square footage calculations to the residential dwelling unit formula used to estimate possible fees. The fee calculations were projected using 20 years of estimated growth. The Committee recommended that full Council move forward to create an impact fee to help pay for the Corley Mill Fire station.

Mr. Jeffcoat made a motion, seconded by Mr. Davis to move forward with an impact fee for the Corley Mill Fire station.

Mr. Carrigg asked if this was first reading.

Mr. Davis replied that this is a resolution to go forward, creating an ordinance.

Mr. Carrigg asked for clarification, this is not first reading?

Mr. Davis replied, no.

Mr. Derrick said this would allow feedback from the public before it's in the form of an ordinance, as a consultant will be needed to develop the ordinance.

Mr. Banning replied that he understood the motion is to allow staff to move forward with consulting information, etc., correct?

Mr. Derrick replied, yes, and to obtain public feedback.

Mr. Jeffcoat said the motion was to move forward with the impact fee for Corley Mill Fire station.

Mr. Derrick stated for clarification that the motion is to explore the idea of an impact fee for the Corley Mill Fire Station.

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	

Airport, T. Cullum, Chairman - Airport Improvement Program Grant Application (Goals 1,2,3) - Mr. Cullum reported that the Airport Committee met during the afternoon to review a revised Federal Aviation Administration (FAA) grant application in the amount of \$411,254 to upgrade the airport lighting project to a more efficient LED lighting system. The County's total contribution for the LED lighting system is \$10,282, which is a 2 ½ percent match. The Committee recommended that Council allow staff to move forward with the Airport Improvement Program grant application.

A motion was made by Mr. Cullum, seconded by Mr. Kinard to approve staff's request to move forward with the submittal of the revised grant application.

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

In Favor:	Mr. Derrick	Mr. Cullum
	Mr. Kinard	Mr. Davis

Ms. Summers Mr. Keisler
Mr. Jeffcoat Mr. Carrigg
Mr. Banning

Executive Session/Legal Briefing - Mr. Derrick stated Executive Session will consist of six (6) contractual and two (2) legal matters.

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

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

Mr. Derrick reconvened the meeting in open session and reported Council will have to re-enter Executive Session following the public hearing.

6:00 P.M. - Public Hearing - Justice Assistance Grant (JAG) Program (Goal 3) - Mr. Derrick opened the public hearing.

Mr. Derrick noted that no one had signed up to speak in favor or opposition of the Justice Assistance Grant (JAG) Program.

Mr. Derrick closed the public hearing.

Budget Amendment Resolutions - None.

OLD BUSINESS/NEW BUSINESS - Graves at the Dawson Subdivision Construction Site - Health Taylor, Esq. - Chairman and members of Council, I represent NBT of Columbia who is the developer of this property. Not sure if you are aware there is going to be a multi-unit subdivision with duplexes, planned to be a very nice place. It will be about twenty-two acres. I have been working hard on it for several months. As everyone, I believe, is now aware there was what we contend is, being the statutory scheme in place for matters of this nature, an abandoned cemetery. My client hired counsel to perform a title search on this property and by statute if the cemetery is not mentioned in any deed, at least in the chain of title he has researched, it is deemed abandoned. So that's what we are dealing with, an abandoned cemetery. We have heard rumors of the numbers of bodies that have, I think, the Sheriff's department at one time reported up to a hundred (100). We have gotten some information to date that there are about thirty (30) something names. And, that leads us to where we are now.

We have hired a group known as the Chircora Foundation. They are out of Columbia. They were recommended to us by the County Coroner. They are essentially a group of forensic anthropologists. They have the tools, the knowhow, to go in there and probe the dirt where we believe the cemetery is located, where at least the two bodies we have found are located. They have done so and to date our best guess, our best educated guess at this point I think would be,

the way to say it, we have located three additional bodies. So, we at this point, three additional potential graves, I think, is the best way to say it. They have not been exhumed. So we are cautiously optimistic at this point that we are not dealing with some very large cemetery that we would be asking you folks to approve the relocation of and I wanted to let you folks know, too, we will be appearing before you, hopefully, at the appropriate time. We have to obviously publish thirty (30) days notice before we ask for your approval for relocating the cemetery. But we did want to let you know exactly where we are going. I am sure you have constituents that are concerned about this. So what, as I told you, the preliminary survey of the site located three (3) potential. Our anthropologist, who has a Ph.D, Dr. Frances Trintley, he has qualified his opinion. He is very, how should I say it, a very lawyerly opinion, he didn't want to give any definites. Right now we are pretty confident there are three (3) more sites. There were a number of fragments that, bone fragments, that were on top of the ground that you could see with the naked eye. They have all been marked and at this time taken up. We are not sure exactly how that occurred. It could have occurred during some of the site work and because they were in fragments, the workers didn't know what they were until they actually saw a skull and could make a clear identification. The bones looked like a wood chip on the ground and obviously all the timber was cut, everything was cleared. And if you don't know what you are looking at, I walked around the site for thirty minutes and walked all around them and then the doctor walks up and says, oh you're standing by one. So, you just don't know what you're looking at, but all of those have been marked. We have already had a surveyor out to, I know you can't see this very well (referring to a paper with surveyor's plots), but they have already plotted where they are. They have been marked and recovered.

The short story is, we're trying to do this the right way. The next step that we will do or, hope to do, is have our anthropologist analyze the existing remains that we have found, that were originally located by the contractor, so that we can determine hopefully from those the age, sex and race which would certainly narrow down the field of potential relatives that we may have to deal with. Second, we're going to examine historical documents to see if we can find who the relatives may be after analyzing topo maps, soil surveys and a number of things. It's going to take some research but we are committed to doing that and making this thing happen. Of course, there will be another title search, that will obviously happen, and a more extensive title search. Next we will interview, hopefully, some of these individuals that have already come forward in the media and have claimed to have some ancestors potentially there. We'll want to know their accounts, not in front of the TV cameras and what makes them think that this is their family. And, so we're going to try do our homework. After all that, those are things we hope to take up within a matter of a couple of weeks at the latest. Next we are going to get more sophisticated equipment out there. There are two ways to determine if there are more bodies out there. One is to strip the layer of top soil off that has to be wet down; I'm told there will be a difference in color that you can tell. I'm not up on all that science but that's what the scientist is telling me. The quicker way and the way we are probably going to do this, is basically a radar. I envision it, as an old country boy, sort of like the depth finder on my fishing boat, it shoots down radar that should give us a more definite area of where the graveyard actually was and what we are actually dealing with. Again, we are going to continue to plot this out, everything we find will be placed on our surveys so everybody knows exactly where they are. After that, we will be, in the meantime we'll be publishing the notice that we're required to do by statute. And, hopefully after a certain point, and when we know exactly what we are looking at, we'll be coming before you folks again and asking for approval to relocate. I've been in contact with Mr. Anderson and we're going through the proper procedures that we'll need to take care of. And finally, we

wanted everybody to know this, we're going, hopefully in conjunction with the Coroner, and what we have already done, we would like to resume work on a portion of the project. This is a big project and we have set in, our anthropologist is pretty comfortable that he has a big perimeter. The educated guess has this thing set out, at hopefully, at about an eighth of an acre, not very big. We are proposing to set aside 3.3 acres, just perimeter that off, and continue to work on other areas. But make sure, extra sure that we are not disturbing any other graves with the work. And, that's where we are. Again, as I told you NBT is committed to doing this the right way. He wants to, he believes it's necessary and expedient to move these graves so he can move forward with his project but certainly wants to show the families, if they can be located, and the deceased the respect they deserve. That's where we are, and I'd be happy to answer any questions.

Mr. Davis asked, is it a total of five bodies?

Mr. Taylor replied, it is a total of five right now that we feel comfortable that have been located. Right now we can't say with any degree of scientific certainty any more than five right now. Again, we've heard all the rumors that you have heard but as of yesterday that is all we've, our scientist, was comfortable in saying what he felt.

Mr. Carrigg asked, of the two graves that you have discovered, what was the rough age of those graves?

Mr. Taylor replied, well, we were originally told... You mean the age of the individual inside it or how long it's been there?

Mr. Carrigg replied, how long have they been buried there.

Mr. Taylor responded, we were told initially from, I believe from some buttons or something like that, somewhere, a hundred fifty or two hundred years old. Which historically seemed a little difficult to believe based upon some of the ancestors that were coming forward. Historically, African-Americans are claiming that this was an African-American grave yard. Historically, I don't believe there were a great deal of slaves in this area in 1807, which would have been two hundred years ago. But, certainly we don't know for sure. That's another problem we are running into, the Coroner is, I believe is telling us we need a subpoena to get the remains. We don't have an active case going. The Sheriff's department has not started a criminal investigation because nothing criminal has happened. So, our anthropologist can look at them tomorrow and tell us a lot more than the Coroner's office can, so we are sort of running into a problem there.

Mr. Carrigg asked, why would the Coroner not let you?

Mr. Taylor replied, I don't know.

Mr. Carrigg responded, it did come off the [your guy's] land.

Mr. Taylor replied, yes sir, I don't know for sure, I haven't spoken to him myself. I just learned that this afternoon. I may deal with Mr. Anderson on that and hopefully the quicker we can get those in the hands of our anthropologist the quicker we can have an answer. He can tell us

something in a hurry on those. I wrote down, based on his plan, he can analyze those and have an answer for us in a day. That would answer a lot of questions for us as far as how old, again, race, sex, gender, things that we can narrow down.

Mr. Cullum commented, knowing Mr. Taylor personally I feel comfortable that he is going to do the right thing. He is conscious and I am comfortable with where you are now. And, I appreciate you coming to us today and being very candid with the information that you have given us so we can dispel any other type of rumor. It seems that you do have the facts up to this point. I trust Mr. Taylor, he is a long time Lexington lawyer and resident and he is going to do the right thing for us. Thank you again, Heath.

Mr. Taylor responded, thank you Councilman Cullum. Again as I told you, my client is committed to doing this the right way. If we can locate the families and we will move them to family burial plots. We want to get it done right. That's where we are right now.

Mr. Derrick replied, I, too, want to thank you and the owner of the property for being forthright in letting us know what is going on. You do understand that we will not be meeting until the fourth Tuesday in July. But, if it requires some Council action, and that goes for anything else, we can call a meeting but we hope that is not required. Maybe you could use that time to do the appropriate advertising and we can expedite the process, assuming everything is as you think it is right now.

Mr. Taylor responded, assuming everything works out the way we are hoping it is right now, we would like to be in a position at the next available meeting to come before you and ask for approval.

Mr. Keisler asked, do you need permission tonight to go ahead and start on the other part of the development?

Mr. Taylor responded, Mr. Keisler we would certainly like the Council's blessing. I believe we are going to need the coroner's too, but certainly, any blessing we can get.

Mr. Derrick responded, if it's okay with the rest of Council, to put that in the capable hands of our staff and let them be convinced that's the extent and then they can isolate that particular area and we will not have to be involved if we think that is, in fact, the area of concern.

Mr. Keisler replied, I do not want to hold them up if they can get started and everything is okay with the coroner's office.

Mr. Derrick asked Ms. Hubbard if she could work with the parties involved.

Ms. Hubbard responded, I will be glad to work with Mr. Taylor and the developer to move forward at the appropriate time.

Executive Session/Legal Briefing - Mr. Derrick stated Council needed to go back into Executive Session to continue discussing contractual matters and receiving the legal briefing.

Mr. Jeffcoat made a motion, seconded by Mr. Davis to enter into Executive Session to continue

discussion of contractual and legal matters.

In Favor:	Mr. Derrick	Mr. Jeffcoat
	Mr. Davis	Mr. Kinard
	Ms. Summers	Mr. Keisler
	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 reported no motions were to be considered.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Diana W. Burnett
Clerk

William C. Derrick
Chairman