

**MINUTES**  
**LEXINGTON COUNTY COUNCIL**  
**JUNE 14, 2005**

Lexington County Council held its regular meeting on Tuesday, June 14, 2005 in Council Chambers, beginning at 4:30 p.m. Vice Chairman Cullum presided; Ms. Summers gave the invocation; Mr. Owens led the Pledge of Allegiance.

Members attending: M. Todd Cullum                      William C. Billy Derrick  
George H. Smokey Davis                      Debra B. Summers  
Bobby C. Keisler                                  Johnny W. Jeffcoat  
Joseph W. Owens

Not Present:                      John W. Carrigg, Jr.\*

Mr. Carrigg was not present due to a prior business engagement.

Also attending: Art Brooks, County Administrator; Larry Porth; Finance Director/Assistant County Administrator; Katherine Doucett, Personnel 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 - Michael B. “Mike” McGee Presented by Councilman Johnny Jeffcoat** - Mr. Jeffcoat stated Lexington County Council established the “Grand Ambassador Award” to recognize extraordinary contributions made by an individual or group of individuals to enhance the quality of life for the Lexington community through unwavering commitment, steadfast diplomacy, courageous leadership, and genuine goodwill.

Mr. Jeffcoat presented a framed resolution recognizing Mr. McGee as the first recipient of the Grand Ambassador Award and Councilmen Davis and Owens presented the Grand Ambassador Award to Mr. McGee in recognition of his willingness and ability to reach out beyond the boundaries of the University of South Carolina to bring community leaders together to benefit the midlands and his vision for the \$65 million regional facility known as the Carolina Center that has greatly enhanced the economic development of Lexington County and the midlands.

Mr. McGee thanked Council for this most impressive award and said when the University was looking for support for the construction of the Carolina Center, it was Lexington County Council who stepped forward to make the Colonial Center f/k/a Carolina Center a reality. He said recent

statistics of counties who take advantage of the programming at the Colonial Center, excluding basketball, indicate Lexington County leads with 30.6 percent followed by Richland County of 28.3 percent.

**Election of Officers - Chairman** - Vice Chairman Cullum opened the floor for nominations for Chairman. Mr. Jeffcoat nominated Mr. Cullum, seconded by Mr. Derrick.

Vice Chairman Cullum called for further nominations; no further nominations were made. Vice Chairman Cullum called for the vote:

In Favor:	Mr. Cullum	Mr. Jeffcoat
	Mr. Derrick	Mr. Davis
	Ms. Summers	Mr. Keisler
	Mr. Owens	

**Vice Chairman** - Chairman Cullum opened the floor for nominations for Vice Chairman. Mr. Keisler nominated Mr. Owens, seconded by Mr. Davis.

Chairman Cullum called for further nominations; no further nominations were made. Chairman Cullum called for the vote:

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

Abstaining: Mr. Owens

**Employee Recognition - Art Brooks, County Administrator** - Mr. Brooks recognized Mona Rogers, Real Estate Coordinator, Auditor's Office for receiving her Associate Degree in Business Accounting from Midlands TEC. Mona achieved this on her own time.

**Customer Service Shining Stars** - Mr. Brooks recognized Ralph Vosburg, Assessment and Equalization; Mary Ann Taylor, Auditor's Office; and Anita Beckman, Microfilm as the winners of the quarter for the Customer Service Shining Stars award. The winners will each receive prime parking space donated by County Council.

**Director of Community Development - Mr. Ron Scott** - Mr. Brooks announced the appointment of Mr. Ron Scott as Director of Community Development effective July 18. He said Mr. Scott is currently the Research and Planning Administrator for the South Carolina Employment Security Commission.

**Resolution - NIMS** - A motion was made by Mr. Jeffcoat and seconded by Mr. Derrick that the Resolution be adopted.

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

In Favor:	Mr. Cullum	Mr. Jeffcoat
	Mr. Derrick	Mr. Davis
	Ms. Summers	Mr. Keisler
	Mr. Owens	

**Appointments - Accommodations Tax Board - Ms. Kathy Rabune and Mr. David S. Murray -** Mr. Derrick made a motion, seconded by Mr. Jeffcoat to appoint Ms. Kathy Rabune and Mr. David S. Murray to the Accommodations Tax Board. Ms. Rabune replaces Ms. Angela Ecton and Mr. Murray replaces Ms. Marila Turbyfill.

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

In Favor:	Mr. Cullum	Mr. Derrick
	Mr. Jeffcoat	Mr. Davis
	Ms. Summers	Mr. Keisler
	Mr. Owens	

**Library Board and Planning Commission - Ms. Frances “Susie” Hendrix (Library Board) and Mr. Michael N. Shealy (Planning Commission) -** Mr. Derrick made a motion, seconded by Mr. Keisler to reappoint Ms. Susie Hendrix to the Library Board and reappoint Mr. Michael Shealy to the Planning Commission.

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

In Favor:	Mr. Cullum	Mr. Derrick
	Mr. Keisler	Mr. Davis
	Ms. Summers	Mr. Jeffcoat
	Mr. Owens	

**Children’s Shelter - Mr. James E. Murray -** Mr. Owens made a motion, seconded by Mr. Keisler to reappoint Mr. James Murray to the Children’s Shelter.

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

In Favor:	Mr. Cullum	Mr. Owens
	Mr. Keisler	Mr. Derrick
	Mr. Davis	Ms. Summers
	Mr. Jeffcoat	

**Bids/Purchases/RFPs -** Mr. Keisler made a motion, seconded by Mr. Davis that the following bid/purchase/RFP be approved.

**Type III Barricades - Sheriff's Department** - Bids were advertised and solicited for ninety-two (92) Type III Barricades for the Sheriff's Department. The barricades are being purchased with Homeland Security Grant funds and require no matching funds from the County. The equipment will be used to block off areas from the public during disasters or terrorism events. Nine (9) bids and three (3) no bids were received.

Staff recommended that the bid be awarded to Safety Plus, Incorporated as the lowest responsible bidder. Total amount including shipping and sales tax \$27,461.63.

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

In Favor:      Mr. Cullum                      Mr. Keisler  
                    Mr. Davis                         Mr. Derrick  
                    Ms. Summers                  Mr. Jeffcoat  
                    Mr. Owens

**Delayed Item - Ordinance 05-02 - An Ordinance Adopting a Supplemental Appropriation for Fiscal Year 2004-2005 - 3<sup>rd</sup> and Final Reading** - No action taken.

**Tabled Item - Ordinance 05-05 - Amendment to the Solid Waste Ordinance - 2<sup>nd</sup> Reading** - A motion was made by Mr. Derrick and seconded by Mr. Davis that the motion be brought off the table.

In Favor:      Mr. Cullum                      Mr. Derrick  
                    Mr. Davis                         Ms. Summers  
                    Mr. Keisler                       Mr. Jeffcoat  
                    Mr. Owens

**Ordinance - 05-05 - Amendment to the Solid Waste Ordinance - 2<sup>nd</sup> Reading** - Mr. Derrick stated his committee met and discussed Ordinance 05-05 and recommended that full Council move forward with second reading.

Mr. Derrick made a motion, seconded by Mr. Davis that Ordinance 05-05 be given second reading.

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

In Favor:      Mr. Cullum                      Mr. Derrick  
                    Mr. Davis                         Ms. Summers  
                    Mr. Keisler                       Mr. Jeffcoat  
                    Mr. Owens

**Chairman's Report** - Mr. Cullum expressed his appreciation to Council for electing him Chairman.

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

**Approval of Minutes - Meeting of May 24, 2005** - A motion was made by Mr. Davis, seconded by Ms. Summers to approve the minutes of May 24, 2005 as submitted.

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

In Favor:	Mr. Cullum	Mr. Davis
	Ms. Summers	Mr. Derrick
	Mr. Keisler	Mr. Jeffcoat
	Mr. Owens	

**Zoning Amendment - Zoning Text Amendment T05-03 - Vested Rights - Proposed Changes to Article 12, Administration, of the Lexington County Zoning Ordinance - 3<sup>rd</sup> and Final Reading** - A motion was made by Mr. Davis and seconded by Mr. Derrick that Zoning Text Amendment T05-03 receive third and final reading.

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

In Favor:	Mr. Cullum	Mr. Davis
	Mr. Derrick	Ms. Summers
	Mr. Keisler	Mr. Jeffcoat
	Mr. Owens	

**Ordinances - Ordinance 05-03 - Vested Rights - Proposed Changes to Section 3, Procedures, of the Lexington County Subdivision Regulations - 3<sup>rd</sup> and Final Reading** - A motion was made by Mr. Davis and seconded by Mr. Owens that Ordinance 05-03 receive third and final reading.

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

In Favor:	Mr. Cullum	Mr. Davis
	Mr. Owens	Mr. Derrick
	Ms. Summers	Mr. Keisler
	Mr. Jeffcoat	

**Ordinance 05-04 - FY 2005-06 General and Non-General Fund Budgets - 3<sup>rd</sup> and Final Reading** - A motion was made by Mr. Owens and seconded by Mr. Keisler that Ordinance 05-04 receive third and final reading.

For the record, Mr. Anderson, County attorney, stated Ordinance 05-04 that is included in Council's packet has been modified to reflect the changes that were made at the Special Hearing on Monday, June 13.

Mr. Cullum said revised Ordinance 05-04 reflects changes made for the millage increases for the Indigent Care Fund and Midlands Technical College and the changes in the Clerk of Court's 2005-2006 budget.

Mr. Cullum opened the meeting for discussion.

Mr. Davis asked if the modified Ordinance 05-04 included the Victims' Bill of Rights adjustment.

Mr. Cullum replied, yes. He said it included the Victims' Bill of Rights budget to reflect the change to appropriate six months of funding from the General Fund that affects Magistrate Court Services, Law Enforcement, and the Solicitor's office.

Mr. Jeffcoat asked, what is that program (Victims' Bill of Rights)?

Mr. Cullum replied, it is a program the State created approximately five years ago and funded through fines generated from traffic violations, primarily from the Highway patrol. However, since the implementation of the program, revenues have been steadily decreasing.

Mr. Jeffcoat asked, what services does the Victims' Bill of Rights provide the citizens of the County?

Mr. Davis replied, it is a service for victims. The employees of the Victims' Bill of Rights program meet with the victims to provide counseling and provide procedures of the law and what the victims can expect in a trial.

Mr. Jeffcoat replied that he understood the program was solely through the Solicitor's office, but asked, it's not?

Mr. Davis replied, there are two positions in the Solicitor's office, two from Magistrate Court Services, and five from Law Enforcement for a total of nine.

Mr. Cullum stated during the Justice Committee meeting when the Victims' Bill of Rights appropriation was discussed, the Chairman of that committee, recommended that six months of funding would be appropriated with the stipulation that after six months the program would be reviewed to see if the revenue stream was at least at the level it was the prior year and would be put on notice that the program may not be funded in next year's budget.

Mr. Jeffcoat replied, so it's not a needed program.

Mr. Davis replied, that's debatable but the question is, can the County afford it. He said it is becoming more and more a County financial responsibility as opposed to the State.

Mr. Davis stated it was failed to be mentioned there were changes with the Accommodations Tax appropriations.

Mr. Cullum replied, correct. He said \$7,500 was deleted from the Columbia Regional Sports Council and added to Lake Murray Country Tourism and the \$2,000 for the State Museum was also deleted and added to the Lexington County Museum.

Mr. Derrick called for the question.

In Favor:	Mr. Cullum	Mr. Owens
	Mr. Keisler	Mr. Derrick
	Mr. Davis	Ms. Summers
	Mr. Jeffcoat	

**Lexington County Recreation and Aging Commission - Adoption of Resolution Ordering a Public Hearing Concerning the Issuance of General Obligation Bonds in an Amount Not to Exceed \$17,000,000 and General Obligation Refunding Bonds in an Amount Not to Exceed \$17,000,000 by the Lexington County Recreation District - Frannie Heizer, Attorney - McNair Law Firm, PA -**

**Ordinance 04-06 - Authorizing Lexington County Rural Recreation District to Issue General Obligation Bonds in an Amount Not to Exceed \$17,000,000 and General Obligation Refunding Bonds in an Amount Not to Exceed \$17,000,000 - Frannie Heizer, Attorney - McNair Law Firm, PA - 1<sup>st</sup> Reading by Title -**

A motion was made by Mr. Jeffcoat and seconded by Mr. Keisler that the adoption of the Resolution ordering a public hearing as well as Ordinance 04-06 be tabled until June 28.

Mr. Owens asked if the Lexington County Recreation and Aging Commission was requesting this to be tabled.

Mr. Jeffcoat replied, it was not a request by the Lexington County Recreation and Aging Commission but something he would like to do.

Mr. Cullum asked if everyone understood the motion.

Mr. Derrick replied he understood the motion but wanted to know why items were on the agenda if we (Council) are going to postpone them.

Mr. Jeffcoat replied without getting into a lot of detail, there may be a possibility of Irmo Chapin Recreation Commission working with Lexington County Recreation and Aging Commission.

In Favor:	Mr. Cullum	Mr. Jeffcoat
	Mr. Keisler	Mr. Derrick
	Mr. Davis	Ms. Summers
	Mr. Owens	

**Committee Reports - Planning and Administration, Jr. Owens, Chairman - Urban County Qualification FY 2006-2008 - Community Development** - Mr. Owens reported his committee met during the afternoon and discussed the Urban County Qualification for FY 2006-08. Mr. Owens stated the County is required to inform HUD of the County's interest in re-qualifying as an Urban County eligible to receive an annual allocation of Community Development Block Grant (CDBG) funds.

A motion was made by Mr. Owens, seconded by Mr. Davis that the County take steps to re-qualify as an Urban County eligible to receive an annual allocation of Community Development Block Grant (CDBG) funds.

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

In Favor:	Mr. Cullum	Mr. Owens
	Mr. Davis	Mr. Derrick
	Ms. Summers	Mr. Keisler
	Mr. Jeffcoat	

**Budget Amendment Resolutions** - There were no budget amendment resolutions.

**Old Business/New Business - Ordinance 05-02 - An Ordinance Adopting a Supplemental Appropriation for Fiscal Year 2004-2005 - 3<sup>rd</sup> and Final Reading** - Mr. Derrick asked to revisit Tab K (Ordinance 05-02). Mr. Derrick made a motion, seconded by Mr. Keisler to approve Ordinance 05-02 with the following deletions: (1) delete the \$663,143 for the Swansea Library relocation, (2) delete the \$302,874 for the Gaston Library addition, and (3) delete the \$3,500,000 Department of Social Services facility.

Mr. Cullum asked staff how much of the supplemental appropriation from the General Fund would decrease if the Swansea Library relocation, Gaston Library addition, and purchase and renovations for the Department of Social Services were deleted.

Mr. Porth replied, it cuts it about in half.

Mr. Cullum replied, approximately a \$4,500,000 supplemental appropriation.

Mr. Davis asked if Ordinance 05-02 can be amended on third and final reading.

Mr. Derrick replied, this won't be third and final reading. This would only be an amendment.

Mr. Owens replied, Ordinance 05-02 has been delayed.

Mr. Anderson replied, Council could parcel the items out if desired and vote on them in parts.

Mr. Derrick said his motion is to vote on the parts that were left after the Swansea Library relocation, Gaston Library addition, and purchase of the Department of Social Services facility were deleted.

Mr. Davis stated currently he could not support the current motion. He said because of focusing on the budget process, he feels he is not educated enough to vote in favor of bringing it forward.

Mr. Keisler asked Mr. Derrick if he is wanting to move forward with A & B (Tab K attached).

Mr. Derrick replied, A & B and cut out part of C and all of D.

Mr. Keisler asked, what are you cutting out of C?

Mr. Derrick replied 1 & 2.

Mr. Davis stated he was concerned with the DSS change mainly because the County is currently renting property and feels he can make an economic justification for the purchase of the DSS facility and asked that he be afforded the opportunity to address the purchase at a later date.

Mr. Jeffcoat stated he has been on Council over nine years and a facility for DSS has been an issue for that length of time. He said he agreed with Mr. Davis and suggested obtaining a bond to purchase the facility for DSS and use the money that the County would be paying in rent and apply it toward the bond. Mr. Jeffcoat said the General Fund Balance would be healthier than spending the \$3.5 million for the facility and said the DSS need is "real."

A motion was made by Mr. Davis and seconded by Ms. Summers to table Ordinance 05-02.

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

Opposed:        Mr. Derrick                      Mr. Owens  
                      Mr. Cullum

**Executive Session/Legal Briefing** - A motion was made by Mr. Jeffcoat and seconded by Mr. Derrick that Council go into Executive Session to receive the legal briefing and to discuss contractual matters.

In Favor:        Mr. Cullum                      Mr. Jeffcoat  
                      Mr. Derrick                      Mr. Davis  
                      Ms. Summers                    Mr. Keisler  
                      Mr. Owens

Mr. Cullum reconvened the meeting in open session.

**Matters Requiring a Vote as a Result of Executive Session** - Mr. Cullum said as a result of

Executive Session, there were motions to be considered.

**Transfer Ownership of a Law Enforcement Vehicle to City of West Columbia** - Mr. Owens made a motion, seconded by Mr. Keisler to approve the transfer of ownership of a law enforcement vehicle to the City of West Columbia.

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

In Favor:	Mr. Cullum	Mr. Owens
	Mr. Keisler	Mr. Derrick
	Mr. Davis	Ms. Summers
	Mr. Jeffcoat	

**Donation of a Foam Truck from Veridian Corporation to Public Safety** - Mr. Jeffcoat made a motion, seconded by Mr. Owens to accept the donation of a foam truck from Veridian Corporation to Public Safety.

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

In Favor:	Mr. Cullum	Mr. Jeffcoat
	Mr. Owens	Mr. Derrick
	Mr. Davis	Ms. Summers
	Mr. Keisler	

**Wellness Parkway Railroad Crossing Construction Agreement** - Mr. Jeffcoat made a motion, seconded by Mr. Keisler to approve the construction agreement on the Wellness Parkway Railroad crossing.

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

In Favor:	Mr. Cullum	Mr. Jeffcoat
	Mr. Keisler	Mr. Derrick
	Mr. Davis	Ms. Summers
	Mr. Owens	

There being no further business, the meeting was adjourned.

Respectfully submitted,

Diana W. Burnett  
Clerk

M. Todd Cullum  
Chairman