

MINUTES
LEXINGTON COUNTY COUNCIL
MARCH 8, 2005

Lexington County Council held its regular meeting on Tuesday, March 8, 2005 in Council Chambers, beginning at 4:30 p.m. Chairman Rucker presided. Prior to delivering the invocation, Chairman Rucker gave a brief update of former councilman Butch Spires' condition and asked for a moment of silence. Mr. Owens led the Pledge of Allegiance.

Members attending:	Bruce E. Rucker	William C. Billy Derrick
	George H. Smokey Davis	Debra B. Summers
	Bobby C. Keisler	Johnny W. Jeffcoat
	John W. Carrigg, Jr.	Joseph W. Owens
	M. Todd Cullum	

Also attending: Art Brooks, County Administrator; Tim James, Deputy County Administrator, Larry Porth; Finance Director/Deputy County Administrator; Katherine Doucett, Personnel Director/Deputy County Administrator; John Fechtel, Director of Public Works/Deputy County Administrator; Jeff Anderson, County Attorney; other staff members, citizens of the county and representatives of the media.

In accordance with the Freedom of Information Act, a copy of the agenda was sent to radio and TV stations, newspapers, and posted on the bulletin board located in the lobby of the County Administration Building.

Employee Recognition - Art Brooks, County Administrator - None.

Employee Banquet - Mr. Brooks announced the Employee Banquet is scheduled for Friday, April 8 at 7:00 p.m. at the Columbiana Hotel & Conference Center (formerly the Sheraton).

Presentation of Resolution - Larry Livingston Presented by Chairman Rucker - Chairman Rucker presented a resolution to Mr. Larry Livingston honoring him for his commitment and service on the Health Services District Board of Directors since 1997.

Resolutions - William L. Rawl, Jr. and Matthew Graham Chapman - Mr. Davis made a motion, seconded by Mr. Cullum to approve the resolutions.

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

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

Mr. Jeffcoat
Mr. Owens

Mr. Carrigg

Appointments - Accommodations Tax Board - Mr. William R. Dukes - Chairman Rucker asked Mr. Carrigg to delay making his appointment to the Accommodations Tax Board until after the Executive Session (for the record this was not discussed in Executive Session) in order to speak with him regarding what industries need to be represented on the Accommodations Tax Board.

Bids/Purchases/RFPs - Mr. Cullum made a motion, seconded by Mr. Keisler that the following bids/purchases/RFPs be approved.

Demolition of Solicitor Annex and Installation of Boiler at Courthouse - Building Services - Competitive bids were solicited for the demolition of the Solicitor annex and the installation of a boiler at the old Courthouse for Building Services. Five (5) bids were received for the demolition and two (2) bids were received for the boiler installation.

Prior to demolition, Building Services will remove any salvageable materials and remove/relocate utilities. An environmental study has been conducted and the results indicate abatement will be required before demolition can begin. The demolition will include removal of the existing boiler and disposal of all building materials. As the annex is being demolished, it is necessary to replace the boiler which provides water to the heating system for the old Courthouse. The new boiler will be installed in the mechanical room of the old Courthouse.

It is estimated that the cost for site preparation and paving will not exceed \$25,000. This portion of the project will be performed by Public Works.

Staff recommended to award the contract for demolition to Carolina Wrecking for \$24,500; boiler installation to Cullum Services for \$57,496; and the abatement to Kleen Sites Geoservices for \$14,300. The total project cost is \$96,296 including sales tax.

MSA X-treme SCBA Systems - Sole Source Procurement - Public Safety/Fire Service - Requisitions were submitted for the purchase of Mine Safety Appliance (MSA) X-treme Self-Contained Breathing Apparatus (SCBA) systems. OSHA Regulations 1910.156 Subpart L requires that respiratory protection must be worn while inside buildings or confined spaces where the toxic products of combustion or an oxygen deficiency is in all likelihood present. Therefore, it is necessary to replace non-serviceable units as well as add additional units as the demand increases. Effective 2004 our existing style SCBA will be discontinued. The manufacturer will continue to offer parts for existing units, but new units will be made compatible with the new NFPA standard. The new standard makes the new systems incompatible with the old ones.

The purchase has been deemed a sole source through Newton's Fire & Safety Equipment, Inc. as they are the only authorized dealer for South Carolina.

Cost of the breathing equipment is \$105,591.15 including tax.

Catch Basin Supplies - Public Works - Competitive bids were solicited and advertised for a term contract for catch basin supplies for Public Works. Four (4) bids were received.

Staff recommended to award the contract to Lexington Precast as the lowest bidder meeting specifications. The cost of these supplies is based on estimated quantities projected for use by Public Works for a period of one (1) year. It is estimated that the annual value of the contract is \$35,043.75 including tax. In addition, it is recommended to award this term contract for the initial period of one (1) year with the option to extend the contract for two (2) additional one year periods if deemed to be in the best interest of the County.

Mr. Rucker opened the meeting for discussion.

Mr. Derrick asked (regarding Tab M - Catch Basin Supplies), if Lexington Precast Concrete Products had not submitted a bid, who would have gotten the project and if the County has a procedure in place where two identical bids are submitted.

Ms. Donna Harris, Procurement Officer, replied if it is a tied bid and the bid is submitted by a Lexington County vendor, then it would go to the Lexington County vendor. But, if both vendors are out-of-town, then a coin would be flipped.

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

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

Chairman's Report - Mr. Rucker asked the Chairman of the committees to begin scheduling their respective committee meetings once Council has received the FY 05/06 budget requests.

Lexington County Legislative Delegation - Mr. Rucker stated he asked the Lexington County Legislative Delegation to respond to the 2005 Proposed Bond Issue presented by Mr. Jay Criscione of the Lexington County Recreation and Aging Commission. Mr. Rucker reported out of five members responding, two were in favor with three opposing for additional funding at this time.

6th Annual Deputy of the Year Awards Banquet 2005 - Mr. Rucker announced the 6th Annual Deputy of the Year Awards Banquet 2005 is scheduled for Thursday, March 31 at 7:00 p.m. at the Columbiana Hotel & Conference Center (formerly the Sheraton) and asked those who are interested to please notify him.

Palmetto Pride - 2005 Great American Cleanup - Mr. Rucker announced the 2005 Great

American Cleanup kick off is March 1 with South Carolina designating Saturday, April 16 as the state Great American Cleanup day. Mr. Rucker asked those who would like to participate to please notify him.

Schedule for May 2005 - Chairman Rucker and Council agreed to reschedule the May 10 Council meeting to May 3, 2005.

Administrator's Report - Department of Homeland Security Assistance to Firefighter and Safer Grant - Mr. Brooks advised the Department of Homeland Security Assistance to Firefighter and Safer Grant was announced Monday, March 7 with an application deadline of April 8. He asked that the request be brought out of the March 22 Committee meeting for full Council that afternoon in order to meet the April 8 deadline. The grant is 90 percent Federal funded with a 10 percent County match.

Budget Schedule Update - Mr. Larry Porth, Finance Director, gave a preliminary recap of the FY 05/06 requested budgets and projected estimated revenues and asked Council for direction i.e. (1) does Council want to continue with a revenue plan using two revenue streams, (2) use a CPI index or not, (3) have the budget reduced by staff, or (4) have the departments reduce their budgets to their current year's appropriation.

Mr. Davis stated Council spent approximately 1 mil over revenues last year.

Mr. Porth replied, the budget was approved at \$553,000 over anticipated revenues; not quite a mil.

Mr. Davis asked, the state law does allow Council to increase the budget by the CPI index without additional meetings, correct?

Mr. Porth replied, the current statute does. You can adjust your millage no more than the CPI index without special hearings.

Mr. Derrick stated that he would like to see a budget prepared without a CPI index, but the CPI index would be there for department(s) who have legitimate program needs and said Council would then have the ability to subsidize those programs without using the fund balance or increasing millage.

Mr. Davis asked, when millage is set for Fire Service and Law Enforcement, those two entities do receive additional real dollars because the actual mil brings in more money in a growing county, correct?

Mr. Porth replied, that's correct. The revenue estimates without CPI do include some growth. That's why this year's revenue estimates, even without CPI, are in excess of last year's revenue estimates. Last year's revenue estimates for the total general fund was \$67.3 million and this year they are \$68.9 million; \$1.5 million. The growth is not uniform throughout the County so when we calculate growth we don't just use percentages, but we work with the Assessor's office to look at new property and where it occurs. The growth for Fire Service is in those unincorporated areas of

the County in the Fire Service Districts. When we look at the general fund budget, Law Enforcement and Fire Service are trying to budget within their separate and unique revenue streams.

Mr. Davis stated he concurred with Mr. Derrick's approach to prepare a budget without the CPI index.

Mr. Rucker said it was Council's desire to move forward with estimated revenues and have the CPI index if needed.

Mr. Porth replied, then the current budget needs to be within \$300,000 of last year's budget excluding Fire Service and Law Enforcement and asked who does Council want to make the budget cuts in the appropriations down to that revenue estimate; staff or have the departments prioritize and say what they want to cut, or deliver a budget that is in excess of revenues and Council make the cuts.

Mr. Davis replied that he would like to recommend that the Departments make the cuts as they are best suited to do that.

Mr. Rucker asked, what would be the estimated CPI increase?

Mr. Porth replied, about \$1 million. About \$1.5 million is growth and about \$1 million is the CPI adjustment.

Mr. Davis stated he would still like to see the budget without a CPI increase and see if we can keep the senior citizens who live in Lexington County in Lexington County so they don't have to move.

Mr. Porth said staff would present Council with a budget document as well as scan the information on the internet for the public and asked if any Council member would like to have the requested budget on a CD to please let him know.

Sheriff's Department Budget Letter - Mr. Rucker asked that each member carefully read the letter that was received from the Sheriff's Department.

Approval of Minutes - Meetings of February 8 and February 22, 2005 - A motion was made by Mr. Jeffcoat, seconded by Mr. Keisler to approve the minutes as submitted.

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

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

Zoning Amendments - Zoning Map Amendment - M04-06 - 6172 Bush River Road - 2nd Reading and Zoning Map Amendment M05-01 - 6172 Bush River Road - 2nd Reading - Mr. Jeffcoat made a motion, seconded by Mr. Davis to approve second reading on Zoning Map Amendment M04-06 - 6172 Bush River Road and Zoning Map Amendment M05-01- 6172 Bush River Road (Tabs C & D).

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

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

Zoning Map Amendment M04-09 - 5466 Bush River Road - 2nd Reading - A motion was made by Mr. Carrigg, seconded by Mr. Owens to rezone only TMS# 002798-01-022 (Parcel #1) of Zoning Map Amendment M04-09 from the current zoning classification of Development (D) to General Commercial (C2).

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

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

Ordinance - Ordinance 05-01 - An Ordinance to Amend Section 54-61(c) of the Franchised Collectors Ordinance for Lexington County - First Reading by Title - A motion was made Mr. Derrick, seconded by Mr. Cullum that Ordinance 05-01 receive first reading.

Mr. Rucker opened the meeting for discussion.

Mr. Jeffcoat asked Mr. Mergo, Director of Solid Waste, what is the total number of garbage pickup subscribers in Lexington County and of that, how many reside in the Irmo/Chapin area?

Mr. Mergo replied, as of December 31, 2004 the number of paying customers for Area 1 - Chapin - 1,337; Area 2 - Irmo - 5,138; Area 3 - Lexington - 2,387; Area 4 - West Columbia - 5,502; Area 5 - South Congaree/Pine Ridge - 1,227; Area 6 - Fairview/Batesburg - 328; and Area 7 - Fairview/Batesburg is 236.

Mr. Carrigg asked in Areas 2, 3, 4 there are about 13,000 and in Areas 1,5,6,7 there are less than 3,000, correct?

Mr. Mergo replied, correct.

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

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

Committee Reports - Planning & Administration, J. Owens, Chairman - Gates Foundation Grant Funds - Library Services - Mr. Owens reported the Planning and Administration committee met during the afternoon to discuss the acceptance of funds from the Bill and Melinda Gates Foundation through the South Carolina State Library for computer hardware/software upgrades and technology training for Library Services. The amount of the grant received is \$7,913.04 which require no matching funds.

Mr. Owens made a motion, seconded by Mr. Jeffcoat to accept the \$7,913.04 from the Bill and Melinda Gates Foundation.

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

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

Grand Ambassador Award - Mr. Owens reported as part of the Planning and Administration Committee meeting on Tuesday, February 8, 2005, Councilmen Jeffcoat and Davis asked to discuss the possibility of instituting a Grand Ambassador Award to recognize an individual within the region who has made a significant impact on the quality of life.

The Committee made the following recommendations:

- (1) The Grand Ambassador Award would be presented annually by the Chairman on behalf of Lexington County Council.
- (2) Ask staff to work on an appropriate style award.
- (3) Organize a Nominating Committee that would be comprised of two Council members and two members from staff. Councilmen Jeffcoat and Owens offered to serve on the committee. The Nominating Committee establish proposed guidelines and criteria for the award which would be brought back to the Planning and Administration Committee before submitting to

full Council.

Mr. Owens made a motion, seconded by Mr. Keisler to appoint Mr. Tim James, Deputy County Administrator to serve on the committee and asked him to select an additional staff member to assist him.

Mr. Rucker opened the meeting for discussion.

Mr. Davis asked if the Grand Ambassador Award would be an annual event.

Mr. Owens replied, yes.

Mr. Rucker asked for further discussion on the motion, none occurred.

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

Airport, T. Cullum, Chairman - On-Site Assessment of Facilities - Mr. Cullum reported the Airport Committee met Monday, March 7 at the Lexington County Airport at Pelion for an on-site assessment of the current plan for the airport put in place by Wilbur Smith Associates. The committee reviewed the renovations for the terminal building with Mr. Ray Disher, Building Services Manager and viewed Airport Road (the road from the gate back to Old Charleston Road) that was recommended by the committee to request that SCDOT abandon with the agreement that the County would be responsible for the maintenance.

Mr. Cullum reported that one of the two mobiles homes has been removed and commended staff for the remarkable job they did with improving the landscaping at the airport. He noted that the taxi runway and aprons in and around the facility are in very good shape.

Mr. Owens asked, are we going to fund any improvements to the airport in the budget process?

Mr. Cullum replied, there will be a FY05/06 Airport budget request.

Mr. Jeffcoat stated Council is discussing the possibility of trimming or scrutinizing all new projects during the budget process and asked where the funding for the improvements will come from.

Mr. Rucker replied, some money has already been set aside in the FY04/05 budget for some improvements and several grants are being applied for to extend the runway, fuel farm etc.

Mr. Jeffcoat asked that all Council members be kept abreast of activities taking place at the airport.

Mr. Rucker replied updates will be provided as activities take place.

Mr. Cullum extended an invitation to all members of Council to attend the Airport Committee meetings.

Mr. Carrigg asked if the Airport Committee meetings could be held during the afternoon of the regular scheduled committee meetings to give everyone the opportunity to attend, even though they may not be on the committee.

Mr. Cullum replied that he would gladly adhere to his request.

Old Business - Pending House and Senate Bills - Mr. Rucker updated Council on the following House and Senate bills.

Billboards - H. 3381 - Mr. Rucker suggested Council may want to contact their senator as this bill will take away some of the Home Rule. It has passed the House by a vote of 90 - 24.

Property Tax Valuation Freeze - H. 3264 - Mr. Rucker noted this bill has passed the House Ways & Means subcommittee.

Property Tax Monthly Installments - S.363 & H. 3305 - Mr. Rucker said this is a bill to allow monthly installments of property taxes to the County.

Hogs II, The Sequel - S.304 - Mr. Rucker acknowledged that he is unsure where this bill stands.

Executive Session/Legal Briefing - A motion was made by Mr. Davis, seconded by Mr. Derrick to go into Executive Session to receive the legal briefing and to discuss two contractual matters.

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

Mr. Rucker reconvened the meeting in open session.

Prior to the public hearing, Chairman Rucker read the guidelines for participation.

6:00 P.M. - Public Hearing - Zoning Map Amendment M05-02 - North Lake Drive Between Elton Meetze Lane and Regency Drive - Mr. Bruce Hiller, Development Administrator, Community and Economic Development, presented the information on M05-02. Mr. Hiller stated the request is to change the zoning classification from High Density Residential (R3) to General Commercial (C2). He stated the reason for the request as per the applicant, Mr. Henry O. Thompson,

with the development in recent years of some of the properties in the area to commercial use, I feel that a change in zoning classification will be appropriate to improve the marketability to my property. Mr. Hiller gave a history of prior zoning requests and reviewed the maps and area by using a Power Point presentation.

Mr. Rucker opened the public hearing.

Mr. Rucker stated no one signed up to speak in opposition but there was one signed up to speak in favor.

Henry O. Thompson - 208 Amenity Road, Chapin, SC 29036 - Mr. Thompson introduced his daughter, Fran Cast.

Fran and I stood here about three or four years ago trying to get this piece of property zoned then for commercial and when it was approved for the Regency area, I was thinking that mine was included. Well, two acres of the four and a quarter acres I have were approved for commercial. But, I realized after it was all over with that the people who were handling it did not have this two and a quarter acres in it as commercial; they have it as high density residential and they don't want it. I had a contract with them to buy it at that time, the entire four and a quarter acres but after it was rezoned, they didn't want my two and a quarter acres. So here I am back to day one trying to get it zoned for commercial. I feel like I can develop the property; I have a better opportunity to develop it being on the highway like it is with commercial area around me. I feel like it is more suitable; it could be used more favorably for commercial for the County of Lexington and the surrounding people so I am coming before you, my daughter and I, asking you to consider changing this to commercial for us.

Mr. Rucker closed the public hearing.

Matters Requiring a Vote as a Result of Executive Session - Chairman Rucker reported Council received the legal briefing and discussed two contractual matters during the Executive Session and indicated there was one motion to be made.

Department of Social Services - Mr. Davis made a motion, seconded by Mr. Carrigg to reopen negotiations for the Department of Social Services facility with all possibilities being reviewed. Mr. Davis noted the reason for this action is due to the concern of possible continuation of HUD funding from the government.

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

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

Old Business - Accommodations Tax Board - Mr. William R. Dukes - Mr. Carrigg made a motion, seconded by Mr. Jeffcoat to appoint Mr. William R. “Ryan” Dukes to the Accommodations Tax Board.

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

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

Boards and Commissions Vacancies - Mr. Rucker asked that Council continue making appointments to fill vacancies on the different boards and commissions.

Budget Amendment Resolutions - The following BARs were distributed and signed.

An appropriation transfer of \$25,000 for the paving of the parking lot at the old courthouse.

A supplemental appropriation increase of \$7,914 for funds received from the Bill and Melinda Gates Foundation to the Lexington County Library System to upgrade computer hardware/software and provide technology training.

New Business - Planning and Zoning Orientation - Mr. Rucker stated the South Carolina Association of Counties is conducting orientation training for local Planning and Zoning officials and employees through the South Carolina Public Services Network on Thursday, May 12 and Tuesday, August 23. He stated these two sessions of orientation will satisfy the six-hour orientation training that is required of all Planning and Zoning officials by January 1, 2006.

Old Business - Zoning Map Amendment M04-07 - Irmo Drive - Mr. Jeffcoat asked for the status of Zoning Map Amendment M04-07- Irmo Drive.

Mr. Bruce Hiller, Zoning Administrator, replied the Planning Commission voted to make no recommendation at their meeting on February 17 pending to see if any agreement has been made between the developer and homeowners and if so to bring it back to the Planning Commission for a recommendation.

Mr. Jeffcoat asked if the Planning Commission had a timeframe for the meeting.

Mr. Hiller replied that he did not believe the Planning Commission had given them a timeframe.

Mr. Jeffcoat stated he wanted Zoning Map Amendment M04-07 to be on the March 22 agenda.

Mr. Hiller replied that he would advise the secretary of the Planning Commission.

Mr. Davis asked if the developer and the homeowners negotiate an agreement would an additional public hearing be required?

Mr. Hiller replied, no sir. He said any negotiations they make would be a private contractual matter between the two of them.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Diana W. Burnett
Clerk

Bruce E. Rucker
Chairman