

M I N U T E S
LEXINGTON COUNTY COUNCIL
FEBRUARY 24, 2009

Lexington County Council held its regular meeting on Tuesday, February 24, 2009 in Council Chambers, beginning at 4:30 p.m. Ms. Summers presided.

Mr. Davis gave the invocation. Mr. Dillon Gooding, a junior at Pelion High School, let 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.

Lexington and Irmo High School Economic Classes - Ms. Summers recognized students from Lexington and Irmo High Schools attending as part of their economic class assignment.

Recognition of Supporters of Kid's Kamp - The Honorable Mac Toole - Representative Toole recognized the following organizations and individuals with a 10-year anniversary plaque for their support of the Congaree Community Kids Kamp. Those receiving a plaque were: Lexington County Recreation and Aging Commission, Walter P. Rawls & Sons Farm, Palmetto Propane, Lexington County Sheriff's Department, Lexington County Fire Service/South Congaree, Lexington County Council, and Councilman Bobby Keisler.

Presentation to County Council - Ms. Henrietta Baskins with AT&T presented a \$35,000 check, through a Utility Tax Credit Grant, to Lexington County Council for the site preparation work at the Saxe Gotha Industrial Park.

Chairman's Report - Ms. Summers reported she attended the Cayce/West Columbia Mayor's Breakfast on Wednesday, February 11; on February 17 spent the day in Charleston with the Greater Columbia Chamber of Commerce looking at several projects either underway or completed; February 18 she and Mr. Kinard visited Chapin High School where they participated in a Project Citizens' Class; and participated in the 2009 Tree Care Workshop sponsored by Lexington County on Friday, February 20.

Council members' Activity - Mr. Kinard reported he attended the Sharpe Hill Crime Watch meeting and presented the County's strategic plan.

Mr. Derrick reported the South Carolina Association of Counties (SCAC) general meeting is scheduled from 10:00 a.m to 1:00 p.m. on Wednesday, February 25. In addition, he said the County is looking at a \$5.5 million cut to the Aid to Subdivision and reported that SCAC will hold a press conference at the Governor's office to express our dissatisfaction and urged everyone to attend.

Administrator’s Report - Ms. Hubbard reported the Home Builders Association (HBA) shared with her a listing of 14 home builders that constructed homes for the month of January 2009. The top five residential homes builders were: Mungo Homes, Great Southern Homes, Hurricane Construction, NVR Rymarc Construction, and C and C Builders of Columbia.

Ms. Hubbard reported that Bea Shealy, a retired Public Works Department employee passed away Friday, February 20.

Employee Recognition - Katherine Hubbard, County Administrator - None.

Appointments - None.

Bids/Purchases/RFPs - A motion was made by Mr. Davis, seconded by Mr. Banning that the following Bids/Purchases/RFPs (Tabs V-X) be approved.

One (1) Document Management/Workflow System and Pilot Project - Information Services - Staff recommended the purchase for an OnBase Document Management/Workflow System and Pilot Project for Information Services. The OnBase Document software will be purchased from Hyland Software, Inc. and the installation, technical currency and support, integration services for the pilot project and scanner will be provided by KeyMark, LLC. Both the OnBase Document software and services and scanner for the pilot project will be purchased through State Contract Number 07-S7183-A12772. Total cost, including tax, is \$71,958.96

Request for Approval to Utilize Competitive Sealed Proposals - Sheriff’s Department - Sheriff’s Department requested the use of the Request for Proposals (RFP) process to seek competitive proposals from potential qualified bidders for a food service program. The current contract provided by ABL Management, Inc. will expire on June 30, 2009. Due to the scope of the project, it is not practical or advantageous to write a comprehensive set of specifications that may limit our 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.

Waterproofing of the Lexington Courthouse - Building Services - Bids were solicited for exterior waterproofing of the old courthouse. The bid consists of pressure washing the complete building and applying a sealant to the exterior. Sixteen (16) bids were received. Staff recommended the award of the bid to the lowest responsive, responsible bidder - R.W. Ford Company, Inc. Total cost, including tax is \$33,235.

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

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

Approval of Minutes - Meeting of January 27, 2009 - A motion was made by Mr. Jeffcoat, seconded by Mr. Derrick to approve the January 27, 2009 minutes as submitted.

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

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

Mr. Davis	Mr. Keisler
Mr. Carrigg	Mr. Banning
Mr. Cullum	

Committee Reports - Economic Development, B. Banning, Sr., Chairman - Agreement Concerning Distribution of Fee-in-Lieu of Taxes for Owen Electric Steel Company of South Carolina dba CMC Steel South Carolina - Mr. Banning reported the Economic Development Committee met during the afternoon to review and consider approving the agreement between the County of Lexington and the City of Cayce for the distribution of fee-in-lieu of taxes for Owen Electric Steel Company of South Carolina d/b/a CMC Steel South Carolina. The Committee voted in favor to recommend to full Council for approval.

Mr. Banning made a motion, seconded by Mr. Cullum to approve the agreement.

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	

Planning & Administration, S. Davis, Chairman - Zoning Map Amendment M08-13 - Stagecoach Road - 2nd Reading - Mr. Davis reported the Committee met to discuss and consider second reading of Zoning Map Amendment M08-13. The Committee voted in favor to recommend to full Council that the request be denied.

Mr. Davis made a motion, seconded by Mr. Derrick to deny second reading of Zoning Amendment M08-13.

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

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

Zoning Text Amendment T08-12 - (Article 12 - Administration, Chapter 3 - Amendments, Section 123.13) - 2nd Reading - Also, Mr. Davis reported the Committee met to discuss and consider second reading of Zoning Text Amendment T08-12. The Committee voted in favor to recommend to full Council to approve second reading.

Mr. Davis made a motion, seconded by Mr. Derrick to approve second reading of Zoning Text Amendment T08-12.

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

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

Justice, J. Kinard, Chairman - Highway Safety DUI Enforcement Grant Application - Mr. Kinard reported the Justice Committee met to consider staff's request to submit the Highway Safety DUI Enforcement grant application for the third and final year of eligible funding of \$266,139 from the SC Department of Public Safety. The grant requires no County match. The Committee voted in favor to recommend to full Council for approval. It is noted that once funding runs out after September 2010, the Sheriff's Department will be responsible for 100 percent of the cost to operate the program.

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

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

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

Palmetto Pride Enforcement Grant Award - Also, the Committee met to consider the acceptance of the \$2,520 award from the Palmetto Pride Enforcement grant for the Sheriff's Department. The Committee voted in favor to recommend to full Council for approval.

Mr. Kinard made a motion, seconded by Mr. Keisler to approve the acceptance of the grant award.

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

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

Public Works, T. Cullum, Chairman - Intergovernmental Agreement for Assistance with NFIP Program Between Lexington County and the Towns of Chapin, Gilbert, Summit, Pine Ridge, Swansea, and Irmo - Mr. Cullum reported the Public Works Committee met earlier during the day to review the proposed Intergovernmental Agreement that the County will enter into with the Towns of Chapin, Gilbert, Summit, Pine Ridge, Swansea, and Irmo to provide assistance with the National Flood Insurance Program (NFIP). The towns will be required to adopt the Lexington County's Stormwater Ordinance and sign the intergovernmental agreement in order to be in compliance with Federal Floodplain Regulations. The County's involvement includes reviewing all building permits for flood zones on the property, flood determinations, construction inspections for homes in the floodplain, retaining elevation certifications on file, and advice for specific situations. Staff also asked that the County Administrator be authorized to have signature authority for the agreements. The Committee voted in favor to recommend to full Council for approval.

Mr. Cullum made a motion, seconded by Mr. Kinard to approve the Intergovernmental Agreement and authorize the County Administrator to have signature authority for the agreements.

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. Banning

Mr. Carrigg

Swansea Enhancement Grant Application - Mr. Cullum reported that the Committee also discussed the Swansea Enhancement Grant application for the Town of Swansea. Mayor Spires is requesting \$50,000 in "C" Funds to meet the match requirements for the Swansea Entrance Plaza. Currently, the Town of Swansea has a balance of \$28,539 in unused funds from a prior allocation for their Downtown Revitalization Phase III project and is requesting that the funds be transferred to the Swansea Entrance Plaza project leaving an additional \$21,451 for this project. The Committee voted in favor to recommend to full Council for approval.

Mr. Cullum made a motion, seconded by Mr. Banning to approve the \$50,000 request for the Swansea Entrance Plaza.

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

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

Solid Waste, J. Jeffcoat, Chairman - DHEC Used Oil Grant Application - Mr. Jeffcoat reported the Solid Waste Committee met during the afternoon to consider staff's request to submit the Used Oil Grant application. The grant in the amount of \$60,958 requires no County match. The Committee voted in favor to recommend to full Council for approval.

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

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	

DHEC Solid Waste Management Grant Application - In addition, Mr. Jeffcoat reported the Solid Waste Committee reviewed the Solid Waste Management Grant application that will be used to assist in the development and promotion of a Smart Business Recycling Program and the implementation of an E-Waste Recycling program. The grant in the amount of \$20,000 requires no County match. The Committee voted in favor to recommend to full Council for approval.

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

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

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

Mr. Cullum

DHEC Solid Waste Tire Grant Application - Also, the Committee reviewed the Solid Waste Tire Grant application in the amount of \$6,000 to promote tire recycling. The grant requires no County match.

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

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

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

Committee of the Whole - D. Summers, Chairman - County of Lexington Wrecker Regulations (Public and County-Owned Vehicles - Mr. Kinard, on behalf of Ms. Summers reported the Committee of the Whole met to review the County's Wrecker Regulations for both Public and County-Owned Vehicles. The Committee voted in favor to approve staff's recommendation with an effective date of July 1, 2009.

Mr. Kinard made a motion, seconded by Mr. Derrick to approve the County of Lexington Wrecker Regulations for both Public and County-Owned vehicles as recommended by staff with an effective date of July 1, 2009.

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	

Ordinance – Ordinance 09-03 - An Ordinance to Amend the Lexington County Wrecker and Towing Services Ordinance - 3rd and Final Reading - Mr. Banning made a motion, seconded by Mr. Kinard to approve third and final reading of Ordinance 09-03. The ordinance goes into effect July 1, 2009.

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	

Budget Amendment Resolutions - The following BAR was distributed and signed:

09-061 - A supplemental appropriation increase of \$2,520 as a result of funds received from the Palmetto Pride Enforcement grant award.

Executive Session/Legal Briefing - A motion was made by Mr. Jeffcoat and seconded by Mr. Kinard to

go into Executive Session to discuss one personnel matter, six contractual matters, and three legal matters.

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

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 - Zoning Map Amendment M09-01 - 2468 N. Lake Drive, Columbia, SC 29212 - Ms. Summers reviewed the guidelines for the public hearing. She stated that the purpose of the hearing is to obtain comments from proponents and opponents regarding Zoning Map Amendment M09-01. She asked that each speaker provide their name and mailing address and that comments be limited to three (3) minutes. Ms. Summers asked that if there was anyone present who had signed up to speak but chose not to speak, but wanted to concur with what has been said, it was acceptable to indicate concurrence. Also, Ms. Summers said there will be no disruptions including cheering, clapping, head counts, etc.

Mr. Bruce Hiller, Development Administrator, in Community Development, presented the information for Zoning Map Amendment M09-01. He stated that the applicant, Frank Cook, has requested a change in zoning classification from Development (D) to Limited Commercial (LC). The reason for the request, as presented by the applicant, is to build a dental office. In addition, Mr. Hiller, reviewed the maps and area by using a Power Point presentation as well as the type of allowable activities in a Development (D) and Limited Commercial (LC).

Mr. Hiller said the parcel in question was originally zoned under the Seven Oaks/Dutch Fork area in 1971 and 1974. He noted that the existing land use is mostly residential; however, the current classification of the entire is Development (D) except for one block, which is a portion of the parcel directly across North Lake Drive from the subject property, which is R3. He noted that a zoning change was granted in 1976, not long after the original zoning went into effect, because the current property owner at that time, Mr. James M. Weed, had four mobile homes on the property and wanted to add a fifth mobile home. The original request was for a 3-acre tract but the request was reduced to where the mobile home is currently located.

Ms. Summers opened the public hearing for comments from those in favor of Zoning Map Amendment M09-01.

In Favor:

Frank and Judy Cook, 164 Pilgrim Point Drive, Lexington, SC 29072 - We have lived in Lexington all of our life. My son is in dental school and his desire is to come back to Lexington to practice. (Mr. Cook provided a rendering of the proposed office building for the record). We proposed to do just a dental office, or allow him to open an office, so he can practice dentistry here in Lexington County. He has looked over the area and felt that this is the best area to come to because he really wanted to come back to this area. We tried to limit what we will do and if there are any additional restrictions that need to be made on the property to make it consistent with being a dental facility or an administration or office complex, we would be glad to put it in the deed restrictions. Our goal is to find him a location so he can practice dentistry here.

Ms. Summers stated no one else had signed up to speak in favor and closed that portion of the public hearing.

Ms. Summers opened the public hearing for those in opposition of Zoning Map Amendment M09-01.

Opposed:

Myra J. Wright, 104 Westbury Place, Columbia, SC 29212 - I live on the corner of Hwy. 6 and Westbury Place in the Courtyards of Wexford. I can see the property from my front yard, from the dining room. We have lived there for 19 years. I am speaking for my husband and some of my neighbors who are here who have said it was all right for me speak for them. It has been a quiet residential area; we would prefer to keep it that way. Thank you.

Derek Evans, 328 Clearview Drive, Columbia, SC 29212 - Clearview is in the Clearwater Subdivision, which is across Hwy. 6 from the property. I am opposed to the zoning amendment for several reasons. One is that the proposed use is not consistent with the surrounding properties. As you can see, it is all residential or agricultural. The other is that the zoning is inconsistent with the surrounding properties. It's all residential, agricultural or D or R3 as was mentioned before. And then the other reason that I am concerned is the drive location. The DOT regs generally require 250 feet from center line of a road to the center line of the proposed driveway and the way the property lines line up it would prevent the driveways from being a line to Crockett Road, which if you go to 250 feet, it's going to put the drive further down here (pointing to the map) and that may interfere or conflict with the County's buffer requirements because down in this area there is substantial hardwood trees, and I don't know if that would cause a conflict or not. But, if it were moved any closer, you would have traffic coming out of Crockett Road and then a drive there. Then it being a commercial facility, it would attract additional traffic to that property, which is my concern - the conflict with the traffic. There are other options for commercial in that area. Of course, further down Hwy 6, you have Publix's that has available commercial space at Hwy. 6 and Lake Murray Boulevard and then all of Lake Murray Boulevard is commercial, So there are other options in the area that would allow them to serve the same market. Thank you.

Darrell Holifield, 308 Clearwood Court, Columbia, SC 29212 - I live in the Clearwater Subdivision, Shelter Cove. I am actually the President of the Homeowners' Association in Clearwater, which represents 139 houses. The majority of our homeowners, I am speaking on their behalf, are against the light commercial zoning. We feel like the others have said before me, that we don't want any type of commercialism in that neighborhood as we feel it will affect the traffic flow of our neighborhood coming in and out of Clearwater as well as on Crockett Road. Commercial growth we feel is good. And, as he said before me, there are plenty of other opportunities there for them to put their dental office in some of the other areas. There is even an area closer to the dam that's just recently been rezoned and they are going to have some places available there that we feel would work for what they are looking to do for the dental office. Again, we want to keep Clearwater and our area a quiet area, and we want to protect it from commercialism. I'm afraid this will affect our property values if we allow this one piece of light commercial to come in and then it just opens the door for other stuff to come in, possibly across the street on the farm land that is across there. I really appreciate your time tonight. Thank you.

Dave Biddle, 320 Devonshire Lane, Columbia, SC 29212 - I concur.

Edie Biddle, 320 Devonshire Lane, Columbia, SC 29212 - The same.

Ms. Summer stated no one else had signed up to speak in opposition and closed the public hearing.

Ordinance 08-19 - An Ordinance to Amend No. 95-12, as Amended by Subsequent Ordinances Relating to the Joint County Industrial Park of Lexington and Calhoun Counties so as to Enlarge the Park to Add Certain Property Owned by or Leased to Owens Electric Steel Company of South Carolina (DBA CMC Steel South Carolina) or Affiliates - Ms. Summers opened the public hearing for Ordinance 08-19.

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. Davis, seconded by Mr. Kinard to re-enter Executive Session to continue discussing contractual matters.

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

Not Present: Mr. Jeffcoat*

*Mr. Jeffcoat left prior to the public hearings to attend to an emergency.

Matters Requiring a Vote as a Result of Executive Session - Ms. Summers reported Council discussed the contractual matters during the Executive Session and indicated there were three motions to be considered.

Keymark Contract - Mr. Derrick made a motion, seconded by Mr. Cullum to approve the contract with Keymark for certain computer services and equipment.

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

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

Not Present: Mr. Jeffcoat Mr. Davis *

*Mr. Davis left following executive session to attend to a prior commitment.

AT&T Contract - Mr. Derrick made a motion, seconded by Mr. Kinard to approve the contract for 911 services and equipment with AT&T.

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

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

Not Present Mr. Jeffcoat Mr. Davis

Other Post Employment Benefits (OPEB) - Mr. Banning made a motion, seconded by Mr. Derrick to approve staff's recommendation on the Other Post Employment Benefits.

New Requirements

- Complete 25 years of service with the County (the last 5 must be consecutive)
- Must be at least 55 years of age
- Covered under the group medical plan for 25 years
- Dependents must be covered under the plan the last 5 years prior to retirement. Dependent premiums are not eligible for reimbursement.

Grandfather Clause

- Any individual who completed 10 years of service with the County as of October 1, 2008 is eligible to participate in the medical plan once they reach the age of 55, and
- Completed 15 years of service with the County.

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

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

Not Present: Mr. Jeffcoat Mr. Davis

Old/New Business - None.

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

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

Not Present: Mr. Jeffcoat Mr. Davis

There being no further business, the meeting was adjourned.

Respectfully submitted,

Diana W. Burnett
Clerk

Debra B. Summers
Chairman