

M I N U T E S  
LEXINGTON COUNTY COUNCIL  
March 23, 2010

Lexington County Council held its regular meeting on Tuesday, March 23, 2010 in Council Chambers beginning at 4:30 p.m. Chairman Kinard presided.

Raj Wankhede, Associate Chaplain at Lexington Medical Center, gave the invocation. Purple Heart recipient SFC John B. Testruth led the Pledge of Allegiance. SFC Testruth retired with honors after 20 years of service.

Members attending:	James E. Kinard, Jr.	William B. Banning, Sr.
	William C. Derrick	George H. (Smokey) Davis
	Debra B. Summers	Bobby C. Keisler
	Johnny W. Jeffcoat	John W. Carrigg, Jr
	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.

**Judge Brian Jeffcoat: Selected Judge of the Year by the SC Coalition Against Domestic Violence and Sexual Assault - Presentation by Nancy Barton, Executive Director of Sistercare** - Ms. Barton recognized Judge Brian Jeffcoat for being selected Judge of the Year by the SC Coalition Against Domestic Violence and Sexual Assault for his commendable judicial work and presiding over criminal domestic violence cases in the Eleventh Judicial Circuit. Ms. Barton presented Judge Jeffcoat an Award of Excellence plaque.

**Sheriff James R. Metts: Sistercare Recognized Sheriff James R. Metts and the 10-year Anniversary of the Lexington County Dedicated Criminal Domestic Violence Court - Presentation by Nancy Barton, Executive Director of Sistercare** - Ms. Barton recognized Sheriff Metts for his state-of-the-art work in creating the Lexington County Sheriff's Department Specialized Domestic Violence Unit and helping to establish the Lexington County Dedicated Criminal Domestic Violence Court. Ms. Barton presented Sheriff Metts with an engraved mahogany box.

**The Green Business Certificates - Presented by Synithia Williams, Environmental Coordinator and Megan Weidner, Recycling Coordinator** - Ms. Weidner said in order to become a Green Business Member, a business must pledge to implement certain tasks in one of the following areas: Waste Reduction and Recycling, Energy Efficiency, Air Quality and Water Quality to earn the certification and businesses that certify in all four areas are considered Certified Green Business Members.

Ms. Williams and Ms. Weidner recognized the following new members into the County's Green Business

Program and their certification area(s) and presented each with a Green Business certificate: Pascon Recycling, LLC - Waste Reduction and Recycling; Pierce & Catoe Mechanical Contracting, LLC - Certified Member; Community Open Land Trust - Certified Member; SCANA Corporation - Certified Member; MOR Recycling & Carting, Inc. - Certified Member; Akebono Brake - Certified Member; and Carolina Materials Corporation - Certified Member. Ms. Weidner reported this brings a total of 24 Green Business Members in the Lexington County's Green Business Certification Program.

Ms. Williams recognized Justin Lybrand with a Certification of Appreciation for his award winning logo for the new Green Business Certification Program. Students in Ms. Anna Shumpert's class at the Lexington Technology Center at Lexington High School submitted several logo entries to be considered.

**Chairman's Report** - Chairman Kinard reported he attended several citizen's meetings and participated in the 1<sup>st</sup> Annual Gaston Family Fun Festival where over 4,000 people attended the event. Chairman Kinard extended an appreciation to the Sheriff's Department; Chief Hood, EMS Coordinator; Chief Rawl, Fire Service Coordinator; and Randy Gibson, Director of the Lexington County Recreation and Aging Commission, for their support.

**Administrator's Report - Energy Expo Presentation - Community Development - Ron Scott, Director** - Mr. Scott presented a PowerPoint presentation of the Lexington County Energy Expo event that was held Friday, March 5 at Saluda River Shoals.

**9<sup>th</sup> Annual Jeff Chavis Boot Drive** - Ms. Hubbard reported the 9<sup>th</sup> Annual Jeff Chavis Boot Drive for the Jeffrey V. Chavis House in August Georgia will be held on Friday, April 16 and Saturday, April 17. Firefighters from Lexington County, City of Columbia, Camden, Sumter, Winnsboro, and Lexington County EMS will be collecting funds from 5 p.m. to 9 p.m. and Saturday, April 17 from 8 a.m. to 5 p.m. at their local Wal-Mart stores. In addition, there will be a boot drive on June 21 from 10 a.m. to 2 p.m. at major intersections across the county.

**Employee Recognition - Katherine Hubbard, County Administrator - Shining Stars - 2<sup>nd</sup> Quarter of 2010** - Ms. Hubbard recognized Amie Brunson, Auditor's Office and Jennifer Hendrix, Veterans' Affairs Office as the winners of the second quarter for the Customer Service Shining Star Award. Each recipient received an engraved acrylic "Shining Star."

**Resolution - The Saluda River Club** - Mr. Jeffcoat made a motion, seconded by Mr. Davis to approve the resolution.

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

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

**Appointments - River Alliance - Christopher Kueny** - Mr. Cullum made a motion, seconded by Mr. Jeffcoat to appoint Mr. Kueny as the Economic Development Subcommittee appointee for the River Alliance. Mr. Kueny replaces Mr. George M. Rentz.

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

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

**Lexington Medical Center - Elizabeth Shockley** - Mr. Kinard made a motion, seconded by Mr. Banning to reappoint Ms. Shockley.

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

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

**River Alliance - Debra B. Summers** - Mr. Kinard made a motion, seconded by Mr. Cullum to appoint Ms. Summers to represent Lexington County on the River Alliance Board.

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

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

**Approval of Minutes - Meeting of February 23, 2010** - Mr. Banning made a motion, seconded by Ms. Summers to approve the February 23, 2010 minutes as submitted.

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

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

**Ordinance - Ordinance 10-3 - An Ordinance to Authorize Installment Payment of Real Property Taxes Pursuant to South Carolina Code Section 12-45-75 - First Reading** - Mr. Keisler made a motion, seconded by Mr. Jeffcoat to approve first reading.

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

In Favor:        Mr. Keisler                      Mr. Jeffcoat

Mr. Davis	Ms. Summers
Mr. Carrigg	Mr. Banning
Mr. Cullum	

Opposed:      Mr. Kinard                      Mr. Derrick

**Committee Reports - Public Works, B. Derrick, Chairman - Diesel Emissions Reduction Act (DERA) Grant Award** - Mr. Derrick reported the Public Works Committee met during the afternoon to consider acceptance of the revised DERA grant award that was initially awarded in July 2009. The revised grant excludes the off-road equipment. The award in the amount of \$29,961 requires a \$13,289 in-kind match. The in-kind match is for the mechanics labor to install the devices. The Public Works Committee voted unanimously in favor to recommend to full Council for approval.

Mr. Derrick made a motion, seconded by Mr. Davis to approve acceptance of the revised grant award.

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

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

**FY10 SCDOT Enhancement Grant Request** - Mr. Derrick reported the Committee met to discuss an enhancement grant request from the City of Cayce, the City of West Columbia, and the Town of Springdale. Each municipality will be applying for a SCDOT Enhancement grant for the Airport Boulevard Beautification Project in the amount of \$181,250, which requires a 20 percent local match of \$36,250 from each municipality for a total of \$108,750 and are requesting "C" funds to pay their portion. However, if the County were to request the same grant, it would require a 40 percent local match of \$96,667.

The Committee voted in favor to do one of two options. The County will fund a portion of the local match for the City of Cayce, the City of West Columbia, and the Town of Springdale up to \$90,250 or the County will submit its own enhancement grant and provide the \$96,667 local match (the additional \$6,000 will come from another "C" fund contingency account) and the City of Cayce, the City of West Columbia, and the Town of Springdale will have to be responsible for their own individual local match of \$36,250.

Mr. Derrick made a motion, seconded by Mr. Cullum for the County to fund a portion of the local match for the City of Cayce, the City of West Columbia, and the Town of Springdale up to \$90,250 or the County will submit its own enhancement grant and provide the \$96,667 local match (the additional \$6,000 will come from another "C" fund contingency account) and the City of Cayce, the City of West Columbia, and the Town of Springdale will have to be responsible for their own individual local match of \$36,250.

Mr. Kinard opened the meeting for discussion.

Mr. Davis asked if the expense to the County is the same for both grants?

Mr. Derrick replied, no. The expense (match) for the County is approximately \$6,000 more.

Mr. Carrigg stated he would be opposing the motion as there was another project (Hallmark Subdivision sidewalks \$96,667 local match) that he was in favor of that was far less glamorous but more safety related.

Mr. Kinard asked for further discussion; none occurred.

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

Opposed: Mr. Carrigg

**SCDOT Pelion Road Request** - Mr. Derrick reported the Committee also reviewed SCDOT's request for \$90,000 to add an additional 800 feet of pavement for the current Pelion Road project and an additional \$35,000 for a one-inch overlay on a portion of the recently placed triple treatment paving. Currently, there are funds in a contingency account for the project. The Committee voted unanimously in favor to recommend to full Council for approval the \$90,000 for an additional 800 feet of pavement but **not** the additional \$35,000 for the one-inch overlay of triple treatment.

Mr. Derrick made a motion, seconded by Mr. Cullum to approve \$90,000 for the additional 800 feet of pavement but **not** to approve the additional \$35,000 for the additional triple treatment.

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

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

Opposed: Mr. Banning

Mr. Banning stated as a point of clarification that he was opposing the SCDOT Pelion Road request because he does not like seeing the County spending \$90,000 for 800 feet of roadway.

**Airport, T. Cullum Chairman - Visual to Non-Precision Approach Grant Application** - Mr. Cullum reported the Airport Committee met during the afternoon to consider the Visual to Non-Precision Approach Grant application. The grant in the amount of \$12,000 requires a 25 percent County match. The SC Division of Aeronautics (SCDOA) will fund the total project and submit a 25 percent (\$3,000) reimbursement request to the County. The Committee voted unanimously in favor to recommend to full Council for approval.

Mr. Cullum made a motion, seconded by Mr. Davis to approve submittal of the grant application and authorize the \$3,000 match for the upgrade.

Mr. Kinard opened the meeting for discussion.

Mr. Carrigg pointed out that the grant application is a 75/25 percent grant and understood that the 25 percent match (\$3,000) is in this year's current budget.

Mr. Cullum replied, correct. However, majority of the grants for the Pelion County Airport at Pelion is generally 95/5 percent, which the State and County split (2.5 percent each). But, this is a State Aeronautics (SCDOA) grant and not a FAA grant, which requires a 25 percent grant.

Mr. Kinard called for further discussion; none occurred.

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

**Solid Waste, D. Summers, Chairman - DHEC Solid Waste Mattress Recycling Grant Application –**

Ms. Summers reported the Solid Waste Committee met on Tuesday, March 9, 2010, to review the request from the Solid Waste Management Department for the South Carolina Department of Environmental Control (DHEC) Solid Waste Mattress Recycling Grant Application. Following is the Committee Report:

Mr. Dave Eger, Solid Waste Management Director, presented a request to apply for the DHEC Solid Waste Reduction and Recycling Grant for Increased Collection Programs in the amount of \$49,750. There is no County match required. The proposed grant request is for the implementation of a collection and recycling program for waste mattresses and box springs delivered to the Edmund C&D Landfill. The funds will cover costs for services of a contracted mattress recycling company for the first year of the program, a trailer to hold the mattresses and box springs, and site preparation for a new loading dock at the landfill.

The Solid Waste Committee voted unanimously to recommend to full Council to approve staff's request to apply for the DHEC Solid Waste Mattress Recycling Grant.

Ms. Summer made a motion, seconded by Mr. Keisler to approve the submittal of the grant application.

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

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

**DHEC Solid Waste Tire Grant Application -** Also, Ms. Summers reported the Solid Waste Committee met on Tuesday, March 9, 2010, to review the request from the Solid Waste Management Department for the South Carolina Department of Environmental Control (DHEC) Solid Waste Tire Grant Application. Following is the Committee Report:

Mr. Dave Eger, Solid Waste Management Director, presented a request to apply for the DHEC Solid Waste Tire Grant in the amount of \$5,750. There is no County match required. The grant funds will be

used to promote proper disposal and recycling of tires in addition to providing for staff training.

The Solid Waste Committee voted unanimously to recommend to full Council to approve staff's request to apply for the DHEC Solid Waste Tire Grant.

Ms. Summers made a motion, seconded by Mr. Carrigg to approve the submittal of the grant application.

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

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

**DHEC Solid Waste Used Oil Grant Application** - In addition, the Solid Waste Committee met on Tuesday, March 9, 2010, to review the request from the Solid Waste Management Department for the South Carolina Department of Environmental Control (DHEC) Solid Waste Used Oil Grant Application. Following is the Committee Report:

Mr. Dave Eger, Solid Waste Management Director, presented a request to apply for the DHEC Used Oil Grant in the amount of \$70,720. There is no County match required. The proposed grant requested is to maintain and upgrade Collection and Recycling Centers with the following: three oil/gas mixture tanks, one carport to cover the tank for the Edmund facility, six signs for the new tanks, twenty oil filter drum covers with spill pans, twenty 55-gallon drums, ten 120-gallon oil bottle containers, twelve bollards to protect the new tanks, twenty cases of oil bottle bags, and 100 bags of dry absorbent. The funds will also assist with public education materials to promote the program and allow professional training for staff.

The Solid Waste Committee voted unanimously to recommend to full Council to approve staff's request to apply for the DHEC Solid Waste Used Oil Grant.

Ms. Summers made a motion, seconded by Mr. Keisler to approve the submittal of the grant application.

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

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

**Budget Amendment Resolution** - The following Bars were distributed and signed:

10-108 - An appropriation transfer of \$113,085 and a supplemental appropriation increase of \$73,915 to replace a quick response vehicle and an ambulance that has been wrecked. A portion of the cost of the ambulance will be paid by the insurance reserve fund.

10-109 - A supplemental appropriation increase of \$29,961 as the result of funds received from the Diesel

Emissions Reduction Act (DERA) grant award.

**Bids/Purchases/RFPs** - A motion was made by Mr. Derrick, seconded by Mr. Davis to approve the following Bids/Purchases/RFPs (Tabs - Q and R).

**Diesel Retrofit of County Heavy Equipment (Grant Funds) - Public Works/Fleet Services** – Competitive bids were solicited for the diesel oxidation catalysts (DOC) and crankcase ventilators (CCV) to retrofit Public Works and Fleet Services’ heavy equipment (on-road only). Two (2) bids and one (1) non-responsive bid were received. Staff recommended the award of the bid to the lowest responsive bidder, Cummins Atlantic, in the amount of \$29,960.

**Energy Efficiency and Conservation Block Grants (RFQ) - Community Development** - Competitive proposals were solicited to establish a contract with a consulting firm to assist in planning and managing the Energy Efficiency and Conservation Block Grants (EECBG). Two (2) proposals were received and staff recommended the award to the Louis Berger Group. However, due to issues over the Scope of Work to be provided resulted in a termination of that contract. Staff reviewed the proposal submitted by MBAJ Architecture and negotiated a contract based on that proposal. In addition, the County also reached an agreement with Central Midlands Council of Governments (COG) to provide the Performance and Accountability Reporting required by the Energy (DOE).

The term of the contract shall be in accordance with the proposal and shall be completed no later than the term of the EECBG grant requirements. The cost for the Architectural and Engineering services with MBAJ Architecture is \$125,000 and the cost for the Performance and Accountability Reporting from Central Midlands Council of Governments is not to exceed \$30,000. Total estimated cost is \$155,000.

Old Business/New Business - None.

**Executive Session/Legal Briefing** - Executive Session consisting of three legal and two contractual matters were discussed and completed during the afternoon Committee of the Whole meeting.

**Matters Requiring a Vote as a Result of Executive Session** - Mr. Kinard reported Council was able to complete Executive Session during the Committee of the Whole and noted there were no motions to be considered.

**Motion to Adjourn** - Mr. Davis made a motion, seconded by Mr. Banning to adjourn.

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

There being no further business, the meeting was adjourned.

Respectfully submitted,

Diana W. Burnett  
Clerk

James E. Kinard, Jr.  
Chairman

