

M I N U T E S  
LEXINGTON COUNTY COUNCIL  
April 27, 2010

Lexington County Council held its regular meeting on Tuesday, April 27, 2010 in Council Chambers beginning at 4:30 p.m. Chairman Kinard presided.

Rev. James Laurence, pastor at St. David's Lutheran Church and Associate Chaplain at Lexington Medical Center, gave the invocation. Purple Heart recipient Command Sergeant Major Stanley E. Thornburgh, US Army (Retired) led the Pledge of Allegiance.

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.

**Lexington High School Economics and Government Class** - Mr. Kinard recognized students from Lexington High School attending as part of their economics and government class assignment.

**Presentations - Fair Housing Month Presentations Presented by Community Development - Ron Scott, Director** - Mr. Scott said in an effort to promote Fair Housing Month, the Community Development Department sponsored a coloring contest for children whose families received assistance through the Lexington County CDBG and HOME Programs. Children 13 years of age or younger were allowed to submit a picture of what fair housing means to them. Fifty dollar savings bonds were donated by First Reliance, Carolina First, Bank of America, and South Carolina Bank and Trust. The following children were honored with a certificate and a \$50 savings bond: Ariel Shealy, Messiah Robinson, J'Shaun and Jonathan Glover, and Kama Monts.

**Great Weight Challenge Winners and Results Presented by Human Resources - Lori Adler, Director** - Ms. Lori Adler proudly announced the County had 16 teams with 81 participants who lost a total of 519 lbs. Jason Hough and Deborah Rawlinson were the winning male and female respectively. The overall winner was the Lard Assessor's (Assessment and Equalization Department).

**Presentation of Resolution - Saluda River Club Presented by Councilmen Johnny Jeffcoat and Smokey Davis** - Councilmen Jeffcoat and Davis presented a framed resolution to Walter Taylor, Bill Theus, and Andy White, developers of the Saluda River Club, for receiving the highly acclaimed "Best in American Living Award" for Community Design for 2009 by the National Association of Home Builders

*Professional Builder* magazine and the NAHB Design Committee.

**Chairman's Report** - Chairman Kinard reported he represented the County at the 20<sup>th</sup> Sonoco Goffer Used Oil Recycling Awards Program on April 14, attended the Library Services Workshop and the Urban Tree Workshop on April 16 and was a judge at the West Metro Chili Cook Off at Glenforest School.

**Council Members' Activities and/or Comments** - Ms. Summers reported she attended the Lexington County Community Mental Health Coalition Answer and Question forum on April 26.

**Administrator's Report - Presentation of the FY2010-11 Recommended General and Non-General Budgets - Finance - Larry Porth, Director** - Mr. Larry Porth, Director of Finance, gave Council a brief recap of the FY2010-11 recommended General Fund budget. Mr. Porth reported the appropriations in the recommended budget are \$96.2 million and the revenue estimate is \$94.9 million. The appropriations include \$1.3 million of non-reoccurring capital items that will be proposed to come from fund balance and said staff feels that the reoccurring operations would be well within the current revenue stream.

Ms. Hubbard said she is working to have the first budget worksession on Tuesday, May 11.

Mr. Kinard said Council will meet on Tuesday's (May 18, May 25, etc.) until complete.

**Employee Recognition - Katherine Hubbard, County Administrator - Tug-a-Plane** - Ms. Hubbard announced that the Lexington County team placed 4<sup>th</sup> in the Tug-a-Plane.

**Employee of the 1<sup>st</sup> Quarter 2010** - Ms. Hubbard recognized Valeria Gray, Planning & GIS and Melissa Pityk, Library Services as nominees for the Employee of the First Quarter.

Ms. Hubbard presented a plaque to Ms. Pityk as the Employee of the First Quarter and a Certificate of Excellence to Ms. Gray.

**Appointments** - None.

**Bids/Purchases/RFPs** - Mr. Cullum made a motion, seconded by Mr. Keisler to approve the following Bids/Purchases/RFPs (Tabs I, J, K, L, M, N, and O).

**NetMotion Wireless License - Public Safety/Communications** - Staff recommended the purchase of the NetMotion Wireless License for Public Safety/Community from Software House International through State Contract Number 4400000323. Total cost, including tax, is \$44,193.99.

**Replacement Recording Equipment - Public Safety/Communications** - Staff recommended the purchase of the replacement recording equipment for the Batesburg/Leesville Police Department, Cayce Public Safety, and West Columbia Police Department from Replay Systems. This will be purchased as a "no substitution" from Replay Systems as it is the only equipment that can integrate with the County's existing 911 system. Total cost, including tax, is \$57,108.75.

**Structural Gear - Term Contract - Public Safety/Fire Service** - Competitive bids were solicited for a term contract for the purchase of structural gear for Public Safety/Fire Service. Five (5) bids were received. Of those, two (2) were no bids and one (1) bid did not meet specifications. Staff recommended the award of the contract to Safe Industries. The estimated annual value of the contract is \$75,702.50.

The term of the contract shall be for the period of one (1) year with the option to extend the contract for two (2) additional one (1) year periods, if deemed to be in the best interest of the County

**Two (2) Motorgraders - Replacement - Public Works** - Competitive bids were solicited for two (2) motorgraders for Public Works. Three (3) responsive bids were received. Of those, one (1) bid did not meet specifications. Staff recommended the award of the bid to Flint Equipment Company. Total cost, including options with trade-in and tax, is \$425,579.70

**One (1) Pneumatic Rubber Tire Roller - Replacement - Public Works** - Competitive bids were solicited for one (1) pneumatic rubber tire roller for Public Works. Four (4) bids were received. Staff recommended the award of the bid to Flint Equipment Company. Total cost, including options with trade-in and tax, is \$54,441.66.

**One (1) Single Drum Vibratory Roller - Replacement - Public Works** - Competitive bids were solicited for one (1) single drum vibratory roller for Public Works. Five (5) bids were received. Staff recommended the award of the bid to Flint Equipment Company. Total cost, including options with trade-in and tax, is \$60,111.97.

**Weapons Purchase and Disposal of Used and Confiscated Firearms - Sheriff's Department** - Competitive bids were solicited for the purchase of weapons and the disposal of used and confiscated firearms for the Sheriff's Department. The Sheriff's Department is selling seized and confiscated firearms and old service weapons to a firearms dealer in order to acquire new service weapons for their officers. The intent of the process is to purchase new weapons without using appropriated funds in existing accounts, thereby saving money.

Five (5) bids were received. Bids were set up to allow vendors to bid on five (5) separate lots. Lot #1 included the purchase of all items less the trade-in offer. Lots #2, #3, and #4 were for the purchase of guns, ammunition, cleaning supplies, and body armor and Lot #5 was for the sale of used service and confiscated weapons. Staff recommended the award of Lot #2 to Craig's Firearm Supply Company, Lot #3 to Kilo 10, Inc., and Lots #4 and #5 to Dana Safety Supply dba Palmetto Distributors. Total cost, including sales option and tax, for a net positive gain of \$173.58. Lot #1 will not be awarded due to the vendors not responding to the whole lot as instructed in the bid document.

Mr. Kinard opened the meeting for discussion.

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

**Ordinance - Ordinance 10-4 - An Ordinance Adopting an Annual Budget for Fiscal Year 2010 -11 - 1<sup>st</sup> Reading** - Mr. Davis made a motion, seconded by Mr. Derrick to approve first reading.

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

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

**Committee Reports - Planning & Administration, J. Carrigg, Jr., Chairman - Web Site Update Project: Proposed Concept and Approach** - Mr. Carrigg reported the Planning and Administration Committee met on Tuesday, April 13, 2010, to hear Information Services staff recommendations for the Web Site Update Project: Proposed Concept and Approach. The following is the Committee Report:

Mr. Mike Ujcich, Information Services' Chief Information Officer, presented staff recommendations for updating the County's website. He gave a brief overview of the creation, activity, and current usage level of the website since being created 10 years ago. Lexington County's website is visited by an average of 7,500 users daily reflecting a 70 percent increase since 2007, including a 39 percent increase in online tax payments. Mr. Ujcich said the County's website is congested and difficult to navigate with limited technology and needs to be upgraded to accommodate the continued increase in information made available to users. He reported the IS Department researched two options: 1) continue to build and maintain its website in-house or 2) have the State host the County's website. If the County continued to host the website, Information Services would be responsible for the purchase of licensing, staff training, and necessary equipment. However, if the State hosted the website, they would assist in the design, maintain all of the licensing required to host the page, and train County staff. In addition, by moving to SCI they are able to provide more security as well as federal and state mandated compliancy checks. Staff recommends upgrading the County's website with the new functionality offered by the State's South Carolina Interactive (SCI) service to create a site with a fresh new look, features, and functions. The only cost incurred would be labor related to staff training and organizing the project transition. The Committee expressed concerns about losing some of the navigational features to the current site. Mr. Ujcich reassured the Committee that the site would continue to be easy to use and navigate. IS staff will present the upgrades to the Committee to view and approve prior to going public.

The Planning and Administration Committee voted unanimously to recommend to full Council to move forward with staff's recommendations for upgrading the County's website.

Mr. Carrigg made a motion, seconded by Mr. Jeffcoat to move forward with staff's recommendations for upgrading the County's website.

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

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

**Justice, S. Davis, Chairman - Donation of All Terrain Vehicle** - Mr. Davis reported the Justice Committee met during the afternoon to consider acceptance of a Polaris Ranger RZR Side-by Side all-terrain vehicle donated by U.S. Silica Company. The vehicle will be used to patrol areas of the county that are not easily accessible via a standard motor vehicle. The only cost to the Sheriff's Department will be for insurance, fuel, and maintenance. The Committee voted unanimously in favor to recommend to

full Council for approval.

Mr. Davis made a motion, seconded by Mr. Keisler to approve the acceptance of the Polaris Ranger RZR all terrain vehicle.

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

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

**FY10 State Criminal Alien Assistance Program Application** - Also, the Committee reviewed the request by the Sheriff's Department to apply for the State Criminal Alien Assistance Program grant. The grant provides assistance for the housing of alien prisoners for at least four consecutive days in the Lexington County Detention Center. The Committee voted unanimously in favor to recommend to full Council for approval.

Mr. Davis made a motion, seconded by Ms. Summers to move forward with the submittal of the grant application.

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

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

**Violence Against Women Act Grant (VAMA) Application** - In addition, the Justice Committee met on Tuesday, April 13, 2010, to review the request from the Sheriff's Department for the Violence Against Women Act (VAMA) grant application. The following is the Committee Report:

Colonel Allan Paavel presented a request to apply for the Violence Against Women Act (VAMA) grant in the amount of \$157,549. The grant is funded at 100 percent but an in-kind match of 25 percent at \$52,516 is required, which will be a portion of salaries from the Sheriff's Department General Fund. The funds will be used for salary, fringes, operating costs and some equipment to continue funding the fourth consecutive year of the Criminal Domestic Violence (CDV) program.

The Justice Committee voted unanimously to recommend full Council approve staff's request to apply for the grant.

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

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

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

**Public Works, B. Derrick, Chairman - SCDOT Sign Request - Harsey's Bridge** - Mr. Derrick reported the Public Works Committee met on Tuesday, April 13, 2010, to review a sign request from the South Carolina Department of Transportation (SCDOT) for Harsey's Bridge. Following is the Committee Report:

Mr. John Fechtel, Public Works Director, presented a request from SCDOT for \$250 in "C" funds for the fabrication and placement of dedication signs for Harsey's Bridge. Harsey's Bridge is located on SC302 at the Aiken/Lexington County line. Aiken County will contribute \$250 for their half of the project. SCDOT is requesting funds based on SC State Law Article 7, Section 57-3-610.

The Public Works Committee voted unanimously to recommend to full Council to approve SCDOT's request for "C" Funds for the Harsey's Bridge dedication signs.

Prior to moving forward with a motion, Mr. Derrick asked Councilman Jeffcoat to relate the story behind the naming of Harsey's Bridge.

Mr. Jeffcoat said Mr. Tony Harsey's, an employee with the Town of Lexington, great-great grandfather owned a bridge that separated Aiken and Lexington County and would charge people to go from one side to the other. When Sherman came through that area, they told his great-great grandfather to go back in the house as they were going to cross the bridge. However, his great-great grandfather would not go back in the house and Sherman and his men crossed the bridge and ultimately destroyed the bridge and killed his great-great grandfather. Mr. Harsey's remains are at the edge of the bridge. Therefore, Mr. Harsey requested that the bridge be named Harsey's Bridge, which was the original name of the bridge years ago.

Mr. Derrick made a motion, seconded by Mr. Jeffcoat to approve SCDOT's request for "C" Funds for the Harsey's Bridge dedication signs.

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

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

**Sarah Ann Road Partial Legal Closing** - In addition, the Committee reviewed and discussed the request by Mr. James Bruner for the legal closure of a portion of Sarah Ann Road. The requested portion of road to be closed is approximately 1,600' in length. The owner has agreed to pay all legal costs and "gate" each end of the road at his property and provide law enforcement and emergency services with the access code. The Committee voted in favor to approve the partial legal closure of Sarah Ann Road.

Mr. Derrick made a motion, seconded by Mr. Davis to approve the partial legal closure of Sarah Ann

Road.

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

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

Opposed: Mr. Keisler

**Uncontested Legal Road Closures** - Also, the Committee reviewed staff's recommended policy for handling uncontested legal road closures if there were no opposition. The policy is for the Chairman of County Council, all Council members, County Attorney and County Administrator be notified of any uncontested legal road closure. The Public Works will continue to follow the same policy that is currently in place for other legal road closures. The County Administrator will have the authority to sign the necessary legal documents if there is no opposition. The Committee voted unanimously in favor to recommend to Full Council.

Mr. Derrick made a motion, seconded by Mr. Banning to authorize the County Administrator the authority to sign the necessary documents for road closures if there is no opposition and that all Council members be notified of the closure.

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

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

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

10-117 - A supplemental appropriation increase of \$14,907 for the Polaris Ranger RZR Side-by Side all terrain vehicle donated to the Sheriff's Department by U.S. Silica Company.

10-115 - An appropriation transfer of \$150,000 in "C" Funds to use municipal project funds to pave Colonial Drive in South Congaree and Sandy Lane and Spruce Lane in Pine Ridge.

10-116 - A supplemental appropriation increase of \$29,218 for uncommitted funds held by SCDOT that were repaid to the County.

**Old Business/New Business** - None.

**Executive Session/Legal Briefing** - Mr. Kinard reported Council entered into Executive Session during the afternoon Committee of the Whole meeting for two contractual and five legal matters but still had one contractual and four legal matters that needed to be discussed.

Ms. Summers made a motion, seconded by Mr. Davis to go back into Executive Session.

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

**6:00 P.M. - Public Hearing - Ordinance 10-3 - An Ordinance to Authorize Installment Payment of Real Property Taxes Pursuant to South Carolina Code Section 12-45-75** - Prior to opening the public hearing, Mr. Kinard reviewed the guidelines for public hearings. He stated the purpose of the hearing is to obtain comments from proponents and opponents regarding specific subject matter. He asked that each speaker provide their name and mailing address and that comments be limited to three (3) minutes. Mr. Kinard 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, Mr. Kinard said there will be no disruptions including cheering, clapping, head counts, etc.

Mr. Kinard opened the public hearing for Ordinance 10-3.

Mr. Kinard stated no one had signed up in favor or in opposition and closed the public hearing.

**Executive Session/Legal Briefing** - Mr. Kinard reported Council needed to go back in Executive Session to continue discussion on two legal matters.

Mr. Cullum made motion, seconded by Mr. Davis to go back into Executive Session.

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

Not Present:	Ms. Summers	Mr. Carrigg
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**Matters Requiring a Vote as a Result of Executive Session** - Mr. Kinard reported Council completed Executive Session and noted there was one motion to be considered.

**Wrecker Regulation Changes** - Mr. Cullum made a motion, seconded by Mr. Keisler to approve changes to the wrecker regulations for citizen vehicles as presented by staff on Pages 2, 7, 8, 9, 10, 11, 12, 17 and 18 as well as the wrecker regulations for county vehicles as presented by staff on pages 2, 6, 7, 8, 9, 10, 16 and 17. These changes relate to the classification and specification of wreckers for Class A, B, and C towing.

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

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

Not Present: Ms. Summers Mr. Carrigg  
Mr. Banning

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

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

Not Present: Ms. Summers Mr. Carrigg  
Mr. Banning

There being no further business, the meeting was adjourned.

Respectfully submitted,

Diana W. Burnett  
Clerk

James E. Kinard, Jr.  
Chairman