

M I N U T E S
LEXINGTON COUNTY COUNCIL
July 28, 2009

Lexington County Council held its regular meeting on Tuesday, July 28, 2009 in Council Chambers beginning at 4:30 p.m. Chairman Summers, presided.

Prior to the invocation and pledge of allegiance, Mr. Cullum reported that Jay Criscione, Director of the Lexington County Recreation and Aging Commission, has been battling cancer for over a year and is quite ill. He said Mr. Criscione has been a real champion for our County, our children, and the recreation commission. Also, Mr. Cullum reported that Daniel Lucas, son of David "Rock" Lucas, Chairman of the Lexington County Planning Commission, recently underwent surgery for scoliosis and is doing well.

Ms. Summers asked everyone to keep the family of Jacquelin Ginyard of Wagner in their prayers. She reported Ms. Ginyard was a victim of the ammonia leak at a local industry this past week.

Mr. Banning reported Sarah Hendrix, wife of Mark Hendrix, Deputy Building Official with Community Development, passed away Friday, July 17, and asked everyone to keep he and his, son, Ethan, in their prayers.

Reverend David Grimsley, Chaplin with Lexington Medical Center, gave the invocation. Ms. Kayla Galang, 5-year-old granddaughter of Katherine Hubbard, County Administrator, let the Pledge of Allegiance.

Members attending:	Debra B. Summers	James E. Kinard, Jr.
	William C. Derrick	George H. 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.

Chairman's Report - Ms. Summers reported she attended the annual SCDOT "C" Fund Review Audit on July 22 and the ribbon cutting of the new West Columbia welcome sign on July 23. The sign is located at the Gervais Bridge as you enter Lexington County into West Columbia.

Council Members' Activities and/or Comments - Mr. Kinard thanked all the employees from Fire Service, EMS, and Sheriff's Department, and anyone else who responded to the incident at Tanner Industries.

Mr. Jeffcoat reported he had the opportunity to observe the activities that occurred at the incident and was proud of staff in the manner in which they handled the situation.

Ms. Summers recognized Mayor Randy Halfacre, Town of Lexington.

Administrator's Report - Electronic Recycling Re-cap - Ms. Hubbard gave an update on the electronics recycling event that was held at Red Bank Crossing on Saturday, July 17. She reported 16.5 tons of used electronic items were collected. The County will host two additional electronic recycling events; November 7, 2009 and January 16, 2010.

Employee Recognition - Katherine Hubbard, County Administrator - Ms. Hubbard recognized Jeff Hyde for successfully completing the Certified Professional Public Buyer examination, the final process in obtaining his Universal Public Purchasing certificate.

Employee of the Second Quarter 2009 - Ms. Hubbard recognized the following nominees for the Employee of the Second Quarter: Jeanette "Jenny" Main, Library Services; Cari Reinberg, Public Safety/Communications; Mary Burnett-Munn, Public Safety/EMS; and Doris Lytes, Clerk of Court.

Ms. Hubbard presented a plaque to Ms. Main as the Employee of the Second Quarter and Certificates of Excellence were presented to Misses Reinberg, Burnett-Munn, and Lytes.

Appointments - Planning Commission - Michael N. Shealy - Mr. Derrick made a motion, seconded by Mr. Cullum to reappoint Mr. Michael Shealy.

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

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

Assessment Appeals Board - Paige Hicks - Mr. Banning made a motion, seconded by Mr. Carrigg to reappoint Ms. Paige Hicks.

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

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

Planning Commission - Keith Myhand - Ms. Summers made a motion, seconded by Mr. Jeffcoat to reappoint Mr. Myhand.

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

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

Bids/Purchases/RFPs - A motion was made by Mr. Davis, seconded by Mr. Derrick to approve the following Bids/Purchases/RFPs (Tabs 1-10).

Lexington County Community Housing Development Organization (CHDO) - Community

Development - A proposal was solicited and advertised for professional services for the Lexington County Community Housing Development Organization project. Carolina Community Development Corporation (CDC) was the only designated Lexington County CHDO to respond to the invitation for professional services. The cost of the project includes acquisition of the site, site preparation, and construction of two affordable housing units in Lexington County. Staff recommended the award of the project in the amount of \$200,000 to Carolina Community Development Corporation (CDC).

Water and Wastewater System Improvements at Saxe Gotha Industrial Park - Economic

Development - Bids were solicited and advertised for water and wastewater system improvements at the Saxe Gotha Industrial Park. Eighteen (18) responsive bids were received. Staff recommended the award of the bid in the amount of \$953,129 to C.R. Jackson, Inc. It is noted that the City of Cayce will reimburse the County \$46,480 towards the wastewater portion of the contract.

Fleet Vehicle Replacements - Various Departments - Fleet Services - Staff recommended the purchase of eleven (11) fleet vehicle replacements for various departments within the County. Ten (10) replacement vehicles will be purchased from Vic Bailey Ford through State Contracts Numbers 4400000357, 4400000358, 4400000370, 4400000371, and 4400000388 and one (1) additional replacement fleet vehicle from Benson Ford through State Contract Number 4400000381. The total cost, including applicable sales tax, is \$222,000.

Fire Service Administrative Building Addition and Renovations - Public Safety/Fire Service -

Competitive bids were solicited and advertised for the Fire Service Administration Building addition and renovations, which included three alternate options. The project consists of a 1,800 sq. ft. building addition and renovations to an approximately 1,200 sq. ft. existing facility. Seven (7) bids were received. Staff recommended the award of the bid, which includes the base bid plus alternate options 2 and 3, to W.E. Baker and Son Construction Co. in the amount of \$293,246. Alternate 2 is for additional brick veneer on addition and brick knee-wall to the existing and Alternate 3 provides the Owner's preferred hardware package.

One (1) Service Truck Replacement - Public Safety/Fire Service - Staff recommended the purchase of a Ford F-350 service truck replacement for Public Safety/Fire Service from Vic Bailey Ford through State Contract Number 4400000371. Total cost, including tax, is \$55,115.89.

Fleet Vehicle Replacements/Addition - Sheriff's Department - Staff recommended the purchase of twenty-eight (28) fleet vehicle replacements/addition including any emergency equipment/installation and accessories for the Sheriff's Department. The requested fleet vehicles will be purchased from Vic Bailey Ford through the appropriate State Contract. The purchase of any required emergency equipment/installation and accessories will be from the following vendors through the appropriate County Contract, State Contract, sole source, or appropriate low bidder: West Chatham Warning Devices (\$55,197.31), Light-N-Up (\$6,880.50), Palmetto Graphix (sole source - \$1,847), Rhino Lining of the Midlands (sole source - \$3,124.40), Solar Solutions (\$620), and Woods and Water (\$3,789.94). Total cost, including tax, is \$674,315.15.

Lexington County Sheriff's Department Food Service Program - Sheriff's Department -

Competitive proposals were solicited from potential correctional food service providers to establish a contract for providing food service to the inmate population of the Lexington County Sheriff's Department. The term of the contract will be for two (2) years with the option to renew for three (3) additional one (1) year periods. Three (3) proposals were received. Staff recommended awarding the contract to Compass Group North American d/b/a Trinity Services Group, Inc. as meeting all the essential requirements as set forth in the RFP. The projected annual cost submitted by Compass Group North American for the first and second contract year is \$1,041,688.10 and \$1,112,060.10 respectively. The term of the contract will begin October 1, 2009.

Three (3) Network Servers, (20) Toughbooks, (10) Laptops, (30) Personal Computers, and (30) Flat Panel Monitors Replacements/Additions - Sheriff's Office - Staff recommended the purchase of a number of network servers, toughbooks, laptops, personal computers, and flat panel monitors for the Sheriff's Department from Dell Marketing LP and Howard Computers through State Contract Number 05-S6656. Total cost, including tax, is \$166,077.61.

One (1) Tractor with Bush Hog - Solid Waste Management - Staff recommended the purchase of a Challenger MT455B 4-WD cab tractor with a Schulte S150 Batwing bush hog from Blanchard Machinery through State Contract Number 05-S6476-A10998. Total cost, including tax, is \$67,305.66.

Request for Approval to Utilize the Competitive Sealed Proposal Debris Management and Removal Services - Solid Waste Management - Staff requested authorization to use the Request for Proposals (RFP) to seek competitive proposals from potential qualified bidders for debris management and removal services for Solid Waste Management. Due to the scope of the project, it is not practical or advantageous to write a comprehensive set of specifications that may limit 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.

Ms. Summers opened the meeting for discussion.

Mr. Derrick reported the County is spending more for the Challenger tractor and asked staff to report back to Council, once we have had experience with the tractor, the quality of service from the equipment to be sure the County is getting high quality service for the additional cost.

Ms. Summers called for further discussion; none occurred.

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

Renovations to Red Bank Crossing - Administration - Competitive bids were solicited for the renovations to Red Bank Crossing. Eighteen (18) bids were received. Staff recommended the award of the bid to Mashburn Construction as being the lowest responsive, responsible bidder in the amount of \$4,528,000.

In addition, included in the project is \$37,004.95 to PBT for access control systems and \$137,054.23 to the Division of State Information Technology for technology wiring

Mr. Davis made a motion, seconded by Mr. Kinard to award the contract to Mashburn Construction and the excess of cost over what is currently budgeted to come from contingency funds.

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

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

Approval of Minutes - Meetings of May 26, June 9, and 23, 2009 - Mr. Jeffcoat made a motion, seconded by Mr. Cullum to approve the May 26, June 9, and 23, 2009 minutes as submitted.

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

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

Zoning Amendments - Zoning Map Amendment M09-02 - Irmo Drive - 1st Reading - Mr. Jeffcoat made a motion, seconded by Mr. Cullum to approve first reading.

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

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

Zoning Map Amendment M09-03 - Fox Trot Trail - 1st Reading - Mr. Keisler made a motion, seconded by Mr. Kinard to approve first reading.

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

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

Committee Reports - Economic Development, B. Banning, Sr., Chairman - Project China - Approval of Inducement Resolution , Ordinance 09-07 - Authorizing the Execution and Delivery of a Fee Agreement Between Lexington County and Project China- 1st Reading, and Ordinance 09-08 - Amendment to Amend Ordinance 95-12 and to Approve the Amendment to the Joint County Industrial Park with Calhoun County - 1st Reading - Mr. Banning reported the Economic Development Committee met during the afternoon and reviewed the documents for Project China and voted unanimously to recommend to full Council for approval.

Mr. Banning made a motion, second by Mr. Cullum to approve the Inducement Resolution and first reading of Ordinances 09-07 and 09-08.

Ms. Summers opened the meeting for discussion.

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

Justice, J. Kinard, Chairman - Approval of Lease Agreement for Public Defender - Mr. Kinard reported his Committee reviewed the lease agreement for the Public Defender's office and voted unanimously to recommend to full Council for approval.

Mr. Kinard made a motion, seconded by Mr. Davis to approve the lease agreement.

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

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

Multi-Crime Scene Investigative Unit Grant Award - Mr. Kinard reported the Committee met to consider the acceptance of the Multi-Crime Scene Investigative Unit grant award in the amount of \$210,980 for the Sheriff's Department. The award requires no County match. The Committee voted unanimously to recommend to full Council for approval.

Mr. Kinard made a motion, seconded by Mr. Derrick 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. Derrick	Mr. Davis
	Mr. Keisler	Mr. Jeffcoat
	Mr. Carrigg	Mr. Banning
	Mr. Cullum	

School Resource Officers Grant Award - Mr. Kinard also reported the Committee considered the acceptance of the School Resource Officers grant award in the amount of \$248,595 for the Sheriff's Department. The grant requires no County match. This is for the third and final year of funding. After funding expires, the costs will be split 50/50 with the school districts. The Committee voted unanimously to recommend to full Council for approval.

Mr. Kinard made a motion, seconded by Mr. Cullum 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. Cullum	Mr. Davis
	Mr. Derrick	Mr. Keisler
	Mr. Jeffcoat	Mr. Carrigg
	Mr. Banning	

Violent Crime Task Force Grant Award - In addition, Mr. Kinard reported the Committee considered the acceptance of the Violent Crime Task Force grant award in the amount of \$123,680 for the Solicitor's Office. The grant requires no County match

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 - Confined Agricultural Animal Farm Permit and Associated Fees - Mr. Cullum reported the Public Works Committee met to review the proposed Confined Agricultural Animal Farm Permit and Associated Fees. This will be a new permit for agricultural properties that erect structures as part of their land disturbance. The Committee voted unanimously to recommend to full Council for approval.

Mr. Cullum made a motion, seconded by Mr. Davis to approve the Confined Agricultural Animal Farm Permit and Associated Fees.

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

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

No Fee Land Disturbance Permit - In addition, Mr. Cullum reported the Committee reviewed the proposed No Fee Land Disturbance Permit that is specifically designed for non-profit organizations in the County that disturb equal to or less than ¼ acre of property with no additional impervious area. The Committee voted unanimously to recommend to full Council for approval.

Mr. Cullum made a motion, seconded by Mr. Derrick to approve the No Fee Land Disturbance Permit.

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

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

Diesel Emissions Reduction Act (DERA) Grant Award - Also, the Committee reviewed the Diesel Emissions Reduction Act grant award in the amount of \$133,000 that requires an in-kind match of \$31,654. The in-kind match will come from the labor cost for the mechanics to install the DOCs and CCVs devices on the fleet vehicles. The Committee voted unanimously to recommend to full Council for approval.

Mr. Cullum made a motion, seconded by Mr. Derrick to approve the acceptance of the \$133,000 grant award.

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

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

Green is Good for Business Conference Sponsorship Request - The Committee met to consider a request to contribute \$1,500 to help sponsor the Climate Protection Action Campaign's (CPAC) Green is

Good Business Conference that will be held September 1, 2009 at the Columbia Metropolitan Convention Center. Staff recommended that funds come from the air quality supplies account (521215). The Committee voted unanimously to recommend to full Council for approval.

Mr. Cullum made a motion, seconded by Mr. Kinard to approve the \$1,500 contribution request.

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. Carrigg
	Mr. Banning	

Airport, J. Carrigg, Jr., Chairman - Partial Apron Rehabilitation Project Grant Application - Mr. Carrigg reported the Airport Committee reviewed staff's request to submit the Partial Apron Rehabilitation Project grant application for improvements at the Lexington County Airport at Pelion. The grant in the amount of \$367,147 is funded 95% FAA and 5% County. The County will submit an application to the South Carolina Division of Aeronautics (SCDOA) for 2.5% of the County's 5% match. The Committee voted unanimously to recommend to full Council for approval

Mr. Carrigg made a motion, seconded by Mr. Jeffcoat to approve staff's request to move forward simultaneously with the submittal of the grant application to the FAA as well as the application to the SCDOA for the 2.5% reimbursement.

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

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

Zoning Text Amendment #T09-04 - 1st Reading - Mr. Carrigg reported the Committee discussed Zoning Text Amendment T09-04. The zoning text amendment will bring Chapter 3 of Article 4 of the Zoning Ordinance into compliance with the latest master plan and address needed restrictions concerning surrounding property. The Committee voted in favor to recommend to full Council for first reading.

Mr. Carrigg made a motion, seconded by Mr. Kinard to approve first reading.

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

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

Solid Waste, J. Jeffcoat, Chairman - DHEC Solid Waste Tire Grant Award - Mr. Jeffcoat reported the Committee considered the acceptance of the DHEC Solid Waste Tire grant award in the amount of \$1,000. The grant requires no County match. The Committee voted unanimously to recommend to full Council for approval.

Mr. Jeffcoat made a motion, seconded by Mr. Cullum to approve the acceptance of the \$1,000 grant award.

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

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

DHEC Used Oil Grant Award - Also, Mr. Jeffcoat reported the Committee considered the acceptance of the DHEC Used Oil grant award in the amount of \$9,100. The grant requires no County Match. The Committee voted unanimously to recommend to full Council for approval.

Mr. Jeffcoat made a motion, seconded by Mr. Cullum to approve the acceptance of the \$9,100 grant award.

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

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

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

09-086 - A supplemental appropriation increase of \$1,614 from interest earned as a result of electronically depositing checks by the Treasurer's office.

09-087 - A supplemental appropriation decrease of \$379,323 to adjust the revenue to match the amount of the actual funds received for the E-911 system.

09-088 - A supplemental appropriation increase of \$11,697 for narcotics confiscations that was received for the Multi-Narcotics Task Force.

10-021 - A supplemental appropriation increase of \$33,052 to adjust the CDBG-Urban Entitlement Grant budget to match the award amount.

10-022 - A supplemental appropriation increase of \$92,337 to adjust the HOME program budget to match the award amount.

10-024 - A supplemental appropriation decrease of \$6,815 to adjust the School Resource Officers budget to match the award amount.

10-025 - A supplemental appropriation decrease of \$62,270 to adjust the Multi-Crime Scene Investigative Unit budget to match the award amount.

10-026 - A supplemental appropriation decrease of \$5,000 to adjust the DHEC Solid Waste Tire Grant budget to match the award amount.

10-027 - A supplemental appropriation decrease of \$51,858 to adjust the DHEC Used Oil Grant budget to

match the award amount.

10-028 - A supplemental appropriation increase of \$124,201 to adjust the Library State Funds budget to match the amount of State Aid the library will receive this year. During the budget process, funding was calculated at \$1 per capita but was increased to \$1.57467 per capita.

10-029 - A supplemental appropriation decrease of \$7,477 to adjust the Violent Crime Task Force budget to match the award amount.

10-030 - A supplemental appropriate increase of \$17,000 received from Blanchard Machinery to cover the cost for them to increase the pump size and tie into the proposed wastewater improvements at the Saxe Gotha Industrial Park.

10-031 - An appropriation transfer of \$7,000 and a supplemental appropriation increase of \$7,000 for Public Safety/EMS. The County is trading a Type 1 ambulance for a Vanbulance that the Batesburg-Leesville Rescue Squad owns. This is the average cost.

10-023 - A supplemental appropriation increase of \$29,938 to record the sale of land in the Batesburg/Leesville Industrial Park to Fisher Tank.

Executive Session/Legal Briefing - A motion was made by Mr. Jeffcoat, seconded by Mr. Kinard to go back into Executive Session to continue discussions on 3 remaining contractual and 13 legal matters. During the earlier Committee of the Whole, Council discussed two contractual matters.

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

Abstained: Mr. Banning

Not Present: Mr. Carrigg

6:00 P.M. - Public Hearing - Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2009 Local Solicitation - Ms. Summers opened the public hearing for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY2009 Local Solicitation.

Ms. Summers stated no one had signed up in favor or opposition and, therefore, closed the public hearing.

Old Business/New Business - Reconsideration of Smoking Ban (Ordinance 09-06 - An Ordinance to Amend the Lexington County Code of Ordinances, Chapter 14, Building and Building Regulations; by Adding a New Article Therein for the Purpose of Establishing Regulations and Requirements Related to Smoking in the Unincorporated Areas of Lexington County) - Mr. Jeffcoat made a motion, seconded by Mr. Davis to reconsider Ordinance 09-06.

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

Vote to Reconsider

In Favor:	Ms. Summers	Mr. Jeffcoat
	Mr. Davis	Mr. Carrigg
	Mr. Banning	

Opposed:	Mr. Kinard	Mr. Derrick
----------	------------	-------------

Mr. Keisler

Mr. Cullum

Ordinance 09-06 - An Ordinance to Amend the Lexington County Code of Ordinances, Chapter 14, Building and Building Regulations; by Adding a New Article Therein for the Purpose of Establishing Regulations and Requirements Related to Smoking in the Unincorporated Areas of Lexington County - 2nd Reading - Mr. Banning made a motion, seconded by Mr. Jeffcoat to approve second reading.

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

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

Mr. Derrick stated there was not an effective date on the Ordinance and felt if we are going to prohibit individuals from smoking in their place of business, we should afford them an opportunity to build a place with open sides per the ordinance recommendation.

Ordinance 09-06 - An Ordinance to Amend the Lexington County Code of Ordinances, Chapter 14, Building and Building Regulations; by Adding a New Article Therein for the Purpose of Establishing Regulations and Requirements Related to Smoking in the Unincorporated Areas of Lexington County- Mr. Banning made a motion to amend Ordinance 09-06, seconded by Mr. Derrick to make the effective date January 1, 2010.

Ms. Summers opened the meeting for discussion.

Ms. Summers said she had sent out an e-mail sometime back asking if Council had a preference for an effective date, as she felt the same as Mr. Derrick, and received various suggested dates. She said it is a valid concern for businesses and we are business friendly and should do the right thing.

Ms. Summers asked for further discussion; none occurred.

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

Mr. Cullum asked if the County is still going to require a business to install signs.

Mr. Derrick replied that the ordinance is still requiring signs and felt it is an unnecessary expense and asked if we want to require everybody to install a sign on their building even though they can't smoke anywhere in the County?

Ms. Hubbard responded that if we (County) are going to have our Code Enforcement Officers respond to a scene where someone is smoking, there needs to be some sort of display that indicates that it is a smoke-free environment.

Mr. Derrick said the County can put a sign on the interstate that says "Smoke Free County."

Mr. Banning said he agreed with Mr. Derrick and suggested that the County put “A Smoke Free County” on all Lexington County signs.

Ms. Hubbard asked for an opportunity to talk with Chief Kirchner to be sure that the signs are necessary as part of Code Enforcement and will report back her findings at the next Council meeting.

Executive Session/Legal Briefing - A motion was made by Mr. Kinard, seconded by Mr. Davis to go back into Executive Session to continue discussions on one remaining contractual and ten legal matters.

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

Parliamentary Procedure - Voting - Mr. Davis said according to the Parliamentary Procedures any member can change their vote on any motion until the meeting is adjourned.

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

Voting Procedures for all Board and Commissions (Ordinance 09-11) - Mr. Kinard made a motion, seconded by Mr. Derrick to approve first reading by title of an ordinance requiring all Boards and Commissions established and appointed by County Council shall vote on any matter before them for consideration by a show of hands or by a roll call vote and be recorded in their minutes, which would then be submitted to County Council.

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	

Wade Keisler Lease - Mr. Derrick made a motion, seconded by Mr. Kinard to approve the lease between Wade Keisler and Lexington County for a Sheriff’s Department substation.

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

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

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

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

There being no further business, the meeting was adjourned.

Respectfully submitted,

Diana W. Burnett
Clerk

Debra B. Summers
Chairman