

M I N U T E S  
LEXINGTON COUNTY COUNCIL  
APRIL 14, 2009

Lexington County Council held its regular meeting on Tuesday, April 14, 2009 in Council Chambers, beginning at 4:30 p.m. Ms. Summers presided.

Reverend Larry Hayes, a minister at Mt. Hebron United Methodist Church in West Columbia, gave the invocation. Representatives of the Chapin High School Project Citizen's Class led 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	

\* Mr. Carrigg arrived after the meeting was in progress.

Also attending: Katherine Hubbard, County Administrator; Joe Mergo, III, Deputy County Administrator; Larry Porth, Finance Director/Assistant County Administrator; John Fechtel, 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 Government and Economic Classes** - Ms. Summers recognized students from Lexington High School attending as part of their government and economic class assignment.

**Chairman's Report** - Ms. Summers reported she attended the Fire Service Leadership meeting at the Boiling Springs Fire Station on Thursday, April 2 and the Get Motivated Conference at the Colonial Center on April 9. Ms. Summers said goal two of the County's strategic plan was to determine the County's participation in the Regional Transportation Authority and reported that Ms. Lil Mood has started the process on a transit summit. In addition, Ms. Summers reminded everyone of the upcoming Employee Banquet on April 17.

**Council members' Activity** - Mr. Jeffcoat thanked Public Safety/ 911 Communications and the Irmo Fire Department for their quick response to a house fire in his neighborhood. Mr. Jeffcoat said that within six minutes of receiving the call, the Irmo Fire Department was on the scene.

In addition, Mr. Jeffcoat thanked the Sheriff's Department for their quick response to an incident report he had filed regarding dumping in his neighborhood. He said within four/five minutes a deputy had arrived to begin his investigation and by Monday morning, the trash was cleaned up and the deputy had determined the culprit, who was later cited.

Mr. Banning reported he and Ms. Summers attended the Famously Hot National Hydrogen Association reception in West Columbia and noted there were over 800 participants from around the world attending the National Hydrogen Association in Columbia. Also, Mr. Banning reminded everyone of the ribbon-cutting ceremony for the Corley Mill Fire Station on Thursday, April 16.

**Employee Recognition - Katherine Hubbard, County Administrator - 3<sup>rd</sup> Annual Lawn Mower Exchange** - Ms. Hubbard announced that the 3<sup>rd</sup> Annual Lawn Mower Exchange will be Saturday, April 18 at the Colonial Life Arena Parking Lot/USC Campus from 9:00 a.m. to 12:00 p.m.

**Tire Amnesty Day** - Ms. Hubbard announced on Saturday, May 2, the County will host a Tire Amnesty Day from 7:00 a.m to 2:00 p.m. at the following collection and recycling centers: Ball Park Road, Chapin, Edmund, Gwen Bailey, Sandhills and Summit. There will be a maximum of ten tires per household; however, no commercial or tractor tires will be accepted. On Tuesday, April 28, Public Safety/Fire Service will have the County's Storm Trailer on site for tour.

**2009 Great Weight Challenge** - Ms. Hubbard announced during the 2009 Great Weight Challenge, 12 teams with a total of 80 participants lost a total of 668.9 lbs. during a 10-week period. The winning team was the "Six Calorie Killers" from Building Services who lost a total of 120 lbs.; runner up was the "Life Savers" from Public Safety/EMS who lost 93 lbs.

**Certificate of Achievement of Excellence in Financial Reporting - Government Finance Officers Association** - Ms. Hubbard proudly announced the County received the Certificate of Achievement of Excellence in Financial Reporting from the Government Finance Officers Association for its Comprehensive Annual Financial Report (CAFR) for the fiscal year that ended June 30, 2008. The Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting.

**Public Safety/911 Communications - CALEA (Commission on Accreditation for Law Enforcement Agencies) Accreditation Recognition** - Ms. Hubbard recognized Public Safety/911 Communications' staff for receiving the CALEA accreditation and the Sheriff's Department for their re-accreditation. Ms. Hubbard noted that the Town of Lexington Police Department also received their accreditation and was told that CALEA officials said it is rare for three agencies in one jurisdiction to receive accreditation and re-accreditation at the same time.

**Lexington County Treasurer - Jim Eckstrom** - Ms. Hubbard recognized Lexington County Treasurer, Jim Eckstrom. Ms. Hubbard related that she received a call from a resident of Still Hopes Retirement who wanted her to know how nice it was to have someone handle her situation so efficiently and noted Mr. Eckstrom went out of his way to help a "little old lady."

**Employee of the 1<sup>st</sup> Quarter 2009** - Nominees for the 1<sup>st</sup> Quarter were: Robbie Derrick, Zoning Assistant with Community Development; Lt. Bobby Wampler, North Region Commander with Public Safety/EMS; and Capt. Brad Amick with Public Safety/Fire Service.

Ms. Hubbard presented a plaque to Mr. Derrick as the Employee of the 1<sup>st</sup> Quarter and Certificates of Excellence were presented to Lt. Wampler and Capt. Amick.

**Presentation of the FY 2009-2010 Requested Budgets - Finance - Larry Porth, Director** - For the record, Ms. Summers noted there was an error in that the FY 2009-2010 Requested Budgets were being presented rather than the FY 2009-2010 Recommended Budgets as shown on the agenda.

Mr. Porth stated that the Requested Budget for FY2009-2010 for the General Fund is \$101,315,081. The General Fund includes a request from Law Enforcement in the amount of \$36.7 million; Fire Service \$11.5 million; and the County Ordinary \$53 million. The preliminary revenue estimates, as based on assessed values without any indexing for CPI or population, are around \$89.7 million. That shows that the

gap between those base revenue estimates and the requested appropriations would be about \$11.6 million as a starting point.

Included in the requested appropriations are a number of new programs estimated at \$1.8 million. Also, there are other adjustments to the requested budget that we (staff) would normally make during the recommended deliberations. In addition, staff has prepared an annual budget overview, which shows what we (staff) estimate the assessed values to be for various taxing entities – i.e. Fire Service is not levied over the entire geographical area of the County so a mil for Fire Service is worth less than one for County Ordinary or Law Enforcement. Also, shown in the analysis is the statutory allowance for the millage by those various categories and what that could change to if you were to index it for the CPI. The CPI adjustment that would be allowed by statute is 3.84% and the population adjustment for Lexington County is 2.36% for a total of 6.2%. Also, shown in the overview are the various revenue estimates with growth. However, all the revenue estimates reflect the reduction in the local government fund (LGF) that has been put forward at a 42% reduction or a \$5.5 million reduction to local government fund (LGF), which is one of the reasons why the revenue estimates are lower than they would have been otherwise.

As a starting point in the overview, three different scenarios are presented – Request Versions 1, 2, and 3 which shows original requested appropriations (\$101 million) against the base revenue estimate of \$89.7 million. The revenue estimate plus the CPI index would be \$91.9 million and the revenue estimate with the CPI and population indexes would be \$93.2 million. Again, this is the starting point and not the recommended budget but the total request. The biggest gap between revenue estimates and appropriations is going to be in the County Ordinary portion of the General Fund because that is where the local government fund (LGF) pays some \$13 million, if it was fully funded. By statute, that money is there to pay for those state facilities that the County is providing in the budget.

Ms. Hubbard asked Council for guidance in how they would like for her to present the recommended budget as far as the revenue estimate is concerned. It was her understanding that staff was asked to include the CPI in the revenue estimate, but because of the economy, several members had asked to review this action prior to her presenting the recommended budget.

Mr. Davis asked how much millage would increase if we were to include CPI.

Mr. Derrick replied, three to four mils.

Mr. Davis asked how much millage would increase if we were to include CPI and population.

Mr. Derrick replied, five to six mils.

Ms. Hubbard said she was only looking for guidance, but said if Council was not interested in adding the CPI to the revenue estimate, then it would be difficult to trim it back once the recommended budget is presented. However, Ms. Hubbard gave her assurance that if Council allowed using the CPI, that staff will certainly trim everything out of the budget that is possible.

Mr. Cullum asked if it is possible, to give Council an option, to prepare a recommendation with preliminary revenues estimates plus growth from improved property and one with growth from improved property and CPI only. He also asked if we can apply CPI to certain line items and not specifically across the board because the approach of CPI completely across the board is a “one size fits all.” He said this will allow Council the ability to apply CPI in areas that we feel is warranted.

Ms. Hubbard said it is her understanding that any of the indexes, the CPI and/or population are merely the cap, but Council can choose something less if desired. She said she can present a budget that is just based on the base millage and show what items have been cut in order to accomplish that, which will allow Council the ability to make the decision of restoring any items cut by using all or a portion of the CPI for

the population index at that time. Also, we (staff) can show broad categories of items that have been removed from the budget in order to accomplish bringing the budget in at the base. Ms. Hubbard said it is the County Ordinary that is going to take the biggest hit.

Mr. Derrick said he is very frustrated with the State cutting us \$5.5 million, not including the \$1 million that they have already cut us this year that has put us in the hole. He said the Aid to Subdivisions is based on the State budget two years ago, so what we should be receiving now was based on money they received two years ago. He said it really frustrates him from the standpoint of us being caught short this year because of the lack of planning on their (State) part. He said the State budget is only being cut 15% and questions why we have to take a 42% hit on the State Aid to Subdivisions. Mr. Derrick said the State took cover in the fact they said you don't have to fund State agencies the same way you've been funding them in the past. Mr. Derrick asked, what do we do? Do we not fund the Solicitor's office this year to make up the difference? Do we not fund DSS and give them a place to be? Do we not fund Probation, Pardon, and Parole and pay their utility bill? What are we supposed to do?

Mr. Derrick noted there are some agencies that have not requested as much money as the revenue projections are and suggested putting all that money into the General Fund and cut everything in the State agencies that we possibly can without dramatically affecting the citizens of Lexington County. Also, go after Indigent Care, which is a State mandate that they said we can move around. He suggested taking the \$1.2 million for Indigent Care and put into the General Fund, which will make up for some of the shortfalls. Also, he suggested after staff has cut everything possible and if there is still a shortfall, then put on a millage and attach it to the State. He suggested putting it on our tax bill that the State cut our funding and we had to increase your millage by this much because they cut our funding. He said he did not want to include CPI or any population growth this year. He said his constituents are hurting and he did not want to put anymore burden on them that is already on them. But the "sacred cow," in his opinion, is the County's capital replacement because we have that plan in place and if we don't do it, our vehicles and buildings are going to fall apart and we are just postponing the repairs. Also, the other thing is making sure our employees at least get a raise large enough that it makes up the difference for the cost of their health care. Health care costs are going up and he does not want the employees to have to take money out of their pockets to pay their health insurance. He asked that we do those things and keep that as a "sacred cow."

Mr. Kinard said he agreed with Mr. Derrick completely as he feels we are on the right track if we can follow something along that same plan. Like Mr. Derrick, he, too, does not want population or CPI. He said in his district most of his constituents are in the construction industry, which is hurting, and can't even pay for their health care, let alone increases. So if there is a way that we can do it, he is in favor of Mr. Derrick's plan.

To fully understand Mr. Derrick's proposal, Mr. Jeffcoat asked if he is proposing that we look at areas that actually need help and increase millage in those areas to cover their needs once all possible cuts have been made.

Mr. Derrick replied, yes, and put that millage in place to take the place of the State Aid to Subdivisions and next year if we are fully funded, then we will take the millage off the tax bill.

Mr. Jeffcoat asked, that is without any consideration of CPI or population, correct?

Mr. Derrick replied, correct. That was my proposal.

Mr. Jeffcoat asked, so this year we will be exactly where we were last year?

Mr. Derrick replied, no. We have growth in the County that has increased our revenue.

Mr. Davis replied, you are still saying if we have to add millage then we do that, but on that millage, we would specify that we are adding this millage because we did not receive money that we all sent in on our income tax from the state. This would be a new millage, but it would be specific to the amount we had to have.

Mr. Jeffcoat asked, so the State is allowing us (County) to raise millage this year?

Mr. Derrick replied, they allow us to raise millage for growth plus CPI.

Mr. Jeffcoat said he understood that and asked if we could have a millage increase to make up for the cut from the State.

Mr. Derrick replied, as long as it does not exceed the CPI and population growth. But, you can call it whatever you want. He said the reason he wanted it that way specifically is because next year, if we get fully funded on the State Aid to Subdivisions, we can take it off. If we put millage on, we will never get that off.

Mr. Jeffcoat said he does not think there will be any miracles between this year and next year, so next year we will probably face the same situation.

Mr. Derrick replied that is what frustrates him so much about the cut. He said the State is hitting us (County) again, and again, and again with the same cut.

Mr. Jeffcoat said what frustrates Mr. Derrick is the same thing that frustrates him in that there is no leadership in the Statehouse. He said he realizes the State is trying to make things happen, but sometimes we (Council) have to make tough decisions that are not real popular politically and he does not see that happening down there (Statehouse); but does see them (State) shifting the decisions over to the local governments and expect us to make the tough decisions.

Mr. Derrick responded, then they say the local governments can handle it; they have fund balance, and asked what would be wrong with the State having a fund balance.

Mr. Jeffcoat replied, because it is a lack of leadership. Mr. Jeffcoat said if anybody was offended at the State level by what he just said, so be it.

**Resolutions - First Annual Love Chevrolet Columbia Speedway Spring Festival, Lexington County Peach Festival, and the South Carolina Poultry Festival** - Mr. Derrick made a motion, seconded by Mr. Kinard to approve the resolutions.

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	

**Appointments - Health Services District - William A. Kennedy** - A motion was made by Mr. Carrigg, seconded by Mr. Jeffcoat to reappoint Mr. Kennedy.

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	

**Bids/Purchases/RFPs** - A motion was made by Mr. Cullum, seconded by Mr. Keisler to approve the following Bids/Purchases/RFPs (Tabs 5 & 6).

**Miscellaneous Firefighting Supplies and Equipment - Public Safety/Fire Service** - Competitive bids were solicited for miscellaneous firefighting supplies and equipment for Public Safety/Fire Service. Staff recommended making multiple awards to the lowest bidders meeting specifications. Hagemeyer North America item numbers 1, 4 and 16 - \$429.41; Newton's Fire Safety Equipment item numbers 2,5,7,9,15,18,19 and 26 - \$7,864.50; Carolina Fire Services item number 3 - \$101.44; Wally's Fire & Safety Equip item number 6 - \$1,104.24; All Source Enterprises item numbers 10,11,14,17,20,21,22 and 24 - \$22,846.91; High Angle Assoc. item number 12 - \$3,813.48; First Choice Fire and Safety item number 13- \$1,112.80; and Piedmont ESS LLC item number 25- \$4,280. Item numbers 8 and 23 were not awarded. Total cost, including tax, is \$41,552.78.

**Aggregate Materials - Term Contract - Public Works** - Competitive bids were solicited for a term contract to purchase aggregate, rip rap, and various stone sizes from a contract supplier to be picked up by a contracted hauler or County owned vehicles and delivered to various Public Works sites located within the County. The term of the contract is for the initial period of one (1) year with the option to extend the contract for four (4) additional one (1) year periods, if deemed to be in the best interest of the County. One (1) bid was received. Staff recommended the award to Vulcan Materials Co. The estimated annual value of the contract is \$200,143.50, including tax.

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

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

**Approval of Minutes - Meetings of March 10 and 24, 2009** - A motion was made by Mr. Banning, seconded by Mr. Cullum to approve the March 10 and 24, 2009 minutes as submitted.

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	

**Committee Reports - Planning & Administration, S. Davis, Chairman - Homelessness Prevention and Rapid Re-Housing Program (HPRP)** - Mr. Davis reported the Committee received information only from staff on the Rapid Re-Housing Program and asked staff to include the program in the 2008 Action Plan to HUD, which will be presented at the April 28<sup>th</sup> meeting.

**Dress Code Policy** - Mr. Davis reported the Planning & Administration Committee convened on Tuesday, March 24, 2009, to review the proposed Dress Code Policy for Lexington County employees.

The following is the Committee report:

Ms. Lori Adler, Human Resources Director, presented a proposed draft for the Dress Code Policy for Lexington County employees. The proposed policy would be a guideline for managers and employees in projecting a professional image for the County. Ms. Adler reviewed the areas of most concern such as jeans, t-shirts, and casual days. Inappropriate tattoos, radically colored hair styles, and face piercings that are distracting are not considered professional attire and will be addressed by the County Administrator. The policy includes provisions for the Human Resources Director or the County Administrator to grant special exceptions when employees may need to dress according to a special project and the nature of the work being performed.

The Planning & Administration Committee voted in favor to recommend to full Council for approval.

A motion was Mr. Davis, seconded by Mr. Derrick to approve the Dress Code Policy.

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** - Mr. Kinard reported the Justice Committee met to consider the following grant applications for the Coroner's Office and the Sheriff's Department and voted in favor to recommend to Full Council for approval.

**Fleet Vehicle Replacement Grant Application** - The grant application in the amount of \$105,570 requires no County match. The application is for funds to replace three vehicles in the Coroner's fleet.

Mr. Keisler 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. Keisler
	Mr. Banning	Mr. Kinard
	Mr. Derrick	Mr. Davis
	Mr. Jeffcoat	Mr. Carrigg
	Mr. Cullum	

**Forensic Death Investigative Grant Application** - The grant application in the amount of \$121,452 requires no County match. The application is for a forensic death investigator, vehicle, equipment and operating costs for the Coroner's office.

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

Mr. Carrigg  
Mr. Cullum

Mr. Banning

**Courthouse Security Grant Application** - The grant application in the amount of \$632,816 requires no County match. The application is for funds to hire three security officers, 24/7 contracted surveillance of the security cameras, and various security equipment for the courthouse. This is part of the government stimulus funding.

Mr. Keisler 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. Keisler
	Mr. Davis	Mr. Kinard
	Mr. Derrick	Mr. Jeffcoat
	Mr. Carrigg	Mr. Banning
	Mr. Cullum	

**Gang Task Force Grant Application** - The grant application in the amount of \$498,495 requires no County match. The application is for funds to hire four gang officers, four vehicles, equipment, and operating supplies. This is part of the government stimulus funding.

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	

**Multi-Crime Scene Investigative Unit Grant Application** - The grant application in the amount of \$273,250 requires no County match. The application is for the third and final year of funding for two CIS investigators, equipment, and operating costs. This is part of the government stimulus funding.

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

**Records Management System Grant Application** - The grant application in the amount of \$1,695,000 requires no County match. The application is to purchase and implement a new integrated Records/CAD/Jail Management System. This is part of the government stimulus funding.



Mr. Kinard made a motion, seconded by Mr. Derrick to approve staff's request to move forward with the submittal of the grant application. This is part of the government stimulus funding.

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	

**Regional DNA Laboratory Grant Application** - The grant application in the amount of \$721,403 requires no County match. The application is to establish a regional DNA laboratory. This will require the hiring of two additional personnel, equipment, and operating supplies to operate the forensic DNA laboratory. This is part of the government stimulus funding.

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	

**School Resource Officers Grant Application** - The grant application in the amount of \$255,410 requires no County match. The application is for the final year of funding to fund a school resource officer for Carolina Springs, Batesburg-Leesville and Sandhills Middle Schools. Once funding is eliminated, the school resource officers will be shared 50/50 between the school district and the Sheriff's Department. This is part of the government stimulus funding.

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	

**Health & Human Services, J. Jeffcoat, Chairman - Ordinance 08-16 – 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 Retail Food Establishments in the Unincorporated Areas of Lexington County - 2<sup>nd</sup> Reading** - Mr. Jeffcoat reported the Committee delayed discussions on the proposed smoking ban to allow Mr. Carrigg, who was absent due to a scheduled court case, an opportunity to share his ideas regarding the proposed ban. However, Mr. Jeffcoat related that Mr. Carrigg had indicated to him that he does not need to share those ideas.

Mr. Jeffcoat made a motion, seconded by Mr. Banning to approve second reading of Ordinance 08-16 that is presented in the agenda.

Ms. Summers opened the meeting for discussion.

Mr. Derrick stated he thought it is inappropriate that the Committee postponed discussion/action during the Committee meeting because Mr. Carrigg was not going to be in attendance. He said the purpose for postponing, according to the note he received, was because Mr. Carrigg had additional input.

Mr. Carrigg replied, I did.

Mr. Jeffcoat said he would be glad to reconvene the Committee to allow Mr. Carrigg the opportunity to share his ideas and come back out and vote, if that would be appropriate.

Mr. Carrigg replied, we can talk about it here and asked what version (proposed Ordinance 08-16) is in place now.

Ms. Summers replied, the version (proposed Ordinance 08-16) in the agenda speaks to only retail food establishments, restaurants and bars, but excludes private bars and allows smoking on outside patios.

Ms. Summers asked that Mr. Carrigg have the opportunity to make any comments he may have.

Mr. Carrigg responded that he did not want to speak out of turn as he had been in court all day, the reason for his absence in the Committee meeting. He said he mentioned to Mr. Jeffcoat that he felt like we (Council) needed to adopt something close to what the City of Columbia uses, because it seemed like a good workable ordinance. That is what both Richland County and the City of Columbia are using and it has its definitions and excludes eleemosynary private clubs, etc. so you are not affecting V.F.W.'s, etc. He said he does not remember how long ago we started this argument, but that is sort of where he had gotten. Mr. Carrigg said he has received a lot of e-mails, calls, messages, and letters from people who are in favor of us putting a smoking ban in place and has also received a lot of calls and e-mails from people who are opposed to it. He said he personally thinks that we do need an ordinance in place and feels we are not really serving our constituents by continuing to put it off, but by the same token, does not know what version we have here.

Ms. Summers asked Mr. Carrigg if he is suggesting what the City of Columbia has.

Mr. Carrigg replied, long ago we had a version that was drafted that we were voting on, and the votes were in place to pass it before we started all this stuff, and is what he would like to see. Mr. Carrigg said if we need to make changes to the proposed ordinance that he did not want to vote for it on second reading, because we can't change it before third reading, and once we vote second reading, it is sort of "fixed in stone."

Mr. Anderson, County attorney, replied that you would have to have another meeting before the third reading to amend it.

Mr. Carrigg replied, so we could have second reading and then still amend it.

Mr. Anderson replied that it would not be a reading; it would be an amendment. But, you ought to have what you want by the second reading, if at all possible.

Mr. Carrigg made a motion, seconded by Mr. Kinard to table the motion.

Mr. Cullum said it is obvious from discussions that Mr. Carrigg has something that he would like to add,

just like all of us would like to add and have. We, at one time, had a unanimous decision and then it got turned on its head, but tabling is not going to do anything to change it from the perspective of where you said you wanted to go with some changes. Mr. Cullum offered a suggestion that someone make a motion to send proposed Ordinance 08-16 back to Committee; let the Committee continue deliberations and let them make a recommendation to full Council and then bring it back.

Mr. Carrigg withdrew his motion to table.

Ms. Summers stated as Chairman she is pulling Ordinance 08-16 off the agenda.

**Public Works, T. Cullum, Chairman - "C" Fund Five (5) Year Plan and RFQ** - Mr. Cullum reported the Public Works Committee met on Tuesday, March 24, 2009, to review the "C" Fund Five-Year Plan and RFQ. The following is the Committee report:

Mr. John Fechtel, Public Works Director, presented a proposed five-year plan, based on the priority list, for paving roads using "C" Funds. The proposed plan is for FY2009/10 through FY2013/14 using approximately \$2,400,000 of "C" Funds per year for funding. In addition, Mr. Fechtel provided an updated priority list listing all roads in rank order from number 1 through number 307 after deleting the following first ten roads that were approved in FY2003: Pelion Road, Dunn Lane, Backman Drive, Elbert Taylor Road, Jayne Lane, Pleasant Court, Bray Park Road, Payne Lane, Martin Neese Road, and Shannon Street. Mr. Fechtel said since 2003 no roads have been changed (Note: except for the 12 roads that were funded through the Alternate paving plan which had been deleted from the updated priority list) on the list and that the updated list presented will remain intact for five years. The Committee requested a status report and a picture slide presentation of the above ten roads that were approved in 2003.

In the 5-year plan for FY2009/10 through FY2013/14, the following 25 roads are programmed to be paved : 1) Bitternut Court, 2) Windywood Rd., 3) Jim Spence Rd., 4) Fox Branch Rd., 5) D.E. Clark Rd., 6) First Creek Rd., 7) Bub Shumpert Rd., 8) Harvestview Rd., 9) Water Tank Rd., 1&3 from Exist Pave to Harvey Berry Rd., 10) Phaeton Dr., 11) Ruth Vista Rd., 12) A.C. Bouknight Rd., 13) Bub Shumpert Rd. from Harley Quarter to Hwy. 178, 14) Cool Water Court, 15) Harvestview Rd., from Crooked Creek to John Lindler, 16) Alice Dr., #1, 17) Old Charleston Rd, #2 from Pond Branch to Calks Ferry, 18) Holley Tree St., 19) Pine Plain Rd. #5 from Redmond Mill to St. Matthews Rd., 20) Golden Jubilee Rd. from # to Windy Rd., 21)Cherry Lane, 1, 22) Roland Dr., 23) Johns Creek Rd., 24) Foremost Dr., and 25) Backman Ave.

Mr. Fechtel gave a brief outline of each column shown on the proposed list; County estimated cost, Engineering Firm estimated cost, SCDOT estimated cost, Running Estimated Cost, Petitioned Length, and Total Road Length.

After the proposed plan has been approved staff requested to proceed with a Request for Qualifications (RFQ) process to solicit two engineering firms to handle the roads indicated on the list under Engineering Firms.

The Public Works Committee voted in favor to recommend to full Council to accept staff's recommendations for the proposed "C" Fund Five -Year Plan and allow staff to seek competitive bids for engineering firms through the RFQ process for roads only.

Mr. Cullum made a motion, seconded by Mr. Davis to approve the Committee's approval to accept the 5-year "C" fund plan.

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	

**Enhancement Grant Request - Town of Gaston** - Also, Mr. Cullum reported the Committee reviewed the Town of Gaston request to provide the local match of \$23,000 (20% match) required for a \$115,000 enhancement grant through SCDOT. The funds will assist with the beautification around US 321 and North Carlisle Street. Funds are available in the Public Works' Special Project "C" Fund account 2700-121302-539900. The Committee voted in favor to recommend to full Council for approval.

Mr. Cullum made a motion, seconded by Mr. Derrick to approve the \$23,000 required match for the Town of Gaston.

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	

**Legal Closure - Lakeside Drive** - Also, the Committee reviewed the legal closure of Lakeside Drive that is located within the City of West Columbia. The road is approximately 650 linear feet long and is maintained by the City of West Columbia. The Committee voted in favor to recommend to full Council for approval. (All costs will be the responsibility of the petitioners; Shull Street, LLC, Stephen H. Cox and Rolex Properties, LLC.)

Mr. Cullum made a motion, seconded by Mr. Derrick to approve staff's recommendation.

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	

**Solid Waste, J. Jeffcoat, Chairman - Edmund Landfill Scale** - Mr. Jeffcoat reported the Solid Waste Committee met to discuss the replacement of the Edmund Landfill scale that is about 30 years old. It was estimated that the cost of a new scale and the additional catwalk section would be approximately \$55,000. The Committee voted in favor to recommend to Full Council for approval.

Mr. Jeffcoat made a motion, seconded by Mr. Keisler to move forward with the purchase a new scale.

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

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

**Lexington County Solid Waste Management Plan Update** - Mr. Jeffcoat reported the Committee discussed the Lexington County Solid Waste Management Plan in Committee and voted in favor to recommend to Full Council for approval.

Mr. Jeffcoat made a motion, seconded by Mr. Davis for approval.

Ms. Summers opened the meeting for discussion.

Mr. Carrigg asked whether there had been any amendments since it was previously entered at this time and if it included all the changes with respect to extensions, etc

Ms. Summers replied that it is the plan that is in the agenda.

Ms. Summers asked for further discussion; none occurred.

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

**Solid Waste/Processing Facility Application #SW09-01 - EarthCare Recycling, LLC - First Reading** - Mr. Jeffcoat reported the Committee voted in favor to recommend to full Council for approval.

Mr. Jeffcoat made a motion, seconded by Mr. Keisler to approve first reading of SW09-01.

Ms. Summers opened the meeting for discussion.

Mr. Cullum asked if SW09-01 would require a public hearing.

Ms. Summers replied, yes.

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

**Solid Waste/Processing Facility Application #SW09-02 - Refresh Services, Inc. - First Reading** - Mr. Jeffcoat reported the Committee voted in favor to recommend to full Council for approval.

Mr. Jeffcoat made a motion, seconded by Mr. Keisler to approve first reading of SW09-02.

Ms. Summers opened the meeting for discussion

Mr. Banning asked if SW09-02 would require a public hearing.

Ms. Summers replied, yes.

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

Mr. Carrigg  
Mr. Cullum

Mr. Banning

**Old/New Business - Economic Development Committee, B. Banning, Chairman - Ellett Brothers**

**Incentive Request** - Mr. Banning reported the Economic Development Committee discussed partnering with the Town of Chapin, the Mungo Company, Ellett Brothers and the County to pave Ellett Road. The cost per entity is \$50,000. However, because the County paid \$21,000 for the relocation of Ellett Road, the County's share will be about \$30,000. The Committee voted in favor to recommend to full Council for approval.

Mr. Banning made a motion, seconded by Mr. Jeffcoat to approve the \$30,000 contribution.

Ms. Summers opened the meeting for discussion.

Mr. Cullum asked if this is an additional \$30,000.

Mr. Banning replied, yes, for a total of \$50,000. Mr. Banning said it is a \$6 million investment expansion and will create 40 new positions.

Ms. Summers asked for further discussion; none occurred.

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

**West Columbia Road Project (Entrance Sign)** - Mr. Banning reported the Committee heard the presentation regarding the new entrance into Lexington County from the Gervais Street Bridge into West Columbia. The City of West Columbia requested a \$10,000 contribution to assist with the entrance way and park and new signage. The new signage will include Lexington County.

Mr. Banning made a motion, seconded by Mr. Kinard to approve the \$10,000 contribution.

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 BARs were distributed and signed:

09-066 - An appropriation transfer of \$126,500 to set up a budget for the Batesburg-Leesville Industrial Park to have a master plan engineered, certified site study, and engineering services for road improvements.

09-067 - A supplemental appropriation increase in the amount of \$463,000 to appropriate the City of Cayce's portion of the 12<sup>th</sup> Street Extension water line project.

09-069 - A supplemental appropriation increase in the amount of \$578,500 to record the sale of the

Dreher property land.

09-070 - An appropriation transfer of \$427,285 and a supplemental appropriation increase of \$752,024. These transactions are to close out one capital line item and create four new line items to better track cost of each unit and record additional revenue for the Commercial Mobile Radio Services reimbursements and cost recovery for periods of 2006-2008 on expenses in the Lexington 911.

09-071 - A supplemental appropriation increase of \$24,000 to record the sale of the Middlefield Road property.

09-072 - A supplemental appropriation decrease in the amount of \$12,961 as a result of reduction in this fiscal year's state aid. The total cut aid this fiscal year is \$141,879. The total received after cuts is \$328,341.28.

09-073 - An appropriation transfer of \$50,788 and a supplemental appropriation decrease of \$203,150 as the result of the Sheriff's Department not being awarded the Judicial Center Security Grant award. This transaction is to zero the budget off the County's books.

**6:00 P.M. - Public Hearings - Ordinance 09-04 – An Ordinance Approving the Lease of Real Estate from the County of Lexington to the Lexington/Richland Alcohol and Drug Abuse Council** - Prior to opening the public hearings, Ms. Summers reviewed the guidelines. She stated that the purpose of the hearing is to obtain comments from proponents and opponents to Ordinance 09-04. 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.

Ms. Summers opened the public hearing for Ordinance 09-04.

Ms. Summers stated no one had signed up in favor or opposition to Ordinance 09-04 and, therefore, closed the public hearing

**Resolution in Support of the Issuance by the South Carolina Jobs – Economic Development Authority of its Economic Development Revenue Bonds (Lexington-Richland Alcohol and Drug Abuse Council, Inc. Project) Series 2009, Pursuant to the Provisions of Title 41, Chapter 43, of the Code of Laws of South Carolina 1976, as Amended, in the Aggregate Principal Amount of Not Exceeding \$4,500,000** - Ms. Summers opened the public hearing for the resolution in support of the JEDA bonds for the Lexington-Richland Alcohol and Drug Abuse Council, Inc. project.

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

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

**Executive Session/Legal Briefing** - A motion was made by Mr. Jeffcoat and seconded by Mr. Kinard to go into Executive Session to continue discussions on one personnel matter, four contractual matters, and two legal matters.

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

Not Present: Mr. Carrigg\*

\*Mr. Carrigg left prior to the public hearings.

**Matters Requiring a Vote as a Result of Executive Session** - Ms. Summers reconvened the meeting in open session and reported there were no motions to be considered.

**Motion to Adjourn** - Mr. Kinard made a motion, seconded by Mr. Keisler to adjourn.

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

Not Present: Mr. Carrigg

There being no further business, the meeting was adjourned.

Respectfully submitted,

Diana W. Burnett  
Clerk

Debra B. Summers  
Chairman