



Minutes/ January 24, 2011

The Board of Trustees of School District Five of Lexington and Richland Counties met at the District Administration Building with the following members present:

Mr. Robert Gantt, Chairman
Mrs. Beth Hutchison-Watson, Vice Chairman
Mrs. Ellen Baumgardner, Secretary
Mrs. Jan Hammond
Mrs. Kim Murphy
Mr. Jim Turner
Mr. Ed White
Dr. Stephen Hefner, Interim District Superintendent

The following staff were in attendance:

Ms. Helen Anderson, Chief Instructional Services Officer
Dr. Angela Bain, Chief Human Resource Services Officer
Mr. Gary Black, Chief Technology Services Officer
Dr. Karl Fulmer, Chief Financial Services Officer
Mr. Keith McAlister, Director, New Design and Construction
Mr. Buddy Price, Director, Office of Community Services

Robert Gantt called the meeting to order and gave welcoming remarks.

Reverend Kevin Allen, Mount Alexander Baptist Church, gave the Invocation. The Pledge of Allegiance was led by Korianna Hays, a fifth grade student at Oak Pointe Elementary School.

Robert Gantt, Beth Hutchison-Watson and Ellen Baumgardner presented the School Board Spotlight. A special recognition was made to the school board members for School Board Appreciation and recognition to Roberta Ferrell for her service on the school board.

During the superintendent's report, Dr. Karl Fulmer presented the monthly financial reports (Exhibit B) and gave an update on the cost of the Chapin High School's wetlands lawsuit (Exhibit C).

During the public participation, Stuart Stout spoke regarding the new high school; Peter Lauzon spoke regarding board member appreciation; Susan Baker spoke regarding the Chapin High School renovation; and Mark Boone spoke regarding the Bullying Summit.

Keith McAlister and Chris Whitley presented the monthly construction update.

Helen Anderson presented proposed revisions to Board J policies (Exhibit G): JIB add "Student Involvement In Decision Making", JICEA "School Related Student Publications" replaces JHCC "Student Publications", JICG "Tobacco Use By Students" replaces JCDA "Tobacco Free Facilities/Possession and Use of Tobacco", JICG-R "Tobacco Use By Students" replaces AR-

A = Absent
AB = Abstain
N = No
X = Yes

SCHOOL DISTRICT FIVE
OF
LEXINGTON AND RICHLAND COUNTIES

Meeting of January 24, 2011

	B A U M G A R D N E R	G A N T T	H A M M O N D	M U R P H Y	T U R N E R	W A T S O N	W H I T E
<p>1. M. Hammond S. Watson</p> <p>Enter executive session to consider the following: 2a) selected employment items (Exhibit A), and 2b) update on litigation involving the District</p> <p>M. Murphy S. Hammond</p> <p>Amend to add discussion of the Chao property to the executive session</p> <p>Vote on original motion</p>							
	X	No	X	X	X	No	X
	X	X	X	X	X	X	X
<p>2. M. Watson S. Baumgardner</p> <p>Approve the agenda as amended (add item 2c property matter)</p> <p>M. Murphy S.</p> <p>Amend to include the name of the property that we were discussing in executive session Chao</p> <p>No vote – amendment was accepted</p> <p>M. Murphy S. Turner</p> <p>Amend to include the December 13, 2010, letter to Keith McAlister from Chris Whitley with Southern Management regarding the bond referendum construction schedule under the monthly construction update and include the letter as a part of the minutes</p> <p>Motion withdrawn</p> <p>M. Murphy S. Turner</p> <p>Amend to include the December 13, 2010, letter in the board minutes</p>							
	No	No	No	X	X	No	No

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Vote on original motion	X	X	X	X	X	X	X
3. M. Baumgardner S. Watson Limit each item to ten minutes discussion on each of the three items (11a, 11b and 11c)	X	X	X	X	X	X	X
4. M. Hammond S. Baumgardner Approve the roof replacement at Leaphart Elementary School (Exhibit D)	X	X	X	X	X	X	X
5. M. Hammond S. Baumgardner Approve the administration area and kitchen renovations and address the theater lighting at Chapin Elementary School (Exhibit E)	X	X	X	X	X	X	X
6. M. Murphy S. Hammond We put everything that we can that is non-executive session that is in our board packet on the district website	No	No	No	X	No	No	No
7. M. Watson S. Baumgardner Accept and approve the terms of the Contract of Sale presented to the District as signed by the Seller, Yuh Jin Chao, and further to authorize the Superintendent, or his designee, to execute any and all documents necessary to close the transaction called for therein (Exhibit F)							
M. Murphy S. Hammond Amend that we obtain the right of first refusal until the issue with the water lines and sewer lines are resolved	No	No	No	X	No	No	No
Vote on original motion	X	X	X	No	X	X	X
8. M. Hammond S. Baumgardner Approve the selected employment items (Exhibit A)	X	X	X	X	X	X	X

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9. M. White	S. Watson	X	X	AB	No	AB	X	X
<p>The Board pass a resolution that the Board of Trustees of District Five of Lexington and Richland Counties disapproves of the lawsuit brought by Mrs. Kim Murphy, Murphy vs. School District Five of Lexington and Richland Counties and DHEC, which has cost the School District in excess of \$1.47 million as of January 24, 2011, and is delaying the renovations to Chapin High School and denying students the timely use of much needed facilities. The Board also disapproves of the recent appeal filed by Mrs. Kim Murphy on January 20, 2011, requesting that DHEC deny a construction permit for the sewer system necessary to begin renovations at Chapin High School. The Board requests that Mrs. Murphy abide by the vote of the majority of the Board of Trustees to proceed with the renovations at Chapin High School.</p>								
10. M. White	S. Watson	X	X	No	No	AB	X	X
<p>The School District publish this resolution in the board briefs, email blast, as well as send it to local media and that in the board brief synopsis that rather than identifying this as the wetlands issue that identify it as the lawsuit brought by Mrs. Kim Murphy, Murphy vs. School District Five of Lexington and Richland Counties and DHEC</p>								
11. M. White	S. Watson							
<p>Prepare for publication an article that correctly explains our inability to proceed with the renovations at Chapin High School</p>								
M. Watson	S. Baumgardner	X	X	X	No	X	X	X
<p>Call for the question</p>								
<p>Vote on the motion</p>		X	X	X	No	X	X	X
12. M. Hammond	S. White	X	X	X	X	X	X	X
<p>Adjourn at 11:30 p.m.</p>								

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JCDAA-R "Tobacco Free Facilities/Possession and Use of Tobacco", and JICH "Drug And Alcohol Use By Students" replaces JCDAB/JCDAC "Alcohol/Drug Use.

Buddy Price presented information regarding cost estimates related to video streaming of school board meetings.

The 2011 South Carolina School Boards Association's Annual Convention was discussed.

Dr. Fulmer discussed the budget development for 2011-2012.

Dr. Hefner discussed the recommendation for temporary suspension of Administrative Rule IEC-R (Exhibit H).

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Attachment 3 is included with the minutes of the 1-24-11 meeting, at the request of Board member Kim Murphy pursuant to S.C. Code Ann. § 30-4-90(a)(4) and Board Policy BEDG. The Board majority did not approve, disapprove, or otherwise act upon the contents of this attachment.

From: Howard Coogler Jr.
To: Luke McCary
CC: kmcalist@lex5.k12.sc.us
Date: 1/14/2011 10:25 AM
Subject: Chapin High School

Thank you for your letter of January 6th, in which you provided us with an update on the status of the Chapin High renovation project. In reviewing the letter, we remain concerned not only about the still unissued permits, but with two design issues as well. I have address each of our concerns below.

First, with regard to the roof deck, you indicate that you are "trying to resolve the issue with minimal impacts to design". However, at this point neither you nor this Office knows what the impacts on design will be. We do not believe it is appropriate for this Office to approve any project to be advertised when there is an unknown and potentially significant design consideration still unresolved. As a result, we wish to see the design solution to this issue before giving permission to advertise.

Second, we were and remain concerned about the condition of the 40 year old duct board in the building. Furthermore, given the extent of the required above ceiling work on this project, there will no doubt be significant disruption of the duct board. In addition, there is the fact that you do not yet know the amount or location of the existing duct board. We believe it is in the district's best interests to replace all of the existing duct board. However, a potential bidder cannot properly respond to that which has not been quantified and is unknown. We would need to see the specifics of your add/alternate prior to giving permission to advertise.

Third, regarding the status of project permits, the process has advanced since December 16th. However, we wish to know the results of the DHEC meeting before proceeding.

In conclusion, once OSF has received, reviewed and approved revised plans addressing the roof deck issue; the specifics for an "add alternate" for duct board; and, a report with a positive outcome from the DHEC meeting of the 13th---we will reconsider granting approval to advertise. However, I would be remiss if I did not point out that any approval to advertise at this time would carry with it the provision that bids could not be opened until all permits are approved and the court case on the stream mitigation/disturbance issue resolved.

Howard D. Coogler, Jr. PE
Office of School Facilities
S. C. Department of Education



CUMMING SMG

1213 Lacey St. • PO Box 1765 • Columbia, SC • 29202
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Attachment 1 is included with
the minutes of the 1-24-11
meeting, at the request of Board member
Kim Murphy
pursuant to S.C. Code Ann. § 30-4-90(a)(4)
and Board Policy BEDG. The Board majority
did not approve, disapprove, or otherwise
act upon the contents of this attachment.

*NOT S.B. mailing
HWS*

December 13, 2010

Mr. Keith McAlister
District Five of Lexington & Richland Counties
1020 Dutch Fork Road
Irmo, SC 29063

RE: **District 5 of Lexington & Richland Counties
Bond Referendum Construction Schedule**

Dear Keith,

Based on recent developments mirroring events that have occurred over the past several months, I felt it necessary to call your attention to the impact permitting delays are having on the current Lexington-Richland 5 Building Program as they pertain to Chapin High School, the New High School No. 4 and CATE Center, and the New Elementary School. Let me first state that a review of the permitting applications to the respective agencies for each project will reflect timely submittals by the A/E's and their consultants for what is considered a typical lead time. As a whole, the permitting responses for these new projects have been unusually slow during this process.

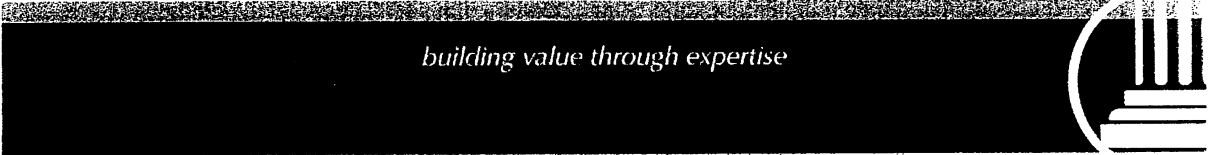
Chapin High School

After receiving Board approval on November 19, 2010 to proceed with the implementation of the project following receipt of the USACE wetlands permit, we assigned the project a bid date of January 18, 2011. In an effort to promote the bid to the maximum extent, we intended to advertise the project beginning on Sunday, December 12, 2010, thus allowing for a five week bid period in lieu of the typical four week period. Because the appeal to the SCDHEC permit for Chapin High School was not resolved last week as hoped, we complied with your request to suspend the advertisement until receiving further direction from the Board during their scheduled meeting this evening. It is our desire to maintain the January 18, 2011 bid date which would necessitate publishing the advertisement by Sunday, December 19, 2010. Please understand that if the advertisement and bid dates are delayed beyond those noted, the final completion date of the project, currently scheduled as December 31, 2013, may be impacted.

New High School No. 4

As you are aware, we had planned to hold three bid openings for the New High School No. 4 and CATE Center project. This included a bid for the early site package, revised to November 30, 2010; a bid for the New High School No. 4, revised to February 1, 2011; and a final bid for the CATE Center, revised to March 22, 2011. While we received the Richland County Land Disturbance permit just today, we have been advised by the Architect and their consultants that it may be after January 1, 2011 before we receive the remaining necessary permits for the early

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Kim Murphy
pursuant to S.C. Code Ann. §30-4-90(a)(4)
and Board Policy BEDG. The Board majority

site package for the New High School No. 4 and CATE Center. These include OS&I final approval, USACE wetlands permit, SCDOT encroachment permits, as well as the sewer and water permits from SCDHEC. With the new high school building scheduled to bid on February 1, 2011, and a minimum sixty day duration scheduled for site construction before bidding the high school building, we have obviously lost our window to assure an August, 2012 completion and opening. However, based on the permitting received today, there is an outside chance that the 72,000 sf base bid portion of the CATE Center could be completed in time for an August, 2012 opening if the remaining permitting for the site and building to be bid together could be received by February 1, 2011. Beyond this date, it is nearly impossible to combine the site and building plans, advertise the project for thirty days, bid the site and building, commence construction and complete the base bid portion by August, 2012. Complicating this schedule further is news that due to pressure and volume concerns, it will be necessary to tie-in the new water line to be installed along Broad River Road two miles further away from the site. Prior to this change, we were told to anticipate the completion of this water line to the site by May/June, 2012.

New Elementary School

As reported last week, on Thursday, December 9, 2010, the Richland County DRT denied approval of the New Elementary School project, reportedly due to site access issues. We have been advised that it is doubtful that this project will be rescheduled for review by the DRT before February, 2011, indicating a bid date no earlier than late March, 2011. With the project initially scheduled to be bid mid-February, 2011, an anticipated 15 month construction duration would indicate the completion of this school toward the end of June, 2012, at the earliest. As with the New High School No. 4, completion of the new water line to this school in time for an August, 2012 opening is highly suspect. In fact, based on the overall track record for projects being approved by Richland County, it is doubtful that the DRT approval will be the final hurdle to cross before bidding the project.

In summary, it appears that if we can get the permitting issues associated with Chapin High School successfully behind us in January, 2011, it would still appear possible to complete the project by December, 2013. Due to the lack of remaining permitting, New High School No. 4 cannot be completed and open to students by August, 2012. As for the new CATE Center and New Elementary School, we are within 30 – 60 days of not being able to complete these projects in time for an August, 2012 opening. We will update all advertisement and bid dates as soon as all permitting for each project is received.

Should you have any questions regarding any of the above, please do not hesitate to contact me at your convenience.

Sincerely,



Chris Whitley

cc: Mr. Jeff Holstein
Mr. Paul Moscati
Mr. Joe Huggins
File

Attachment 4 is included with Page 1 of 1
the minutes of the 1-24-11
meeting, at the request of Board member
Kim Murphy
pursuant to S.C. Code Ann. §30-4-90(a)(4)
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Policy BEDG Minutes of Board Meetings

Issued 3/06

Purpose: To establish the basic structure for maintaining meetings.

The minutes of a school board meeting constitute the written record of board action. The minutes are legal evidence of the board's action.

The board secretary will keep, or cause to be kept, a complete record of the action of board meetings. As provided by the South Carolina Freedom of Information Act, these minutes will include, but need not be limited to, the following:

- the date, time and place of the meeting
- the members recorded as either present or absent
- the substance of all materials proposed, discussed or decided and, at the request of any member, a record, by an individual member, of any votes taken
- any other information that any member requests be included or reflected in the minutes

The minutes will become permanent records of the board and will be in the custody of the superintendent. He/she will make them available to interested citizens of the district upon request, with exceptions as provided by law, at reasonable times during the working day.

Adopted 2/24/69; Revised 11/16/81, 1/25/88, 3/27/06

Legal references:

S.C. Code, 1976, as amended:

Section 30-4-10, et seq. - South Carolina Freedom of Information Act.

Section 30-4-90 - Minutes of meetings of public bodies.

SCHOOL DISTRICT FIVE OF LEXINGTON AND RICHLAND COUNTIES