

M I N U T E S  
LEXINGTON COUNTY COUNCIL  
March 13, 2012

Lexington County Council held its meeting on Tuesday, March 13, 2012 in Council Chambers beginning at 4:30 p.m. Chairman Banning presided.

Councilman Summers gave the invocation and Councilman Matthews led the Pledge of Allegiance.

Members attending:     William B. Banning, Sr.             Johnny W. Jeffcoat  
                                 James E. Kinard, Jr.                     Frank J. Townsend, III  
                                 George H. (Smokey) Davis             Debra B. Summers  
                                 Bobby C. Keisler                         Kenneth Brad Matthews  
                                 M. Todd Cullum

Also attending: Joe Mergo, III, Interim Deputy County Administrator; John Fechtel, Director of Public Works/Assistant County Administrator; Larry Porth, Finance Director/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** - Mr. Banning reported Friday, March 9, he and fellow council members attended the first Lexington/Municipal Strategic Planning Session. Also, he attended the Criminal Justice Committee meeting that morning.

**Administrator's Report** - Mr. Mergo congratulated Mr. Charlie Compton, Director of Planning & GIS, on his 44<sup>th</sup> anniversary and wished Dave Eger, Director of Solid Waste Management, a happy 60<sup>th</sup> birthday.

**Employee Recognition** - Mr. Mergo recognized Mike Moore, Mark Hendrix and staff for their outstanding professional service.

**Resolutions - Resolution No. 12-01 Expressing Opposition to House Bill #4721 and Senate Bill #514-**  
The item was delayed.

**Kathy Maness** - Mr. Jeffcoat made a motion, seconded by Mr. Davis to approve the resolution.

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

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

**Councilman Boyd Jones** - Mr. Banning reported Councilman Boyd Jones of West Columbia City Council has been appointed to the National League of Cities 2012 Community and Economic Development Policy and Advocacy Committee and asked staff to send a letter of congratulations.

**Appointments - Health Services District - Ryan Holt** - Mr. Matthews made a motion, seconded by Mr. Keisler to appoint Mr. Holt. Mr. Holt replaces William "Bill" Kennedy.

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

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

**Building Codes Board of Appeals - Gene Bishop** - Ms. Summers made a motion, seconded by Mr. Kinard to appoint Mr. Bishop to represent the Gas/Mechanical sector on the Building Codes Board of Appeals.

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

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

**Bids/Purchases/RFPs** - A motion was made by Mr. Davis, seconded Mr. Matthews to approve Tabs N, O, and P).

**Three (3) Replacement Mobile VHF Radios and Ten (10) Mobile VHF Radios - Public Safety/EMS-** Staff recommended the purchase of three (3) replacement mobile VHF radios and ten (10) mobile VHF radios for Public Safety/EMS from Motorola, Inc. through State Contract Number DSIT.2009.01. Cost, including tax, is \$31,006.04.

**Request for Approval to Utilize the Competitive Sealed Proposal Process for the Acquisition of An Inmate Phone Services Contract - Sheriff's Department** - Staff requested the use of the Request for Proposals (RFP) process to seek competitive proposals from potential qualified respondents for an inmate phone services contract. 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. A review panel will be responsible for reviewing and evaluating proposals based upon specific evaluation factors.

**Used Oil Collection (Term Contract) - Solid Waste Management** - Competitive bids were solicited for a term contract for used oil collection for Solid Waste Management. The term of the contract will 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. Five (5) responsive bids were received. Staff recommended the award of the bid to Universal Environmental Services, LLC for the estimated yearly revenue to the County of \$182,900.

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

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

**Approval of Minutes - Meeting of January 24, 2012** - Mr. Jeffcoat made a motion, seconded by Mr. Kinard to approve the minutes as submitted.

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

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

**Committee Reports - Public Works & Solid Waste Management, T. Cullum, Chairman - DHEC Solid Waste Management Grant Application** - Mr. Cullum reported the Public Works and Solid Waste Management Committee met on Tuesday, February 28, 2012, to review the request from the Solid Waste Management Department for the South Carolina Department of Environmental Control (DHEC) Solid Waste Management Grant application.

Mr. Dave Eger, Solid Waste Management Director, presented a request to apply for the DHEC Solid Waste Management Grant in the amount of \$5,000. There is no County match required. The funds will be used to implement an education and outreach program for County residents on backyard composting.

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

Mr. Cullum made a motion, seconded by Mr. Keisler for approval to submit the grant application.

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

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

**DHEC Solid Waste Tire Grant Application** - Also, the Public Works and Solid Waste Management Committee met on Tuesday, February 28, 2012, to review the request from the Solid Waste Management Department for the South Carolina Department of Environmental Control (DHEC) Solid Waste Tire Grant application.

Mr. Dave Eger, Solid Waste Management Director, presented a request to apply for the DHEC Solid Waste Tire Grant in the amount of \$79,950. There is no County match required. The funds will be used to promote proper tire disposal/recycling and staff training.

The Public Works and Solid Waste Management Committee voted in favor to recommend to full Council to approve staff's request to apply for the DHEC Solid Waste Tire Grant.

Mr. Cullum made a motion, seconded by Mr. Kinard for approval to submit the grant application.

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

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

**DHEC Used Oil Grant Application** - Also, the Public Works and Solid Waste Management Committee met on Tuesday, February 28, 2012, to review a request from the Solid Waste Management Department to apply for the South Carolina Department of Environmental Control (DHEC) Used Oil Grant.

Mr. Dave Eger, Solid Waste Management Director, presented a request to apply for the DHEC Used Oil Grant in the amount of \$71,605. There is no County match required. The funds will be used to purchase items to maintain and upgrade used oil recycling sites, educate residents about the used oil program, and provide staff training.

The Public Works and Solid Waste Management Committee voted in favor to recommend to full Council to approve staff's request to apply for the DHEC Used Oil Grant.

Mr. Cullum made a motion, seconded by Mr. Matthews for approval to submit the grant application.

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

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

**Amend Agenda to add Acceptance of Donated Equipment for Sheriff's Department** - Mr. Kinard made a motion, seconded by Mr. Cullum to amend the agenda to add Acceptance of Donated Equipment for Sheriff's Department.

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

In Favor:	Mr. Banning	Mr. Kinard
	Mr. Cullum	Mr. Townsend
	Mr. Davis	Ms. Summers

Mr. Keisler                      Mr. Jeffcoat  
Mr. Matthews

**Justice Committee, S. Davis, Chairman - Acceptance of Donated Equipment for Sheriff's**

**Department** - Mr. Davis reported during the earlier Committee meeting, the Committee considered accepting swift water rescue equipment from the Lexington County Sheriff's Foundation. The equipment consists of four (4) Tri-SAR Rescue harnesses and five (5) helmets. The Committee voted unanimously in favor to recommend to full Council for approval.

Mr. Davis made a motion, seconded by Mr. Townsend to accept the new equipment.

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

In Favor:	Mr. Banning	Mr. Davis
	Mr. Townsend	Mr. Kinard
	Ms. Summers	Mr. Keisler
	Mr. Matthews	Mr. Cullum

Abstained:     Mr. Jeffcoat

**Health & Human Services, B. Matthews, Chairman - Communications Narrow banding-** Mr. Matthews reported the Health and Human Services Committee met on Tuesday, February 14, 2012, to review the proposed Public Safety Communications Narrow banding.

David Kerr, Public Safety Director, presented information and a PowerPoint Presentation on the unfunded mandate from the Federal Communications Commission (FCC) to make additional Very High Frequency (VHF) Channels available in the 150 MHz / 450-470 MHz frequency spectrum by January 1, 2013. The unfunded mandate applies to all public safety frequencies licensed to the County including the Fire and Emergency Medical Services. The system must be installed, licensed and fully operational by December 31, 2012 to make certain it is ready to dispatch. Staff requests Council to authorize Public Safety to negotiate and enter into a contract with Motorola, Inc. (a state contracted vendor) to build/install a three (3) tower VHF Simulcast Communications System for Lexington County.

The Health and Human Services Committee voted unanimously in favor to recommend to Council to approve staff's recommendations to pursue with the implementation of the Communications Narrow banding as mandated.

Mr. Matthews made a motion, seconded by Ms. Summers to proceed with staff's recommendations.

Mr. Banning opened the meeting for discussion.

Mr. Jeffcoat asked, what kind of mandate?

Mr. Matthews replied, an unfunded mandate that if we do not comply by end of the year, December 31, 2012, the county will be fined \$16,000 (potential) per day. The cost is a one-time non-occurring expense of approximately \$520,000, which will come from the Public Safety/Fire Service fund balance.

Mr. Davis said although it is a large expense, it will give us good coverage throughout the County and

will duplicate a backup to the 800 system if that system were to go down.

Mr. Keisler said he could not support the motion, and was not saying it was not a good thing, but funds are coming from the Public Safety/Fire Service fund balance. And with the budget coming up, the timing is not right.

Mr. Kinard agreed that he did not like the County being mandated to fund the Narrow banding, but his end of the County and Councilman Jeffcoat's will not be covered if we do not proceed with the narrow banding and is concerned for the safety of the citizens in both these areas.

Mr. Cullum asked before we take this from Public Safety/Fire Service fund balance, that staff look to see how this may impact some of the changes that were made last year in Fire Service and if there is another way to do this without using fund balance.

Mr. Banning called for further discussion; none occurred.

In Favor:	Mr. Banning	Mr. Matthews
	Ms. Summers	Mr. Davis
	Mr. Jeffcoat	Mr. Cullum

Opposed:	Mr. Kinard	Mr. Townsend
	Mr. Keisler	

**Ordinance 12-04 - An Ordinance Adopting a Supplemental Appropriation for Fiscal Year 2011-2012 - 1<sup>st</sup> Reading** - Mr. Matthews made a motion, seconded by Mr. Davis to approve first reading.

Mr. Banning opened the meeting for discussion.

Mr. Cullum asked that staff research all options for the best way possible to fund this project.

Mr. Banning called for further discussion; no discussion occurred.

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

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

12-095 - A supplemental appropriation increase of \$3,621 and an appropriation transfer of \$3,621 to cover the additional overtime and traveling costs the Gang Investigator has occurred and to adjust some of the costs that will be over the grant award.

12-096 - A supplemental appropriation increase of \$15,309 to record the value of donated items from the Lexington County Sheriff's Foundation to the County's Swift Water Rescue Team.

**Old Business - Engineering on Saxe Gotha Road** - Following Executive Session in Economic

Development, the Committee voted unanimously in favor to recommend to full Council to approve an estimated \$275,000 for engineering cost for the Saxe Gotha Industrial Park Road.

Mr. Davis made a motion, seconded by Mr. Cullum to approve \$275,000 that is estimated for engineering cost for the Saxe Gotha Industrial Park Road. Once the engineering has been completed, this will allow moving forward with the bid process for the road construction.

Mr. Banning opened the meeting for discussion; on discussion occurred.

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

**New Business** - None.

**Matters Requiring a Vote as a Result of Executive Session** - None.

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

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

There being no further business, the meeting was adjourned.

Respectfully submitted,

Diana W. Burnett  
Clerk

William B. Banning, Sr.  
Chairman