

M I N U T E S
LEXINGTON COUNTY COUNCIL
March 27, 2012

Lexington County Council held its meeting on Tuesday, March 27, 2012 in Council Chambers beginning at 4:30 p.m. Chairman Banning presided.

Councilman Kinard gave the invocation. Army veteran Leo Craps 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, 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 this morning he represented Council at the Leadership Columbia Graduate School Global Awareness Day event at the Summit Club, and he and several council members attended the 3rd Annual Joint 5th and 11th Circuit SCLen lunch meeting today at SYSCO.

Council members' Report/Comments - Mr. Kinard reported he represented Council at the Kayak Awareness event at Saluda River as part of the American Green Rivers recognition weekend.

Ms. Summers reported she represented Council at an event LRADAC was involved in at Columbiana Mall to bring awareness to the prom season and underage drinking.

Mr. Matthews reported that Lexington County has the lowest unemployment rate in South Carolina and is 20% below the national average.

Mr. Banning reported he failed to report that Council attended the Nephron Groundbreaking.

Presentation of Resolution - Presentation of Resolution to Ms. Kathy Maness Presented by Councilwoman Summers - Ms. Maness was unable to attend; therefore the presentation was postponed to a future date.

Administrator's Report - Mr. Mergo introduced the following two new employees to the Lexington Team: Billy Derrenbacker, Animal Services Coordinator, and Veterinarian, Dr. Andrew Smith.

Employee Recognition - Mr. Mergo recognized Janice Hodges and Brandy Lerstang in the Assessor's

Office for providing great customer service. Mr. Mergo related that Mr. Wadener, an investor with properties in many SC counties, left Mr. Rick Dolan, Assessor, a voicemail telling him that his employees are some of the “nicest people, the most cooperative and helpful of any county” he visits.

Mr. Mergo recognized Chuck Whipple, Economic Development Director, on his graduation from the University of Oklahoma’s Economic Development Institute on November 17, 2011.

Mr. Mergo recognized Tom Collins, Emergency Management Coordinator. Mr. Mergo said he received a letter from George McKinney, director of Emergency Management under the SC Adjutant General’s Office, acknowledging the excellent performance by Mr. Collins during the V.C. Summer Nuclear exercise this past fall.

Appointments - Health Services District - Charles W. (Will) Harmon, M.D. - Mr. Jeffcoat made a motion, seconded by Mr. Matthews to appoint Dr. Harmon. Dr. Harmon replaces Dr. James D. Whitehead, Jr.

Mr. Banning opened the meeting for discussion.

Mr. Davis said he is a great supporter of Dr. Harmon and admires him greatly, but his practice is owned by the hospital.

Mr. Jeffcoat responded that he brought that up, but Dr. Harmon and 307 other doctors are part of the hospital, which is the going trend now where hospitals buy these practices.

Mr. Davis said in the hospital’s bylaws that you are not allowed to do business with the hospital if you are on the board. Mr. Davis said he supports Dr. Harmon, but does not want to make a conflict of interest for him.

Mr. Banning called further discussion; none occurred.

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

Bids/Purchases/RFPs - A motion was made by Mr. Jeffcoat, seconded Mr. Kinard to approve Tabs P, Q, and R.

Request for Approval to Utilize the Request for Proposal Qualifications Process for Carpet and Flooring Products Including Installation for Building Services - Staff requested the use of the Request for Proposal Qualifications (RFPQ) process to seek qualifications from potential respondents for a contract for carpet and flooring products including installation for Building Services. 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.

Bunker Gear - Term Contract - Public Safety/Fire Service - Bids were solicited and advertised for a term contract for bunker gear for Public Safety/Fire Service. The term of the contract is for the initial period of one (1) year with the option to extend the contract for two (2) additional one (1) year periods, if deemed to be in the best interest of the County. One (1) responsive and one (1) non-responsive bid were received. Staff recommended the award of the contract to Safe Industries. The annual contract cost is estimated to be \$122,793.20.

Polo, Tee, Golf, and Sweat Shirts - Term Contract - Various Departments - Bids were solicited and advertised for a term contract for polo, tee, golf, and sweat shirts for various departments. Nine (9) responsive bids were received. Staff recommended making awards to the following vendors by lot numbers: Designlab - Lot 1; Dunn Manufacturing - Lots 2, 3, 6, 7, 8, and 9; Midwest Graphics & Awards, Inc. - Lot 4; and Absolute Screen Printing - Lot 5. The term of the contract is for the initial period of one (1) year with the option to extend the contract for two (2) additional one (1) year periods, if deemed to be in the best interest of the County. The annual contract cost is estimated to be \$74,427.91.

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	

Approval of Minutes - Meeting of February 14, 2012 - Ms. Summers made a motion, seconded by Mr. Davis to approve the minutes as submitted.

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

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

Health Services District - Charles W. (Will) Harmon, M.D. - Mr. Jeffcoat apologized to Mr. Davis for not getting back with him after the last meeting regarding Dr. Harmon's eligibility. Mr. Jeffcoat said he did check and there is no problem with Dr. Harmon serving.

Polo, Tee, Golf, and Sweat Shirts - Mr. Cullum said he received an e-mail this week about County Council spending money on polo, tee, golf, and sweat shirts. For clarification, Mr. Cullum said these are actually "uniforms" for Public Works, Sheriff's Department, EMS, Fire Services, etc.

Ordinances - Ordinance 12-03 - Ord. Auth. (1) the Exec. And Deliver of Amendment to the FILOT Incentive Agreement Between Lex. And Michelin Dated 5/5/2011, Additional SSC in Connections with the Investment in Certain Mfg. and Related Facilities in the Cty. - 2nd Reading - Mr. Davis made a motion, seconded by Mr. Kinard to approve second reading.

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

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

Ordinance 12-04 - An Ordinance Adopting a Supplemental Appropriation to not Exceed Five Hundred Twenty Thousand (\$520,000) Dollars for Fiscal Year 2011-2012 for Narrow Banding - 2nd Reading- Mr. Matthews made a motion, seconded by Ms. Summers to approve second reading.

Mr. Banning opened the meeting for discussion.

Mr. Kinard asked if staff was able to find other funding options for the narrow banding.

Mr. Mergo replied the money is coming from fund balance. The question was raised whether to take it from contingency or from fund balance and said contingency is fund balance; just appropriated fund balance. By deferring the capital in Fire Service, it has created the fund balance in Fire Service.

Mr. Kinard asked whether staff explored the possibility of a combination of temporary solutions previously presented by Mr. Kerr, Director of Public Safety, which might be less expensive.

Mr. Mergo said Mr. Kerr was prepared to discuss those options during this evening's public hearing.

Mr. Matthews reiterated that he did not think that Council wanted to spend this money, but this is another unfunded mandate. And, if we do nothing, the fine is \$16,000 a day and he did not want to gamble with taxpayers' money.

Mr. Cullum asked if using the funds will affect the restructuring that Fire Service had talked about in November regarding some equipment exchanges for personnel, etc.

Mr. Mergo replied that it would have an impact. However, the impact of not indexing the Fire Service millage annually by 3% has a much greater effect on implementing the restructuring Fire Service presented to Council during this past Strategic Planning Retreat.

Mr. Cullum replied with reduction of capital in exchange for firefighters?

Mr. Mergo replied, yes, sir; that is correct.

Mr. Cullum replied that this is only to appropriate funds but we can continue to look to see if there is another funding solution and asked when we expected to spend the money.

Mr. Kerr replied that staff is currently talking with Motorola, which is under state contract, and anticipates the contracts will be completed by the end of April and then we will immediately begin the construction/installation of the system.

Mr. Cullum asked if we are still negotiating price.

Mr. Kerr replied that we are waiting for the final price quote. Everything up to this point has been estimates but feels very comfortable that the cost of the project will not exceed \$520,000.

Mr. Keisler asked if Council can delay taking action until staff can provide the final cost.

Mr. Banning said because the ordinance requires three readings and a public hearing and the deadline is nearing, we need to move forward with the appropriation. Then we can at the end decide what we are going to do.

Mr. Mergo said any money that gets appropriated is all coming from Fire Service, so what does not get spent, will go back into Fire Service's fund balance.

Mr. Townsend asked wasn't there another option that we could do to meet the mandate.

Mr. Kerr replied, yes. Another option was to narrow band the system only, but it would reduce our coverage across the county to about 50 to 55 percent.

Mr. Cullum replied 50 percent land mass coverage, not actually habitable coverage.

Mr. Kerr replied there were significant shortfalls in the Swansea, Chapin, Pelion, and Batesburg/Leesville areas when we did the promulgation maps.

Mr. Townsend asked if there was a way to avoid those fines while we are looking at this.

Mr. Kerr replied, yes.

Mr. Cullum asked if we appropriate these funds, can we make a final decision when we get the contract back from Motorola.

Mr. Banning replied that is exactly what he is anticipating. We are not authorizing any contracts. We are only moving forward with second reading tonight to appropriate the funds, if we decide to do it.

Mr. Banning called for further discussion; none occurred.

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

Committee Reports - Economic Development J. Jeffcoat, Chairman - Saxe Gotha Industrial Park Engineering Services - Mr. Jeffcoat reported during the afternoon Economic Development Committee, the Committee met and discussed a contract for Saxe Gotha Industrial Park Engineering Services and voted unanimously to send to full Council for approval. This is for road widening and wetlands mitigation on parcel 3, subject to County Council funding. The cost is \$405,000; \$275,000 for the road and \$130,000 for wetlands mitigation.

Mr. Jeffcoat made a motion, seconded by Mr. Kinard to approve the contract for engineering services at

the Saxe Gotha Park to include the road widening and wetlands mitigation on parcel 3, subject to the County Council funding.

Mr. Banning opened the meeting for discussion; none occurred.

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

Health & Human Services, B. Matthews, Chairman - Citizens Corp Grant Application (Reverted 09 Funding) - Mr. Matthews reported during the afternoon meeting of the Health & Human Services Committee, the Committee reviewed a request from Emergency Management to apply for the Citizen Corp grant. The application in the amount of \$4,373 requires no County match. The Committee voted unanimously to recommend to full Council for approval.

Mr. Matthews made a motion, seconded by Mr. Davis to approve the submittal of the grant application.

Mr. Banning opened the meeting for discussion

Mr. Cullum asked staff to explain the role of the CERT program.

Mr. Collins, Emergency Management Coordinator, said the CERT program is a volunteer organization that is under his control and are only called out when he requests them for an emergency. Mr. Collins said the last time he called them out was for the Waterway Apartment fire. At that time the American Red Cross was trying to set up a shelter and did not have the support so the CERT team was called in for support. He said the volunteers have no authority other than go out and help fill the gaps those services that EMS/Fire Service, etc. can't perform.

Mr. Cullum replied that the volunteers are under the direct supervision of you or your office.

Mr. Collins replied, correct.

Mr. Cullum asked who trains the volunteers.

Mr. Collins replied that we (County) handle all the training; sixteen hours of training. The program is a national program, but everything is run on a local level through his office.

For the record, Mr. Matthews asked if there were any strings attached for the grant and asked Mr. Collins to go over the guidelines.

Mr. Collins replied there are no strings attached and no county match. If awarded, the funds will be used to purchase a diesel generator, an equipment trailer, an equipment table, shirts, and training manuals.

Mr. Matthews asked if the federal government can come in and take over his relief efforts.

Mr. Collins said they cannot. He said if we can't handle it locally, then we will call for state support. If

the state does not have the additional support we need, then we will make the request to the state to have the federal government or FEMA come in and support us. But, again, they are in a support role. They are here to answer to us and we control the response.

Mr. Banning called for further discussion; none occurred.

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

Hazardous Materials Emergency Preparedness (HMEP) Grant Application - Also, Mr. Matthews reported the Committee considered the HMEP grant application. The application in the amount of \$7,300 requires a 20% in-kind match, which will be a portion of salaries. The Committee voted unanimously to recommend to full Council for approval.

Mr. Matthews made a motion, seconded by Mr. Jeffcoat to accept the grant application as prepared.

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

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

Airport, F. Townsend, Chairman - ALP Update/Business Plan- Mr. Townsend reported the Airport Committee met on Tuesday, March 21, 2012, to review the ALP Update/Business Plan. Below is the following Committee Report.

Mr. Richard Osborne, LPA Manager of Operations - Aviation Planning, presented the Lexington County Airport at Pelion Airport Layout Plan (ALP) and Business Plan. Also present for the meeting were Mr. Rob Rau and Mr. Anthony Cockran of the Federal Aviation Administration (FAA), and James Stephens and Mihir P. Shar, PE, AICP of the South Carolina Aeronautics Commission (SCAC). Mr. Osborne handed out the ALP Update Narrative Report for the Committee's review. He presented a summary of the business plan findings: business plan goals; strengths, weaknesses, opportunities, threats; actions/recommendations; financial plan assumptions; and a review of financial scenarios and results. Mr. Osborne outlined three options for the Airport: Option A - the County would sell and provide two-part employees to sell Jet-A fuel following the extension and widening of Runway 18-36; Option B - the County would find a multi-use operator to pump Jet-A fuel in the future and let the operator earn the proceeds from Jet-A fuel sales following the extension and widening of Runway 18-36; the Airport would be entitled to Jet-A flowage fees only; and Option C - the County would not extend the runway or sell Jet-A fuel in the future. The Committee discussed extending the runway to 5,500 in order to market to a wider range of corporate traffic. Mr. Osborne said LPA will update the ALP based on the Committee's approval and submit to the FAA and SCAC to get their initial reviews and comments in order to finalize.

The Airport Committee voted unanimously to recommend Council approve Option B and amend the Plan

to include a runway to a length of 5,500; and approve the draft ALP Report for submission to the FAA and SCAC for review.

Mr. Townsend made a motion, seconded by Mr. Cullum to approve Option B and amend the Plan to include a runway to a length of 5,500; and approve the draft ALP Report for submission to the FAA and SCAC for review.

Mr. Banning opened the meeting for discussion.

Mr. Cullum said in the ten years he has been on council he cannot recall a time when the FAA has attended a county subcommittee meeting and it is apparent they are very supportive of Lexington County and its efforts.

Mr. Banning thanked Mr. Townsend, Airport Committee Chairman, for inviting the entire council to the Special Called Airport Committee meeting as it was very informative.

Mr. Banning called for further discussion; none occurred.

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

Budget Amendment - None.

Executive Session/Legal Briefing - Council went into Executive Session during the Committee of the Whole to discuss four contractual and two legal matters but did not complete. Mr. Banning asked for a motion to go back into Executive Session.

Mr. Jeffcoat made a motion, seconded by Mr. Kinard to go into Executive Session.

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

Matters Requiring a Vote as a Result of Executive Session - County Administrator - Joe Mergo -Mr. Banning reported out of Executive Session with one motion to be considered.

Mr. Jeffcoat made a motion, seconded by Mr. Kinard to hire Joe Mergo as the new County Administrator.

Mr. Banning opened the meeting for discussion.

Mr. Banning said Mr. Mergo has been with the County for 15 years, the last four years as Deputy County Administrator and acting Interim County Administrator since January 1, 2012.

Mr. Banning called for further discussion; none occurred.

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

6:00 P.M. - Public Hearings - Ordinance 12-03 - Ord. Auth. (1) the Exec. And Deliver of Amendment to the FILOT Incentive Agreement Between Lex. And Michelin Dated 5/5/2011, Additional SSC in Connections with the Investment in Certain Mfg. and Related Facilities in the Cty - Council members present: Kinard, Townsend, Davis, Summers, Keisler, Jeffcoat, Matthews, Banning, and Cullum.

Mr. Banning opened the public hearing.

Mr. Keisler left after the public hearing was opened to attend a prior commitment.

Mr. Roy Chamlee, Director, State and Local Government Affairs with Michelin North America, Inc., spoke on behalf of Michelin. He said Michelin has enjoyed a long relationship with Lexington County since 1983 and has had a number of expansions at this plant. Currently, there are approximately 1,900 employees. Also, we have announced and constructed an additional plant on site, so there are two facilities in Lexington County. Mr. Chamlee said Michelin has exceeded \$1 billion of investment in Lexington County.

For the record, Mr. Banning noted that Michelin pays approximately \$6 million in taxes annually to the County.

Mr. Banning opened the public hearing for those in favor.

Mr. Banning reported no one signed up to speak in favor; therefore, closed that portion of the hearing

Mr. Banning opened the public hearing for those in opposition.

Opposed:

Sharon Clark, 333 Rutledge Place, Columbia, SC 29212 - I am going to give my time to someone else.

John Perna, 449 Crockett Rd., Columbia, SC- Mr. Perna was not present.

Stephen Skacall, 245 Lowry Rd., West Columbia, SC 29170 - This really strikes me as being exactly the same thing we did with Nephron Pharmaceuticals, and I going to say what I said then at the hearing for that ordinance, which was basically, I share your intentions and I respect what you are trying to do, which you are trying to bring jobs to this county. We have in our state one of the highest unemployment rates in the country and it has caused a lot of problems for a lot of people in this state. It is something that affects every single one of us in some way, even if we do have jobs. But, I don't think this is the right way to do it. I think that we need to look at the long-term consequences of this, which is if we give Michelin a tax break, then we are going to have to make up for that lost revenue in some way and how are we going to do that? Are you going to cut County services? I seriously doubt that. The only think that I

can think of is the potential for a property tax increase or some other kind of tax or fee hike for the citizens of this county. And, I don't know whether this is true, but I can tell you there are rumors already circulating that some of you are planning to propose a property tax increase after the primary in June and I would sincerely hope that the people who are saying that are wrong. I really hope that is wrong. And I hope that if it does happen and it is proposed, you will vote against it. But, I don't think picking winners and losers is the job of the County Council or any other level of government. I would hope that you would take that into consideration and not pass this ordinance. Thank you.

Ed Boyle, 205 Fox Lake Dr., West Columbia, SC 29170 - I am not necessarily against the fee-in-lieu of taxes in all cases. I have talked with Mr. Cullum and there are sometimes that I don't like it at all; there are sometimes I see where it makes sense. For no more information than what is provided here, I am not necessarily against this particular ordinance. But, I do have at least one concern in here that concerns me. On page 4, titled Addendum it mentions "any other entity the Company intends to extend the benefits of the Negotiated Payments-in-Lieu of Taxes arrangement may, at the request of the Company, be approved by a resolution passed by the County Council, in its sole discretion." I see that as being something that if Michelin wants to, they might do it in their benefit, they can bring another company in under their umbrella and reap the benefit of this lieu-of-tax for themselves and also for that other entity that come in. Each time we talk about these things, we talk about these things in relationship to a particular company, like Michelin. Okay, Michelin you want to come in, this is what we will do for you; this is what you do for us. Okay, it is a deal come on in. But, in this case here, Michelin could bring another company in and then y'all are in an uncomfortable spot of either (1) approving it and making some people unhappy because maybe it is a company we don't want to come in under these circumstances or (2) you turn it down and you make Michelin unhappy because now they can't meet their goal and make a certain investment over a certain period of time. I see this particular statement here really putting y'all tight between two hard places and maybe it won't happen. But, if it did, I will probably be sitting in your chair at the time. So for that, I am against it. I don't have access to the original thing to go through, but what I see now, that is enough for me to ask you not to approve. Drop that out and then I have nothing to say. Thank you.

Mr. Banning said not one else signed up to speak in opposition; therefore, closed the public hearing.

Ordinance 12-04 - An Ordinance Adopting a Supplemental Appropriation to not Exceed Five Hundred Twenty Thousand (\$520,000) Dollars for Fiscal Year 2011-2012 for Narrow Banding –

Council members present: Kinard, Townsend, Davis, Summers, Jeffcoat, Matthews, Banning, and Cullum.

Mr. Banning opened the public hearing.

Mr. David Kerr, Director of Public Safety, presented information on the supplemental appropriation request and provided a PowerPoint presentation.

Mr. Kerr said the supplemental appropriation request is the result of a Federal Communication Commission's unfunded mandate that is being placed on the entire United States to narrow band VHF and UHF systems by splitting the frequencies to make additional channels available in the Industrial/Business and Public Safety frequency spectrums. The deadline for implementation is January 1, 2013.

Mr. Kerr said the main users of the VHF are pagers for Fire Service volunteers. However, the VHF

system also acts as a backup system to the County's Palmetto 800 system.

Mr. Kerr reviewed the following five options that were considered with associated projected cost: Option 1 - Three tower simulcast; Option 2 - Narrow banding only; Option 3 - Hybrid (VHF & Commercial Paging); Option 4 - Palmetto 800 Paging System (XTS4000), and Option 5 - Palmetto 800 – COA #5. After careful review, staff recommended Option 1.

Mr. Cullum asked if the County is presently operating on a 25 MHz channel.

Mr. Kerr replied, yes; with a much higher output receiver.

Mr. Cullum asked the reason they are cutting the band width is to make more channels available, correct?

Mr. Kerr replied, yes.

Mr. Cullum replied then we are going to 12.5 MHz and asked if staff has explored the cost to buy another 12.5 MHz to put us back to where we were before and asked if can own two separate frequencies?

Mr. Kerr replied, yes, but you would have to have one frequency covering part of the county and another frequency covering the other part of the county; you cannot combine them to get back to 25 MHz. He said the FCC is making all Public Safety channels go to 12.5 MHz.

Mr. Cullum replied that the FCC is mandating every community in America to go to 12.5 MHz by January 1, 2013 and, if not, will be fined \$16,000 a day.

Mr. Kerr replied, yes. They may be subject to potential fines up to \$16,000 per day.

Mr. Matthews asked to again review Option 3.

Mr. Kerr said because the County does not own the system, we would lose the dependability and control of the system and there would be a potential ISO impact. He said many crews who would have to carry two devices because on the bordering areas they may get partial VHF system coverage and partial Sprint (commercial pager) coverage.

Mr. Cullum said he would like to know what communities will begin receiving fines on January 30 if they are not operating on a 12.5 MHz frequency.

Mr. Matthews asked what will happen to counties like Orangeburg, Allendale, etc. who don't have the means to fund this?

Mr. Kerr said Orangeburg County upgraded their system six years ago with multiple receivers across the county and transmit over three different frequencies and are still concerned about their voice reception with narrow banding. However, they have not come up with a final solution at this point. He said they will narrow band in July or August and start testing their system.

Mr. Cullum replied that they will still be operating on three frequencies.

Mr. Kerr replied, yes, but they have multiple sites. We have had the convenience in this County to

operate off of one site ever since we have had the VHF system. We are proposing to stay in the same frequency but with three towers; Ball Park Road, east of Batesburg/Leesville, and Gaston area.

Mr. Cullum asked if the Ball Park tower currently covers Chapin and the lake.

Mr. Kerr replied, yes. It is a 350 watt transmitter and the most the FCC will now allow under the new rules is 100 watts.

Mr. Banning asked if Chapin will continue to have the coverage it needs with 100 watts.

Mr. Kerr replied that we will still have some holes in the northeast side of Chapin.

Mr. Matthews asked if it is a high density population area.

Mr. Kerr replied that we will have coverage in the high density population area of Chapin. Also, we will find areas that we have better coverage than they projected in the coverage estimates, and we may find some areas where we have less coverage. If we proceed with staff's recommendation, staff will do an assessment of the entire County and will map those holes so we will know exactly where they are and make sure we have coverage in those areas.

Mr. Matthews said he understood in discussions with Mr. Kerr that there could be a chance in the future that the FCC would require Counties to further mandate down to 6.25 MHz and asked if this option would cover the County if this occurred.

Mr. Kerr replied that all new infrastructure that is being proposed can be reduced to 6.25 MHz. The issue, again is, if the County is required to further narrow band, we may have to add additional tower sites when that occurs. However, it took 16 years to get where we are today, and we do not anticipate any more FCC mandates to reduce it to 6.25 MHz in the near future.

Mr. Banning opened the public hearing for those in opposition.

Stephen Skacall, 245 Lowry Rd., West Columbia, SC 29170 - I am glad to see Councilman Cullum that you are not happy about this, because I don't think any of you should be. The question I have is and was not answered during the explanation just then is - When did y'all know or when did the FCC issue the mandate? Is it something that just recently happened or is it something they have done for a while that may have happened a year ago or something and you had time to plan for it but didn't. That is something that I would like to know.

Mr. Kerr replied there were discussions back in 1997 of the possibility of doing this but nothing became of it. The date the FCC will begin assessing has been a "floating date" and has been changed twice over the past five to six years. The most recent one has been in place for approximately two years.

Mr. Skacall replied so you or somebody has known about it for two years. I think it is completely wrong for the federal government or the state government for that matter to say y'all have to do something at the County level and not provide you with any means of getting it done. I don't remember if it was you Mr. Matthews or Mr. Cullum that brought this up, but there are a lot of counties across this country, some 4,000 some counties in the United States, and I guarantee you that a huge percentage of them will not be able to afford to get this done by January of next year. If there are enough counties that can't do it, how is

the federal government going to enforce it. They can't possibly fine all of those counties \$16,000 a day. I would say- why don't you stand up for us, stand up for yourselves and just say no. Just don't do it. Because if enough counties come together and say no we are not going to do it, we refuse to do this, the federal government does not have the means to enforce something like that if we have 1,000 – 2,000 counties refusing to do it. Call Joe Wilson and have him do something. There can be something that can be done within the people we have here in Lexington County in our congressional delegation. There's got to be something that be done to fight against this. I am not against this necessarily for the money reasons. If you have to do it, then you have to allocate the money for it. But, I just would ask that you use every last option available before you actually pay for it.

Mr. Banning said no one else signed up to speak in opposition; therefore, closed the public hearing.

Mr. Banning opened the public hearing for those in favor.

Bill Byrd, 1179 Point View Rd., Chapin, SC 29036 - I have been on the Telecommunications Committee for a long time. None of us want to spend the money for this, absolutely not. This is an unfunded mandate that came down 16 years ago. A lot of counties have already done this. From a technology standpoint, we looked at everything possible. We debated. We argued and hemmed and hawed and called each other out on what could be done on this many times. Joe was there and could tell you the same thing. This is probably the best option we have. It is not a good option, but it is probably the most cost effective thing we can do. Now to address the question the gentleman a minute ago came up with, and I understand why he does not want to spend the money and neither do I. I think it is an unfunded mandate due to the fact that the carriers want to have free access to the worldwide wireless spectrum rather than building more towers, which they would have to do in order to use what they already have. So we are giving them something for nothing, and that is kind of what is happening. I think it is disgusting, but that's what it is. And how this would work from a fine standpoint is, for example a company like myself - If we build a phone company in this area and say I want to use this frequency, right now they are being used, but illegally, I will turn around and sue. I will sue the County and the people who are using it and then the government will come back in. They have already given these people warnings telling them they are going to enforce this. A couple of times they have said they are going to enforce it but they have moved it out. They have already gone to Joe Wilson and those people twice and got it moved out. They are not going to move it anymore. It has already come down from the Obama administration that this is going to happen. So it is going to happen. They have the carriers – the AT&Ts, the Verizons, etc . behind it so it will happen. So what they will do is sue you. Then the government will come in and say please move off this and make it available and if you don't, we are going back to \$16,000 from day one to now. So we are going to burn you until you say uncle or we will just stand aside and let the carrier sue you and then he will do the damage for you, owning everything in your county to make it happen. So the idea of not doing this is not really an option. You may get by for a while, but eventually the lawsuits will come and you will end up paying and it will really be bad. So if we have an option, we should exercise it. Thank you.

Mr. Banning said no one else signed up in favor and closed the public hearing.

Old/New Business – None.

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

In Favor: Mr. Banning Mr. Jeffcoat

Mr. Kinard
Mr. Davis
Mr. Matthews

Mr. Townsend
Ms. Summers
Mr. Cullum

Not Present: Mr. Keisler

There being no further business, the meeting was adjourned.

Respectfully submitted,

Diana W. Burnett
Clerk

William B. Banning, Sr.
Chairman