

M I N U T E S
LEXINGTON COUNTY COUNCIL
June 26, 2012

Lexington County Council held its meeting on Tuesday, June 26, 2012 in Council Chambers beginning at 4:30 p.m. Chairman Banning presided.

Matters Requiring a Vote as a Result of Executive Session - During the Committee of the Whole, Council entered into Executive Session to discuss five contractual and four legal matters but were unable to conclude. Therefore, Council will need to go back into Executive Session later during the meeting. At this time, there were no motions to be considered.

Councilwoman Summers gave the invocation. Army veteran, William J. Melvin led the Pledge of Allegiance.

Moment of Silence - Vice Chairman Jeffcoat asked for moment of silence for the Lexington County fallen soldiers and their families.

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, County Administrator; John Fectel, 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 the Senate passed House Bill S1167. House Bill S1167 will allow Lexington County Council to vote to put a referendum on the ballot during the November elections to have a one penny sale tax to put projects on the redevelopment plan that will be voted on by the citizens. Council is possibly looking at a potential referendum on the ballot.

Council Members' Report/Comments - None.

Presentation of Resolutions - Chapin High School Boys Tennis Team Presented by Councilman Jeffcoat- Councilman Jeffcoat presented a framed resolution to Coach John Rodgers and members of the Chapin High School Boys Tennis Team in recognition of their winning the 2012 Class AAA State Tennis Championship.

Chapin High School NJROTC Presented by Councilman Jeffcoat - Councilman Jeffcoat presented a framed resolution to Sr. Chief Charles Cook and members of the Chapin High School NJROTC in recognition of their receiving the 2012 Navy League Best Unit in the Nation Award.

Gilbert High School Varsity Baseball Team Presented by Councilman Townsend - Councilman Townsend presented a framed resolution to the Gilbert High School Varsity Baseball Team in recognition of their winning the AA State Championship.

J. D. Whitehead, M.D. Presented by Councilman Jeffcoat - Councilman Jeffcoat presented a framed resolution honoring Dr. Whitehead for his many years of service on the Lexington County Health Services District, Inc. Board of Directors.

William A. Kennedy Presented by Councilman Matthews - Councilman Matthews presented a framed resolution to Mr. Kennedy honoring him for his many years of service on the Lexington County Health Services District, Inc. Board of Directors.

Vicki T. Shealy Presented by Councilwoman Summers - Councilwoman Summers presented a framed resolution to Ms. Shealy honoring her for her many years of service as a journalist covering Lexington County.

Recognition of Elected Officials - Mr. Banning recognized Sheriff Metts; Town of Lexington Mayor, Randy Halfacre; and Town of Chapin Mayor, Stan Shealy.

Lexington County Public Library System Presented by Councilman Matthews - Councilmen Banning and Jeffcoat presented a framed resolution to each of the ten libraries in recognition of the Library's 100th Year Anniversary.

Administrator's Report - Mr. Mergo announced that all County offices, including Solid Waste will be closed on Wednesday, July 4 in observance of Independence Day. Also, the County will be breaking ground on July 9 for the new 911 Emergency Communications Center.

Employee Recognition - Joe Mergo, County Administrator - Mr. Mergo recognized Walt McPherson, Zoning Administrator in Community Development. Mr. Mergo received a letter from Mr. Ed Yates commending Mr. McPherson for his assistance in getting the unsightly large sign structure at Piney Grove Road and I-26 removed.

Mr. Mergo recognized the entire Lexington County Information Services (I.S.) Team, Mr. Larry Page, State Department of Information Technology, Team I-A and others who worked nonstop to fix the problem the County experienced when we experienced a catastrophic server disc drive failure.

Resolution - Cindy's Place - Mr. Keisler made a motion, seconded by Mr. Cullum to approve.

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

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

Appointments –Boards & Commissions - Midlands Workforce Development Board - Mr. Davis made a motion, seconded by Ms. Summers to approve the seven appointments to the Board. Ms. Richelynn Douglass was reappointed to represent the DSS Sector and Mr. Brian Strickland was appointed to represent the Labor Sector replacing Mr. John Allen. (Five nominees were submitted for consideration to fill four of the Private Sectors and two nominees were submitted for consideration to represent the Vocational Rehabilitation Sector. Because the motion was not specific for the Vocational Rehabilitation and Private Sector appointments, Council later in the evening revisited the motion for clarification.)

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

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

Special Purpose Tax District - Golden Hill’s Special Purpose Tax District - Kenneth Siegfried - Mr. Jeffcoat made a motion, seconded by Mr. Kinard to appoint Mr. Siegfried. Mr. Siegfried replaces Ms. Susan Amick.

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	

Bids/Purchases/RFPs - Mr. Jeffcoat made a motion, seconded by Mr. Keisler to approve the following bids/purchases/RFPs (Tabs L, M, N, & O).

Residential Rehabilitation Building Inspector & Construction Manager - Community Development
A Request for Proposal (RFP) process was utilized to solicit proposals from potential qualified vendors to provide Residential Rehabilitation Building Inspector and Construction Manager services for Community Development. The term of the contract shall be for a one (1) year period with the option to extend four (4) additional one (1) year periods. Proposals were received from three (3) companies. The Committee recommended awarding the contract to Mead & Hunt.

Nursery Road Prefabricated Steel Truss Bridge - Public Works - Competitive bids were solicited for the Nursery Road Prefabricated Steel Truss Bridge. Four (4) responsive bids were received. Staff recommended the award of the bid to Big R Bridge as the lowest bidder. Total award of the bid, including tax, is \$524,415.

Inmate Phone System - Sheriff’s Department - A Request for Proposal (RFP) process was utilized to solicit proposals from qualified vendors to provide local and long distance telephone service, including a recording/monitoring and video visitation system and equipment for the inmates at the Lexington County Detention Center at no cost to the County. The term of contract shall be for an initial three (3) year period with the option to extend two (2) additional one (1) year periods. Proposals were received from three (3)

vendors. The Committee recommended the award of the contract to Securus Technologies.

Roadway and Site Improvements for the Bush River Road Collection & Recycling Center - Solid Waste Management - Bids were solicited for roadway and site improvements for the Bush River Road Collection and Recycling Center. The project consists of providing labor, materials, and equipment for demolition, misc. earthwork, asphalt and concrete paving and fence work. Three (3) bids were received. Staff recommended the award of the project to Charlie Price Paving Company, Inc. for Base Bid Two (#2) and Option One (#1) for a total cost of \$231,256.25.

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

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

Ordinance(s) - Ordinance 12-06 - An Ordinance Adopting an Annual Budget for Fiscal Year 2012-2013 - Third and Final Reading - Mr. Davis made a motion, seconded by Ms. Summers to approve third and final reading.

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

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

Opposed:	Mr. Kinard	Mr. Townsend
	Mr. Keisler	

Ordinance 12-07 - An Ordinance Amending Section D(3) of Ordinance 07-18 so as to Allow the Potential Addition of Other Joint Park Property to be Subject to the Fee-in-Lieu of Tax Distribution Procedure as Set Forth in Section D(3) of Ordinance 07-18 - Third and Final Reading- Mr. Cullum made a motion, seconded by Mr. Kinard to approve third and final reading.

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	

Committee Reports - Economic Development, J. Jeffcoat, Chairman - Resolution R12-3 - Approval of Resolution and Agreement for Akebono Brake Company- Mr. Jeffcoat reported the Economic Development Committee met earlier in the day and voted unanimously to recommend to full Council for approval Resolution R12-3.

Mr. Jeffcoat made a motion, seconded by Mr. Kinard to approve Resolution R12-3.

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	

Planning & Administration, D. Summers, Chairman - Revised Design for Sheriff's Training Center, Coroner and Records Management - Ms. Summers reported the Committee met earlier in the day and voted unanimously to recommend to full Council for approval.

Ms. Summers made a motion, seconded by Mr. Matthews to present to Council for approval.

Mr. Banning opened the meeting for discussion.

Mr. Banning said he remembered the presentation during the Committee meeting was just for the Coroner's office and inquired about the Sheriff's Training Center and Records Management.

Mr. Davis responded the motion was for all three during the Committee.

Mr. Mergo said there were no changes from the original bid; just allowing us to bid out the projects separately.

Mr. Banning replied the only change is to the Coroner's Office, correct?

Mr. Mergo replied, correct; there is no design changes for (could not understand).

Mr. Banning called further discussion; none occurred.

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

Request from the Town of Gaston for Community Development Block Grant (CDBG) Funds from FY2011-12 Contingency - The Committee met to consider a request from the Town of Gaston for \$25,410 in CDBG funding to install a recycled rubber walking path in the Town's park. The requested \$25,410 will come from contingency in the FY2011-12 Community Development Block Grant. The Committee voted unanimously to recommend to full Council for approval.

Ms. Summers made a motion, seconded by Mr. Kinard to approve the request.

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

Justice, S. Davis, Chairman - Mr. Davis reported during the afternoon Committee meeting, the Committee met to consider the acceptance of the following grant awards (D, E, F, G, & H) and voted unanimously to recommend to full Council for approval.

Mr. Davis made a motion, seconded by Ms. Summers to approve acceptance of the grant awards.

Pretrial Service Program Grant Award - The award in the amount of \$31,500 requires a 10 percent match (\$3,500), which is in Magistrate Court Services' general and recommended budget for FY12-13. The funds will be used to hire a consultant to design a Pretrial Release Program for Magistrate Court Services.

Drug Parcel Interdiction Unit Grant Award - The award in the amount of \$110,927 requires a 10 percent match (\$12,325) and an additional match of \$12,632 to cover items not in the grant. The match is in the Sheriff's FY12-13 budget. The funds will be used for a drug parcel interdiction investigator and operating and equipment.

Gas Chromatograph/Gas Mass Spectrometer Grant Award - The award in the amount of \$94,860 requires a 10 percent match (\$10,540). The match is in the Sheriff's FY12-13 budget. The funds will be used to replace the current gas chromatograph/gas mass spectrometer that was purchased in 2003.

Portable Live Scan Unit Grant Award - The award in the amount of \$32,400 requires a 10 percent match (\$3,600). The match is in the Sheriff's FY12-13 budget. The funds will be used to purchase a portable live scan unit and printer.

White Collar Crime Unit Grant Award - The award in the amount of \$72,609 requires a 10 percent match (\$8,068) and an additional match of \$179 to cover items not in the grant. The funds will be used for the white collar crime investigator and operating costs.

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

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

Also, Mr. Davis reported the Justice Department met on June 14 to consider staff's request to apply for the following two grants. Below are the Committee Reports.

Mr. Davis made a motion, seconded by Mr. Cullum to approve staff's request to apply for the grants.

FY 2012 Bulletproof Vest Partnership (BVP) Program Application - The Justice Committee met on Thursday, June 14, 2012, to review a grant application request from the Sheriff's Department for the FY 2012 Bulletproof Vest Partnership (BVP) Program. Chief Keith Kirchner presented a request to apply for the Bulletproof Vest Partnership grant in the amount of \$30,843. There is a fifty percent County match required at \$15,421.50. The funds will be used to purchase 50 new replacement vests for the Sheriff's Department.

The Justice Committee voted unanimously to recommend that full Council approve staff's request to apply for the grant.

FY 2012 State Criminal Alien Assistance Program Application - The Justice Committee met on Thursday, June 14, 2012, to review a grant application request from the Sheriff's Department for the FY 2012 State Criminal Alien Assistance Program (SCAAP).

Chief Keith Kirchner presented a request to apply for the State Criminal Alien Assistance Program (SCAAP) grant through the U.S. Department of Justice. The program grant is a 100 percent grant that will offset the expense of housing criminal aliens for at least four consecutive days in the Lexington County Detention Center. There is no County match required. A portion of the funds will go to Justice Benefits, Inc. for services provided and the remaining funds will provide for jail personnel's salaries.

The Justice Committee voted unanimously to recommend that full Council approve staff's request to apply for the grant.

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

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

Public Works & Solid Waste Management, T. Cullum, Chairman - First Creek Road Condemnation Proposal for Right-of-Way - Mr. Cullum reported during the afternoon, the Committee met to discuss staff's request to condemn approximately 0.537 acres of right-of-way on First Creek Road in order to pave the road, which is a unique situation for condemnation of right-of-way. After much discussion, including the County attorney, the County is going to mirror a process that SCDOT uses in situations where there is no ability to contact property owners or their heirs for approval of right-of-way to do road improvements. The Committee voted in favor to recommend to full Council for approval.

Mr. Cullum made a motion, seconded by Ms. Summers to follow staff's recommendation for the approval of this process to take place which will be guided by the County attorney.

Mr. Banning opened the meeting for discussion.

Mr. Banning explained for the public why the County is moving forward with the right-of-way condemnation. He said staff made multiple efforts to contact the "rightful" property owner, which goes back to the 1930s when the property owner died, and since we do not know who owns the property, the court will have to decide. Mr. Banning said in his 14 years on council this has never been done and feels

we are doing the right thing as we are only improving the property that we are condemning.

Mr. Banning called for further discussion; none occurred.

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

Opposed: Mr. Kinard Mr. Townsend

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

12-113 - An appropriation transfer of \$53,843 and a supplemental appropriation increase of \$51,342 to budget the cost for the Lexington Memorial Plaza.

12-114 - An appropriation transfer of \$0.00 in the Coroner's office. This is deleting a part-time Special Deputy Coroner at a Grade 16 and returning it to a part-time Deputy Coroner Grade 11.

12-116 - An appropriation transfer of \$318,429 and a supplemental appropriation increase of \$318,429 to transfer and budget the majority of the commission cost for the Chapin Technology Park.

12-115 - An appropriation transfer of \$72,669 to budget the cost of the legal services, survey, and remaining of the commission cost associated with the closing of the Chapin Technology Park property.

12-117 - An appropriation transfer of \$250,000 from "C" funds to complete the Wood Moor Subdivision Project.

12-118 - A supplemental appropriation increase of \$575 for Library Operations. The Friends of the Irmo Library donated a 32" LCD TV and an iPad to the Irmo Library.

13-021 - A supplemental appropriation decrease of (\$321,573) for a grant through the SC Department of Public Safety that the Sheriff's Office did not receive. This transaction will zero out the budget line item.

13-022 - A supplemental appropriation increase of \$4,500,000 for an award received from the SC Coordinating Council for Economic Development for Nephron Pharmaceuticals to help with site work, infrastructure, and rail.

13-023 - An appropriation transfer of \$3,500 and a supplemental appropriation increase of \$35,000 for Magistrate Court Services for the Pretrial Service Program Grant award received through the SC Department of Public Safety. This BAR establishes the match transfer in the General Fund and to establish a new fund for the award.

Old Business/New Business - None.

Executive Session - Mr. Banning announced that Council needed to go back into Executive Session to complete discussions on two legal and one contractual matters.

Ms. Summers made a motion, seconded by Mr. Davis to go into Executive Session.

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

Messrs. Matthews and Cullum left following Executive Session to attend a prior commitment.

Matters Requiring a Vote as a Result of Executive Session - Reporting out of Executive Session, Mr. Banning reported there were no motions to be considered from Executive Session. However, Council needed to revisit an earlier motion on Board and Commissions appointments.

Appointments - Midlands Workforce Development Board - Ms. Summers said during the earlier motion for the appointees for the Midlands Workforce Development Board seven appointments were made but needed to clarify the appointees for the Vocational Rehabilitation and Private Sectors.

Ms. Summers made a motion, seconded by Mr. Davis to appoint Rhonda Pitts to represent the Vocational Rehabilitation Sector and appoint Debby Lucas, Anthony White, Shanon Gardner, and William "Eddie" Cogdill to represent the Private Sector.

Ms. Pitts replaced Mr. Roy Hewett; Ms. Lucas replaced Mr. Eugene Rountree; Mr. White replaced Mr. Wallace Steadman; Ms. Gardner replaced Mr. Marty T. Martin; and Mr. Cogdill replaced Mr. Chevis Ballentine.

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	

Adjournment - Ms. Summers made a motion, seconded by Mr. Townsend to adjourn the meeting.

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

There being no further business, the meeting was adjourned.

Respectfully submitted,

Diana W. Burnett
Clerk

William B. Banning, Sr.
Chairman