

MINUTES
LEXINGTON COUNTY COUNCIL
July 24, 2012

Lexington County Council held its meeting on Tuesday, July 24, 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 legal and two personnel 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.

Special Recognition - Chairman Banning recognized Becca Matthews, wife of Councilman Brad Matthews and announced that Mr. and Mrs. Matthews are expecting their first child in January 2013.

Chief Keith Kirchner, Assistant Sheriff, gave the invocation. Retired Army Veteran, Mike Spears 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, County Administrator; John Fectel, Deputy 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 he attended the following events: June 29 - Retirement Party for Judge Chewning; June 24 - Grace Baptist Church Patriot Service; June 30 - Funeral services for First Lt. Ryan Rawl; July 11 - He and councilmen Townsend and Jeffcoat met with Mayor Wizowaty of Batesburg/Leesville regarding the infrastructure needs for the Batesburg/Leesville Park; July 17 - Amazon's Grand Opening Ribbon Cutting; July 20 - Criminal Justice Committee; and July 24 - He and councilmen Jeffcoat and Cullum met with the Department of Commerce, Calhoun County and the City of Cayce regarding water needs in the Southern end of Lexington and Calhoun counties.

Presentations - Community Impact of the Columbia Museum of Arts - Ms. Karen Brosius.
Executive Director - Item postponed to a later date.

Green Business Member Recognition - Public Works - Synithia Williams, Environmental Coordinator and Amanda St. John, Recycling Coordinator - Ms. Williams and Ms. St. John recognized Brown & Caldwell and Pitner Orthodontics as Certified Members and Total Flooring, LLC received certification under Waste Reduction and Recycling. Green Business certificates were presented to representatives from Brown & Caldwell and Pitner Orthodontics. Representatives from Total Flooring

were not present.

Special Recognition - Chairman Banning recognized Mayor Halfacre, Town of Lexington, and his wife, Wanda Banning.

The Administrator's Report - Deputy County Administrator, John Fechtel - Mr. Mergo formally introduced Mr. Fechtel as the new Deputy County Administrator.

Employee Recognition - Joe Mergo, County Administrator - Employee of the 2nd Quarter - Mr. Mergo recognized Xavier Rodriguez as the Employee of the 2nd Quarter and presented him with a plaque.

Appointments - Riverbanks Park Commission - Jan Stamps - On behalf of Chairman Banning, Mr. Jeffcoat made a motion, seconded by Mr. Kinard to reappoint Ms. Stamps.

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. Cullum made a motion, seconded by Mr. Keisler to approve the following bids/purchases/RFPs (Tabs W, X, Y, & Z).

One Caterpillar 287C High Flow XPS Multi-Terrain Loader with Attachments - Solid Waste Management - Staff recommended the purchase of a Caterpillar 287C High Flow XPS Multi-Terrain loader with attachments for Solid Waste Management from Blanchard Machinery through State Contract Number 08-S7683-A13743. Total cost, including tax, is \$77,851.06

Fleet Vehicle Replacements - Building Services, Public Works, & Solid Waste Management - Staff recommended the purchase of three vehicle replacements for Building Services, Public Works, and Solid Waste Management. The vehicles are being purchased from Love Chevrolet through State Contract Numbers 4400004340 and 4400002969 and Dick Smith Ford through State Contract Number 4400004331. Total cost, including tax, is \$94,582.50.

Fleet Vehicle Replacement and Accessories - Sheriff's Department - Staff recommended the purchase of seven (7) vehicle replacements including any emergency equipment/installation and accessories for the Sheriff's Department from Love Chevrolet (\$145,860) and Burns Automotive (\$33,316.40) through the appropriate State contract. The accessories and installation will be provided from the following vendors through the appropriate State contract and through the County's procurement process: Dana Safety Supply (\$12,736.21); West Chatham Warning Devices (\$9,860.40), and Solar Solutions (\$470.80). Total cost, including tax, is \$202,243.81.

Request for Approval to Utilize the Competitive Sealed Proposal Process for the Acquisition of Pre-Trial Consultant Services for the Magistrate's Office - Staff is requesting the use of the Request for Proposal (RFP) process to seek competitive proposals from potential qualified respondents for the acquisition of a Pre-Trial Consultant 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. In selecting a contracted vendor, it will be advantageous to consider award criteria other than cost. A review panel will be responsible for reviewing and evaluating proposals based upon specific evaluation factors.

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

Approval of Minutes - Meeting of May 22 and June 14, 2012 - Mr. Davis made a motion, seconded by Mr. Matthews to approve the minutes as submitted.

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

Ordinance - Ordinance 12-08 - Ordinance Authorizing the Conveyance of 8.90 Acres, More or Less, to the Town of Lexington - 1st Reading - Mr. Jeffcoat said rather than the County conveying the property, the County will be leasing the property to the Town of Lexington for a dog park (animal park) The term of the lease is for 20 years for \$1.00.

Mr. Jeffcoat made a motion, seconded by Mr. Kinard to approve first reading of Ordinance 12-08 leasing 8.90 acres to the Town of Lexington for an animal park.

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 - Economic Development, J. Jeffcoat, Chairman - Ordinance 12-09 - Ordinance Authorizing an Amendment to the Agreement for Development of a Joint County Park Between Newberry County & Lexington County Dated 7-28-98 to Add F.G. Wilson - 1st Reading - Mr. Jeffcoat reported the Economic Development Committee met earlier in the day and asked Mr. Kinard to present the motions.

Mr. Kinard reported Ordinance 12-09 is adding additional property (F.G. Wilson) to the existing agreement.

Mr. Kinard made a motion, seconded by Mr. Davis to approve first reading.

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

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

Assignments of Property Contracts - Mr. Kinard made a motion, seconded by Mr. Jeffcoat to approve the assignments of contracts and related addendums in regard to the Shealy, Riddle, Finlay, and Newberry properties. This approval is contingent upon the approval of the legal aspects of the final draft of the contracts, addendum and assignment by our attorney and further contingent upon the Newberry property being back under contract and being part of the assignments.

Mr. Banning opened the meeting for discussion.

For the public, Mr. Banning said this is property for the Chapin Technology Park.

Mr. Banning called for further discussion; none occurred.

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

Access Easement Agreement to Road - Mr. Kinard made a motion, seconded by Mr. Jeffcoat to approve the access easement agreement with BFR. This is for putting the road in this particular property.

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

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

Easement Agreement to Access Road - Mr. Kinard made a motion, seconded by Mr. Jeffcoat to approve the Shealy property easement to access the County road at a mutually agreed upon easement.

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

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

Mr. Cullum

Public Works & Solid Waste Management, T. Cullum, Chairman - Stormwater Improvements - 12-Mile Creek (319 Grant Award) - Mr. Cullum reported during the afternoon, the Committee met to consider the acceptance of the 12-Mile Creek Grant Award. The award in the amount of \$418,664 requires 40% match or \$279,109. The County’s portion is \$45,717 and \$233,392 will come from the farmers, landowners etc. The Committee voted unanimously to recommend to full Council for approval.

Mr. Cullum made a motion, seconded by Mr. Davis to accept the grant award.

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

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

Solid Waste/DHEC Management Grant Award - Also, the Committee considered the acceptance of the Solid Waste/DHEC Management Grant Award in the amount of \$5,000. The grant requires no County match. The Committee voted unanimously to recommend to full Council for approval.

Mr. Cullum made a motion, seconded by Mr. Matthews to accept the grant award.

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	

Solid Waste/DHEC Used Oil Grant Award - In addition, the Committee considered the acceptance of the Solid Waste/DHEC Used Oil Grant Award in the amount of \$59,939. The grant requires no County match. The Committee voted unanimously to recommend to full Council for approval.

Mr. Cullum made a motion, seconded by Mr. Townsend to accept the grant award.

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

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

Health & Human Service, B. Matthews, Chairman - Garage at Fire Training Center - Mr. Matthews reported during the Committee meeting, the Committee met to consider a request from Fire Service to

erect a garage at the Fire Service Training Center to house a fire prevention trailer and an original 1974 fire engine. The Committee voted unanimously to recommend to full Council for approval.

Mr. Matthews made a motion, seconded by Mr. Cullum to approve to erect the garage.

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

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

Adoption of Emergency Operations Plan (EOP) - Also, the Committee discussed the Emergency Operations Plan. The Committee voted unanimously to approve the plan.

Mr. Matthews made a motion, seconded by Mr. Jeffcoat to approve the Emergency Operations Plan.

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	

Committee of the Whole, B. Banning, Sr., Chairman - Ordinance 12-10 - Ordinance Finding that the Richland/Lexington Riverbanks Parks District May Issue Not Exceeding \$32,000,000 G.O. Bonds and to Provide for the Publication of Notice of Public Hearing - 1st Reading - During the afternoon Committee of the Whole meeting, the Committee met and voted unanimously to recommend first reading of Ordinance 12-10.

Note: There was a malfunction of the digital recorder and the following are from notes taken during the meeting.

Mr. Jeffcoat made a motion, seconded by Mr. Cullum to approve first reading of Ordinance 12-10.

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

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

Resolution R12-5 - Calling for a Public Hearing to be Held Upon the Question of the Issuance of Not Exceeding \$32,000,000 G. O. Bonds - Also, the Committee voted unanimously to recommend to full Council for approval

Note: There was a malfunction of the digital recorder and the following are from notes taken during the meeting.

Mr. Cullum made a motion, seconded by Ms. Summers to approve Resolution R12-5.

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

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

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

12-121 - Two appropriation transfers of \$94,428 and \$6,638 and a supplemental appropriation increase of \$6,638 in the Sheriff's Department. When the 2011 Incident Management Team Grant was awarded, the entire award was budgeted in contingency. These transactions are putting the funds into the proper line item accounts.

12-122 - An appropriation transfer of \$8,007 and a supplemental appropriation increase of \$20,931 to reflect change orders associated with the Pawmetto Lifeline facility.

13-024 - A supplemental appropriation decrease of \$383,410 in the Local Government Contingency line item account. During the budget process, the Local Government Fund Distribution was estimated at \$10,034,211. Once the State Budget was passed, the County was notified the amount would be \$9,650,801.

13-025 - An appropriation transfer of \$3,733 to adjust the Solid Waste/DHEC Management grant budget to match the award received.

13-026 - A supplemental appropriation decrease of \$11,666 to adjust the Solid Waste/DHEC Used Oil grant budget to match the award received.

13-027 - An appropriation transfer of \$45,717 and a supplemental appropriation increase of \$464,381 to establish a budget in Public Works Stormwater for the Section 319 grant received for the 12-Mile Creek Watershed.

13-028 - An appropriation transfer of \$10,857 and a supplemental appropriation decrease of \$124,544. The Sheriff's Department received a grant award for one officer for the Drug Parcel Interdiction Unit. However, the budget submitted was for two officers. These transactions are to adjust the budget to match the award.

13-029 - A supplemental appropriation decrease of \$1,612. The Sheriff's Department received a grant award for the White Collar Crime Unit. The transaction is to adjust the budget to match the grant 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 personnel and two contractual matters.

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

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

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.

Adjournment - Mr. Davis made a motion, seconded by Mr. Matthews to adjourn the meeting.

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

Not Present:	Mr. Townsend	Mr. Keisler
	Mr. Cullum	

There being no further business, the meeting was adjourned.

Respectfully submitted,

Diana W. Burnett
Clerk

William B. Banning, Sr.
Chairman