

M I N U T E S
LEXINGTON COUNTY COUNCIL
October 23, 2012

Lexington County Council held its meeting on Tuesday, October 23, 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 afternoon meeting of the Committee of the Whole, Council entered into Executive Session to discuss three legal matters. Following discussions, there were not motions to be considered.

Councilwoman Summers gave the invocation. Mr. Ed Lundeen, Director of the Lexington County Veteran's Office, led the Pledge of Allegiance.

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

Also attending: Joe Mergo, III, 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 on the following events he attended as well as upcoming events: Oct. 10 - Public Officials Appreciation Breakfast at the Columbia Museum of Arts; Oct. 11 - met with Mr. George Hutton, the new Executive Director of Ingenuity, and attended the Board meeting; Oct. 11 - attended the Regional Mayors meeting at Cobblestone Park; Oct. 11 - Councilman Davis attended the Transportation Sub-committee meeting. Mr. Banning extended condolences to Chief Kirchner in the loss of his brother, Scott; Oct. 19 - Lexington County Industry Appreciation Golf Tournament; Oct. 19 - he and Councilwoman Summers attended the South Carolina Association of Counties Fall meeting; Oct. 22 - Avtec ground breaking and on Nov. 15 - reminder of the upcoming Lexington County and Municipalities Association Strategic Planning. Also, Mr. Banning reported he has received 19 resolutions for the airport connector (John Hardee Expressway).

Special Recognition - Councilman Keisler recognized Mayor Jerry McCormick of South Congaree.

Presentations - Presentation of Check from the Lexington County Fire Service Boot Drive to

Muscular Dystrophy Association - During the annual Boot Drive, Fire Service collected \$44,203.94. Chief Brad Cox presented a check to Tara Heil, MDA Executive Director; Grayson Parler, who is being served by the Muscular Dystrophy Association; and his father, David Parler.

Green Business Member Recognition - Public Works - Synithia Williams, Environmental Coordinator and Amanda St. John, Recycling Coordinator - Ms. Williams and Ms. St. John

recognized the newest inductee, Momar, Inc. into the Green Business Certification Program. Momar, Inc. was certified in three areas - Waste Reduction and Recycling, Air Quality, and Energy Efficiency.

Presentation of Resolution - Suzanne Hackett Presented by Councilman Kinard - Councilman Kinard presented a framed resolution to Ms. Hackett recognizing her for her service on the Nancy K. Perry Children's Shelter.

The Administrator's Report - Energy Efficiency Update - Mr. Mergo reported by using Efficiency Community Block Grant money, the county completed the following projects at the Summary Court Center (old courthouse): replaced windows, installed energy efficient lighting fixtures, and the chiller was changed adding variable frequency drive to the chilling system. He said a comparison of electric service from Jan. 11 to Sept. 11, 2011 and Jan. 11, to September 11, 2012 resulted in a 39% savings in electric usage.

Electronic Recycling Event - Lexington County Solid Waste Management Department is partnering with the Town of Irmo and Keep the Midlands Beautiful to host an electronic recycling event on November 17 from 9:00 a.m. - 1:00 p.m. The event will be held at the Crossroad Middle School located at 6949 St. Andrews Road.

Overview of Marine/EMS Lake Murray Boat Patrol - Lt. Gary Rozier, Special Operations in the Sheriff's Department, gave a Powerpoint presentation of the equipment and services that the Special Operations along with Public Safety/Fire Service and EMS provide on Lake Murray. Lt. Rozier said they serve all four counties as they have a Multi-Jurisdiction Agreement with Newberry, Saluda, and Richland Counties.

Employee Recognition - Joe Mergo, County Administrator - Employee of the Third Quarter - Mr. Mergo recognized Travis Holliman, Public Safety/Fire Service; Micah Norman, Public Safety/EMS; Resident Deputy David Nieves, Sheriff's Department; and Randy Arant, Public Safety/Fire Service for the Employee of the 3rd Quarter.

Mr. Mergo presented a plaque and a pen and keychain set to Mr. Arant as the Employee of the 3rd Quarter. Also, a pen and keychain set were presented to Messrs. Holliman, Norman, and Nieves.

Resolutions - Arbor Day and Midlands Minor League All-Star Team - Mr. Davis made a motion, seconded by Mr. Kinard to approve both resolutions.

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	

Appointments - Museum - Jim Harward - Mr. Matthews made a motion, seconded by Mr. Jeffcoat to reappoint Mr. Harward.

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

Museum - Edie Harmon - Mr. Davis made a motion, seconded by Mr. Kinard to reappoint Ms. Harmon.

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

Bids/Purchases/RFPs - Mr. Jeffcoat made a motion, seconded by Mr. Keisler to approve the following bids/purchases/RFPs (Tabs Q, R, S, T, U, V, W, X, Y, and Z).

Forty (4) Dell Desktop Computers - Library - Staff recommended the purchase of 40 Dell desktop computers for Library Services from Dell through State Contract Number 5000008961. Total cost, including tax, is \$29,617.60.

EMS Medical Supplies - Term Contract - Public Safety/EMS - Competitive bids were solicited for a term contract for EMS medical supplies for Public Safety/EMS. The term of the contract is for the initial period of one (1) year with the option to extend the contract for up to four (4) additional one (1) year periods, if deemed to be in the best interest of the County. Nine (9) responsive bids were received. Staff recommended making multiple awards to the lowest responsive, responsible bidder per line item. The annual estimated cost of the contract is \$151,703.53.

Frye Road Improvement Project - Public Works - Competitive bids were solicited for paving 1,730 LF of Frye Road. The project consists of providing all materials, equipment, and labor including grading, associated drainage improvements, and placing asphalt to the unpaved surface. Six (6) responsive bids were received. Staff recommended the award of the bid to the lowest bidder, Sox and Sons Construction Company, Inc. Total cost, including tax, is \$76,622.10

Professional Engineering Services Road Design Projects - Public Works - Resumes were solicited from qualified engineering firms for the design, construction and administration of various road projects in Lexington County. The top nine evaluated engineering firms selected will be assigned roads on an "on-call" basis and will be responsible for surveying, permits, soil testing, design calculations, utility relocation, plans and specifications, cost estimates, bid documents, review of bids, contract administration, construction conferences, construction inspections, materials testing, final inspection, right-of-way acquisition, and right-of-way staking as required. Eighteen (18) resumes were received. Staff recommended having a contract with the following nine (9) top rated firms on an "on-call" basis for a term contract of two (2) years: Mead and Hunt, Alliance Consulting Engineers; Michael Baker Corporation; Civil Engineering Consultants Services, Inc.; Florence & Hutcheson, Inc.; Dennis Corporation; American Engineering Consultants, Inc.; Hussey, Gay, Bell, & Deyoung; and URS.

Security Fencing for the Lexington County Airport in Pelion (Grant Funds) - Public Works - Bids were solicited for security fencing for the Lexington County Airport at Pelion. Four (4) bids were received. Staff recommended the award of the bid to SITEC, LLC in the amount of \$54,480, including tax. It is noted that the project is partially being funded from the FAA and the County's total out-of-pocket expense will be \$3,980.

Two (2) Heavy Duty Dump Trucks - Public Works - Bids were solicited for the purchase of two heavy duty dump trucks for Public Works. Four (4) bids were received. Staff recommended the award of the bid to Columbia Truck Center for the total, including tax, of \$241,067.

Agilent GC/MS System or Equal (Grant Funds) Sheriff's Department - Bids were solicited for an Agilent Gas Chromatograph/Mass Selective System or equal. One (1) responsive bid was received. Staff recommended the award of the bid to Agilent Technologies for the total amount, including tax, of \$90,644.61. A grant (number 1GS09211) from the SC Department of Public Safety has been approved and those funds will reimburse the County.

Request for Approval to Utilize the Competitive Sealed Proposal Process for Comprehensive Health/Mental Health Care Services at the Detention Center - Sheriff's Department - Staff requested the use of the Request for Proposal (RFP) process to seek competitive proposals from potential qualified respondents for the Comprehensive Health/Mental Health Care Services for the Lexington County Detention Center. Due to the scope of the project, it is not practical or advantageous to prepare 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.

Twenty-four (24) Toughbooks with Accessories - Sheriff's Department - Staff recommended the purchase of twenty-four (24) Toughbooks with accessories for the Sheriff's Department. The items will be purchased from Synnex Corporation through WSCA Contract Number B27172/500000108810. Total cost, including tax, is \$124,155.71

One (1) Hydraulic Excavator (Replacement) - Solid Waste Management - Bids were solicited for a hydraulic excavator for Solid Waste Management. Staff recommended the award to Blanchard Machinery. The County will exercise its option of \$15,000 for the trade-in on its existing equipment. The first fiscal year of the TM&R (Total Maintenance and Repair) contract will be \$9,336. The cost of the five-year/7,500 hour TM&R contract is \$46,680. Total cost of the equipment, option of trade-in, the TM&R contract (first fiscal year) and the tax is \$377,132.38.

Mr. Banning opened the meeting for discussion.

As a point of information, Mr. Cullum said Tab S (Frye Road Improvement) was discussed in the Public Works Committee and, because it is being approved out of the top 25, he wanted the public to know why it was recommended to be paved.

Mr. Cullum said by paving Frye Road while the Corley Mill Road is being paved, the County is saving in excess of \$50,000 by having the contractor on site. He noted that staff had previously estimated the cost to be in the \$128,000 range.

Mr. Banning called for further discussions; none occurred.

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

Approval of Minutes - Meeting of September 11, 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

Zoning Map Amendment Application #M12-01 - The Palms at Rocky Point Phase II - 1st Reading - Mr. Jeffcoat 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. Jeffcoat
 Mr. Davis Mr. Kinard
 Mr. Townsend Ms. Summers
 Mr. Keisler Mr. Matthews
 Mr. Cullum

Ordinances - Ordinance 12-12 - Authorizing the Issuance, Sale & Delivery of G.O. Bonds Not Exceeding \$26 Million (\$5.575 Million Refunding of Series 2006B Bonds and Issuance of \$3 Million for EOC Center Construction and \$17 Million for Economic Development) as Amended - 2nd Reading - Mr. Davis made a motion, seconded by Mr. Jeffcoat to approve second reading.

Mr. Banning opened the meeting for discussion.

For discussion Mr. Kinard said there had been some dialogue about possibly prioritizing some of the items and perhaps taking some funds on hand to save from borrowing, particularly pulling the \$3 million from the General Fund for the EOC, and asked for that to be considered. He agreed with the Saxe Gotha and Chapin Park, but suggested putting the Batesburg/Leesville Park on hold.

Mr. Jeffcoat said he would like to remind Council just today, we had two bids that came in about \$300,000 plus over the estimated amount. And said if we continue to go to the “rainy day” fund, then he would not know how we would handle a situation like this and recommended going with the ordinance as proposed.

Mr. Townsend said as far as the Batesburg/Leesville Industrial Park, it has been sitting pretty much idle. He said he believes at one time a company was interested in the park, but because the infrastructure was not in, they decided against it. Mr. Townsend said he would like to see something being done out there

instead of feeling like the “redheaded stepchild.”

Mr. Jeffcoat responded that Council is not treating Batesburg/Leesville like they are the “redheaded stepchild.” He said Council purchased that property ten years ago with the understanding that Batesburg/Leesville would put in the infrastructure, which was never done. That is why it turned into a “stepchild”; it was their choice. But, agreed that we needed to move forward with it.

Mr. Cullum said we are just voting on the ability to authorize the issuance of \$26 million but it does not mean that we are actually going to go to market with that. We put a cap out there where we can go up to that point and agreed Jim may make a valid point that we may want to look at this a little bit closer. Also, Mr. Cullum said if we are going to have people say they are going to partner with us, they need do their part. And if they don’t do their part, we may not have to go to market with the full \$26 million. However, he tends to agree with Mr. Jeffcoat that we do not want to limit ourselves at this point. So let’s vote on the authorization of doing it and then at the end of the day we don’t use it, then we do not go out to market with it. But, we have identified it and if we want to do all these projects, this is what it is going to cost and doesn’t think it will get any cheaper. However, he said the partners are going to have to do what they say they are going to do. If they don’t, he is not going to support it.

Mr. Banning called for further discussion; none occurred.

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

Opposed: Mr. Kinard

Ordinance 12-13 - An Ordinance Extending the Residential Solid Waste Franchise Contracts - 2nd Reading- Delay to November 13th meeting.

Ordinance 12-14 - An Ordinance Approving the Conveyance of Real Estate From the County of Lexington to SCDOT - 2nd Reading- Mr. Jeffcoat made a motion, seconded by Mr. Cullum to approve.

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	

Committee Reports - Public Works & Solid Waste Management, T. Cullum, Chairman - Chapter 7 - Agreements, Bonds, and Warranties - Mr. Cullum reported the Public Works Committee met on Tuesday, October 9, 2012, to review the proposed final form for Chapter 7 - Agreements, Bonds, and Warranties. Following is the Committee Report:

Mr. Fechtel presented the final revised copy of Chapter 7 - Agreements, Bonds, and Warranties of the Land Development Manual. The South Carolina Home Builder’s Association (HBA) has met with staff

and approved the final form. Mr. Fechtel reported that Section 7.2.1 Financial Assurance is the only item being reserved while staff researches options for the two year warranty period for completed projects.

The Public Works Committee voted unanimously in favor to recommend to full Council to approve staff's recommendations.

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

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	

Justice, S. Davis, Chairman - FY12 State Alien Assistance Program (SCAAP) Award - Mr. Davis reported during the Justice Committee, the Committee voted unanimously to recommend to full Council for approval. The award in the amount of \$9,612 requires no County match and will be used to help fund Detention Center expenses.

Mr. Davis made a motion, seconded by Mr. Townsend to approve acceptance of the grant award.

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. Jeffcoat	Mr. Matthews
	Mr. Cullum	

Highway Safety DUI Enforcement Grant Award - Also, discussed was the Highway Safety DUI Enforcement Grant award. The award in the amount of \$149,557 requires no County match.

Mr. Davis made a motion, seconded by Mr. Jeffcoat to approve acceptance of the grant award.

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

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

DUI Prosecutor Grant Award - In addition, the Committee discussed the acceptance of the DUI Prosecutor Grant award. The award in the amount of \$75,000 requires no County match.

Mr. Davis made a motion, seconded by Mr. Keisler to approve acceptance of the grant award.

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

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

Health & Human Services, B. Matthews, Chairman - Picnic Shelters and Storage Building at Fire Service - Mr. Matthews reported during the afternoon Health & Human Services Committee meeting, the Committee discussed how Lexington County Fire Service has the opportunity to erect five picnic shelters and one storage building at our various stations. There is no cost to the County as these items are being paid with One Percent funds. However, if any concrete pads or floors are needed, those costs are being paid for with remaining funds from previous fund raisers provided by the fire stations.

Mr. Matthews made a motion, seconded by Ms. Summers to approve the picnic shelters and storage building.

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

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

Mr. Banning said Council needed to adjourn the Council meeting and convened the County Transportation Committee (CTC).

Mr. Jeffcoat made a motion to recess the Council meeting. The motion did not require a second.

Mr. Banning convened the CTC.

County Transportation Committee - West Columbia Enhancement Grant Match Request - Mr. Banning reported during the Public Works Committee, the Committee voted unanimously in favor to recommend to the CTC the West Columbia Enhancement grant match request. The City of West Columbia is requesting \$36,250 (20% local match) for the Sunset Boulevard and Jarvis Klapman Boulevard beautification project. Funds will come from the "C" Fund Special Project unclassified account (2700-121302-539900).

Mr. Jeffcoat made a motion, seconded by Mr. Cullum to approve.

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. Matthews

Mr. Keisler

Mr. Banning adjourned the County Transportation Committee (CTC) and reconvened the County Council meeting.

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

13-055 - A supplemental appropriation increase of \$43,996 received from the Budget & Control Board for insurance reimbursement for repairs on Fire Service 2010 KME Fire Apparatus Pumper Number 32874.

13-056 - A supplemental appropriation increase of \$9,000 to cover the cost of mechanical and electrical engineering design services for the installation of the new Gas Chromatograph/Gas Mass Spectrometer received.

13-057 - A supplemental appropriation increase of \$950 donated by Lexington Medical Center (\$700) and Shaw Industries Group (\$250) to help with the printing cost of the third Spare the Air Calendar Contest for Stormwater Management.

13-058 - An appropriation transfer of \$27,500 in the Sheriff's Department. This transaction is to reduce last year's Law Enforcement Network (LEN) Grant appropriations by \$2,762 and allocate funding for this year's grant that was put into a contingency account until it was decided how the funds were going to be used.

13-059 - A supplemental appropriation increase of a \$43,688 award from the US Department of Justice to reimburse the County a portion of the cost to house undocumented aliens in the County's jail. Nine thousand six hundred eleven dollars and thirty-six cents (\$9,611.36) of the award will be paid to Justice Benefits, Inc for their help in researching and verifying which undocumented aliens fit the criteria for reimbursement.

13-060 - A supplemental appropriation decrease of \$28,020. The Highway Safety DUI Enforcement grant award was less than the application amount. This transaction is to adjust the budget to match the award amount.

13-061 - A supplemental appropriation decrease of \$3,000 and a supplemental appropriation decrease of \$1,460 in the Solicitor's office. The DUI Prosecution Program grant award was less than the application amount and this transaction is to adjust the budget to match the award. Also, it is to adjust last year's budget by \$1,460 to match actual expenditures.

13-062 - An appropriation transfer of \$323,040 from contingency and a supplemental appropriation increase of \$323,040 to budget the shortfall from the bids received for the renovation projects for the Auxiliary Building for Record's Management (\$181,748) and the expansion for the Coroner's Office (\$141,292).

Prior to recessing for the 6:00 p.m. public hearings, Mr. Keisler said he received an e-mail from Chief Garner with the Town of Pelion commending Public Safety Director, David Kerr for his leadership with the upgrade of their 800 radio system that has been an issue since 2004.

Recess - Mr. Banning recessed until the 6:00 p.m. public hearings.

Mr. Banning adjourned the Council meeting back into session.

Councilman Jeffcoat and Councilwoman Summers left prior to the opening of the public hearing.

6:00 P.M. - Public Hearings - Ordinance 12-11 - An Ordinance to Amend Article III, Division 2, Section 34-92 (Powers, Duties, and Authority of Lexington County Health Services District) of the Lexington County Code - Council members present: Banning, Kinard, Townsend, Davis, Keisler, Matthews, and Cullum.

Mr. Banning opened the public hearing.

Mr. Banning reported no one signed up in favor or in opposition of Ordinance 12-11 and, therefore, closed the public hearing.

Ordinance 12-12 - Authorizing the Issuance, Sale & Delivery of G.O. Bonds Not Exceeding \$26 Million (\$5.575 Million Refunding of Series 2006B Bonds and Issuance of \$3 Million for EOC Center Construction and \$17 Million for Economic Development) as Amended - Mr. Banning opened the public hearing.

Mr. Banning reported no one signed up in favor or in opposition of Ordinance 12-12 and, therefore, closed the public hearing.

Old Business/New Business - None.

Executive Session - All items were completed during the afternoon meeting of the Committee of the Whole.

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

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

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

Not Present:	Ms. Summers	Mr. Jeffcoat
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There being no further business, the meeting was adjourned.

Respectfully submitted,

Diana W. Burnett
Clerk

William B. Banning, Sr.
Chairman