

MINUTES
LEXINGTON COUNTY COUNCIL
June 11, 2013

Lexington County Council held its regularly scheduled meeting on Tuesday, June 11, 2013 in Council Chambers beginning at 4:30 p.m. Chairman Banning presided.

Councilman Townsend gave the invocation. Mr. William F. Able, veteran of the U.S. Army, led the Pledge of Allegiance.

Members attending: William B. Banning, Sr. James E. Kinard, Jr.
 Frank J. Townsend, III M. Kent Collins
 Debra B. Summers Bobby C. Keisler
 Johnny W. Jeffcoat Kenneth Brad Matthews
 M. Todd Cullum

Also attending: Joe Mergo, III, County Administrator; Randy Poston, Chief Financial Officer; 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 reminded Council of tomorrow's breakfast for Brigadier General Peggy Combs.

Mr. Banning recognized Mr. Dennis Malatek, Director of Operations for CMC Steel.

Administrator's Report - None.

Employee Recognition - Mr. Mergo recognized Brandon Mack, an Eagle Scout from BSA Troop 307. Brandon was awarded the Public Safety Director's **Coin of Excellence** by Public Safety Director, David Kerr, for his leadership assisting residents during and after an evacuation at the Deep Wood Estates, an independent senior living facility.

Appointments - Boards and Commission - Midlands Workforce Development Board - Myles Newman, Smokey Davis, Dr. Jarrell Smith, Allen Wise, Bonnie Austin, Darline Graham, Donna Lax- Mr. Cullum made a motion, seconded by Mr. Kinard to appoint the following members to the Midlands Workforce Development Board: Myles Newman, Smokey Davis, Dr. Jarrell Smith, Allen Wise, Bonnie Austin, Darline Graham, and Donna Lax. Mr. Davis replaces Mr. Gensamer; Dr. Smith replaces Ms. Olson; Mr. Wise replaces Mr. Mathias; Ms. Austin replaces Mr. White; Ms. Graham replaces Ms. Pitts; and Ms. Lax replaces Mr. Combs.

Mr. Banning called for the vote.

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

Midlands Authority Conventions, Sports & Tourism - Tammy Shoffstall - Ms. Summers made a motion, seconded by Mr. Jeffcoat to reappoint Ms. Shoffstall.

Mr. Banning asked that Council delay the reappointment at this time

Ms. Summers withdrew her motion; Mr. Jeffcoat withdrew his second.

Cultural Council of Richland and Lexington Counties Board - Debra Summers - Mr. Cullum made a motion, seconded by Mr. Jeffcoat to reappoint Ms. Summers.

Mr. Banning called for the vote.

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

Central Midlands Council of Government - Clabie Edmond - Mr. Cullum made a motion, seconded by Mr. Townsend to reappoint Mr. Edmond.

Mr. Banning called for the vote.

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

Bids/Purchases/RFPs - A motion was made by Mr. Jeffcoat, seconded by Ms. Summers to approve Tabs G, H, I, J, K, & L.

Mr. Banning opened the meeting for discussion.

Mr. Cullum asked that Tab H - S-48 (Columbia Avenue) Corridor Improvements - Public Works be delayed to June 25th to obtain additional information.

Mr. Jeffcoat and Ms. Summers accepted Mr. Cullum's request to delay action on Tab H as part of their motion.

One (1) Remount EMS Unit - Replacement - Staff recommended the purchase of one (1) remount EMS Unit for Public Safety/EMS from Dodgeland of Columbia through the proper procurement process.

Total cost, including tax, is \$44,691.91.

Ammunition - Term Contract - Sheriff's Department - Bids were solicited for a term contract for ammunition for the Sheriff's Department. Five (5) bids were received. The term of the contract shall be 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 in the best interest of the County. Staff recommended making multiple awards to the following lowest bidders meeting specifications: Lawmen's Safety Supply - Items #1, #3, & #4 - \$22,845.60; Dana Safety Supply - Items #2 and #5 - \$6,339.75; and Craig's Firearm Supply - Items #6 & #8 - \$3,327.75. It is noted that Item #7 was not awarded due to the price not being advantageous to the County. Total cost, including tax, is \$32,513.10.

Livescan Sex Offender Unit - Sheriff's Department- A Request for Proposal (RFP) was utilized to establish a contract with a vendor to provide a Livescan Sex Offender Unit for the Sheriff's Department. One (1) proposal was received. The term of the contract, including implementation and annual maintenance, for five (5) years is \$43,000. The initial cost to implement will be \$28,000. The Committee recommended the award of the contract to the sole responsive bidder, Data Works Plus.

Request for Approval to Utilize the Competitive Sealed Proposal Process for Food Services at the Detention Center - Sheriff's Department - Staff requested the use of the Request for Proposals (RFP) process to seek proposals from qualified vendors to provide food 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.

Training Tables - Sheriff's Department - Staff recommended the purchase of eighty-five (85) 72" x 18" and twenty-five (25) 72" x 24" training tables for the Sheriff's Department. The tables will be purchased from Corporate Concepts, Inc. through SC State Contract Number 4400006160 and 4400005992. Total cost, including tax, is \$36,668.90.

Mr. Banning called for the vote.

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

Approval of Minutes - Meeting of May 14, 2013 - Ms. Summers made a motion, seconded by Mr. Cullum to approve the minutes as submitted.

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

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

Zoning Amendment - Zoning Text Amendment T13-02 - 3rd and Final Reading - Mr. Matthews made a motion, seconded by Mr. Kinard to approve.

Mr. Banning called for the vote.

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

Ordinance - Ordinance 13-05 - An Ordinance Adopting an Annual Budget for Fiscal Year 2013 - 2014 - 3rd and Final Reading - Mr. Jeffcoat made a motion, seconded by Ms. Summers to approve third and final reading.

Mr. Banning opened the meeting for discussion.

Mr. Kinard said we had a very spirited but important debate over the budget the last several weeks. As a result, I think we have sufficiently vetted those items in the requested budget and determined the needs and separated them from what would have been nice to have, but currently unaffordable. I hope we continue to have this kind of debate in the future bearing in mind that the function of County government is to provide services for the citizens they cannot provide for themselves. Through this debate, it was agreed on what we need to add to the budget for this next year. I think we are pretty much in agreement to what we need to add. But, what we have is a distinct disagreement on, however, is how to fund these needs. I believe that we could provide these identified needs with a much smaller increase, even with the looming prospect of less financial support from the state legislatures to fund their own mandated programs. I am still not convinced that the 3 percent merit pool currently in the budget is an affordable prospect in our current economy, and I would like to ask that Council, if they will, reconsider this item and reduce it to a 1 percent merit pool that is more reasonable. I don't think an employee having an opportunity to a 3 percent pool but facing a certainty of a 3.5 percent millage increase is such a great deal, either for employees, the taxpayers themselves, or our business taxpayers. I just don't think we considered the math well enough in the funding to my satisfaction. Therefore, I am going to have to remain a NO Vote on this budget as it stands.

Mr. Banning called for further discussions; none occurred.

Mr. Banning called for the vote.

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

Motion passes - 5 to 4.

Committee Reports - Economic Development, J. Jeffcoat, Chairman - Resolution R13-4 - Approval for FILOT Investment Period Extension Between the County of Lexington and Owen Electric Steel Company of South Carolina D/B/A CMC Steel South Carolina Formerly D/B/A SMI Steel South Carolina - Mr. Jeffcoat reported the Economic Development committee met earlier in the day and voted in favor to recommend to full Council for approval.

Mr. Jeffcoat made a motion, seconded by Mr. Cullum to approve Resolution R13-4. (There was an additional motion for clarification following the approval of first reading of Ordinance 13-06 below).

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

Mr. Banning called for the vote.

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

Abstained: Mr. Townsend *

*Mr. Townsend abstained as his company does business with CMC.

Ordinance 13-06 - An Ordinance Authorizing the Execution and Delivery of a First Amendment to the Fee in Lieu of Tax and Incentive Agreement Between Lexington County and Owen Electric Steel Company of South Carolina D/B/A CMC Steel South Carolina (Formerly D/B/A SMI Steel South Carolina) and its Affiliates and Project Sponsors to Provide for an Additional Investment in Lexington County by Owen Electric Steel Company of South Carolina D/B/A CMC Steel South Carolina and Affiliates and Project Sponsors; and Matters Related Thereto - 1st Reading - Mr. Jeffcoat made a motion, seconded by Mr. Cullum to approve first reading.

Mr. Cullum thanked the executives from CMC Steel for continuing to invest in Lexington County and providing the much needed jobs in the County.

Mr. Banning called for further discussion; none occurred.

Mr. Banning called for the vote.

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

Abstained: Mr. Townsend *

*Mr. Townsend abstained as his company does business with CMC.

Resolution R13-4 - Approval for FILOT Investment Period Extension Between the County of Lexington and Owen Electric Steel Company of South Carolina D/B/A CMC Steel South Carolina

Formerly D/B/A SMI Steel South Carolina - Mr. Kinard made a motion, seconded by Mr. Cullum to approve Resolution R13-04 subject to final wording as approved by our County attorney.

Mr. Banning called for the vote.

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

Abstained: Mr. Townsend *

*Mr. Townsend abstained as his company does business with CMC.

Planning & Administration, D. Summers, Chairman - Revised CDBG and HOME Allocations for FY2013-14 - Ms. Summers reported during the Planning & Administration Committee, staff advised that HUD increased allocations for the FY2013-14 CDBG and HOME programs. The County will receive an additional \$101,823 for CDBG and an additional \$35,118 for the HOME program.

Ms. Summers made a motion, seconded by Mr. Kinard to resubmit the revised FY2013-14 Annual Action Plan to HUD.

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

Mr. Banning called for the vote.

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

Justice, J. Kinard, Jr., Chairman - State Homeland Security Grant Application - Mr. Kinard reported earlier in the day the Justice Committee met to consider a request from staff to apply for a State Homeland Security Grant. The application in the amount of \$35,000 requires no County match. If awarded, the funds will be used to purchase radio base stations that will be used in the Midlands Incident Management Team command post.

Mr. Kinard made a motion, seconded by Mr. Townsend to approve staff request to apply for the grant.

Mr. Banning called for discussion; none occurred.

Mr. Banning called for the vote.

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

Mr. Cullum

Budget Amendment Resolutions - The following BARs were signed:

13-135 - A supplemental appropriation increase in the amount of \$5,000 to the HOME Ownership Assistance Program through HUD. Two individuals received the \$5,000 assistance but there is a stipulation that the owners must reside in the residence for 5 years, if not, will have to repay the loan. This is the repayment of that loan.

13-136 - An appropriation transfer of \$74,107 to cover the difference in the amount the County budgeted in the SC Worker's Compensation Taxes and WC 2nd Injury Assessment account and an outstanding invoice.

13-137 - A supplemental appropriation increase of \$119 for Fire Service. Fire Service received a donation to be used to purchase fire prevention supplies.

Executive Session - Mr. Banning announced all executive session items were handled during the earlier meeting of the Committee of the Whole and there were no motions to be considered.

Old Business/New Business - Timberlake Plantation Owner's Association - As an item of new business, Mr. Jeffcoat announced the Timberlake Plantation Owner's Association along with the Lexington County Sheriff's Department, North Region, and Timberlake Country Club are sponsoring the 3rd Annual Timberlake Youth Triathlon for children ages 5 through 12. All entry fees and remaining sponsorship funds will be donated to We Care. We Care is a organization that services the communities of Chapin, Peak, Little Mountain, Prosperity, and Pomaria.

Motion to Adjourn - Ms. Summers made a motion, seconded by Mr. Kinard to adjourn.

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

There being no further business, the meeting was adjourned.

Respectfully submitted,

Diana W. Burnett
Clerk

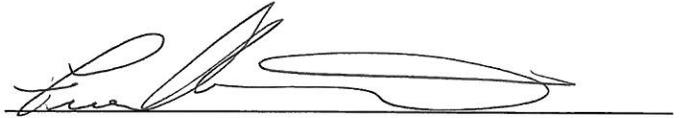
William B. Banning, Sr.
Chairman

ABSTENTION FROM VOTING AND DELIBERATING

I am hereby asking the Chairman to excuse me from voting and deliberating on the matter of Resolution R13.4 and Ordinance 13-06 because of a potential conflict of interest because of the following:

My company does business with CMC

I am furnishing this statement to the Chairman and I request that this statement be printed in the Minutes of this meeting.

A handwritten signature in black ink, appearing to be "Paul [unclear]", written over a horizontal line.

Date: June 11, 2013,