

MINUTES
LEXINGTON COUNTY COUNCIL
September 24, 2013

Lexington County Council held its regularly scheduled meeting on Tuesday, September 24, 2013 in Council Chambers beginning at 4:30 p.m. Chairman Banning presided.

Councilman Matthews gave the invocation and Mr. Ed Lundeen, Director of Lexington County Veterans' Affairs, 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; Chris Folsom, Deputy 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.

Note: The following Council meeting proceedings can be viewed in its entirety on the Lexington County Video Portal at www.lex-co.sc.gov.

Presentations - American Red Cross Lexington County Impact FY13 - Bill Cronin, Central SC Chapter Executive - Delayed to a later date.

Community Open Land Trust Update - Brenda Davis, Executive Director - Ms. Davis provided an overview of the Community Open Land Trust. She said the Community Open Land Trust is involved on a countywide greenways and trails program for Lexington County and working on improving the obesity rate in the County through Eat Smart Move More Lexington County. Eat Smart Move More Lexington County focus is to encourage better eating habits and more exercise.

Engenuity SC Update - George Hutton, Executive Director- Mr. Hutton said Engenuity SC is a public-private partnership whose mission is to make our region more competitive, ultimately to try and bring highway jobs to the region. Engenuity forms collaborations between businesses, local governments, the private sector, academic and community leaders to address key obstacles and opportunities.

USC Incubator Update - Laura Corder, Director of Operations - Mr. Bill Kirkland, Ex. Director of the USC Incubator - Mr. Kirkland said in the two years since he has been involved with the organization, they have made it into a strong technology incubator. Currently, they have 45 companies in the Incubator that work in a 45,000 sq. ft. building located at the corner of Sumter and Laurel Street. He said the role of the Incubator is mentoring and looking at how they can provide a network of opportunities

for their Incubator companies to be successful. They provide real-time coaching, monthly events funded by USC, a Founder's Forum, where all the CEO's come together to talk about ideas or concerns they have, etc.

Ms. Corder highlighted one of Incubator's graduates, IDV, which is from Lexington County. She said IDV develops software and is licensed to major box office movies like Avatar and video games. Also, she said they recently graduated four companies, of which one is looking to locate in Lexington County.

Chairman's Report - Chairman Banning reported on the following events: September 11th - 9-11 First Responders Remembrance event at the Columbia Convention Center; September 12th - ribbon cutting and dedication of the new EOC/ECC facility; September 13th - the County's Senior Staff retreat and first meeting of the Lexington County Penny for Progress; September 17th - welcoming breakfast for General Becker; and September 19th - SCDOT meeting regarding Exit 119.

Administrator's Report - Mr. Mergo announced following the ribbon cutting of the new EOC/ECC facility they held their first VC Summer Nuclear exercise prep meeting. Also, staff will be working with the Lexington County Legislative Delegation office to set up a webpage on the County's website.

Employee Recognition - Joe Mergo, County Administrator - None.

Appointments - None.

Bids/Purchases/RFPs - Mr. Kinard made a motion, seconded by Ms. Summers to approve Tabs J, K, and L.

Phase I Roadway Improvements to 12th Street Extension at Saxe Gotha Industrial Park in Lexington County, SC - Economic Development - Bids were solicited for the construction of roadway improvements for the 12th Street Extension at the Saxe Gotha Industrial Park. Eight (8) bids were received. Staff recommended the award of the bid not to exceed \$4,053,095 to Eagle Construction Company, Inc.

10-Unit T-Hangar and Taxilane Project at the Lexington County Airport at Pelion, South Carolina - Public Works - Bids were solicited for the construction of a 10-unit T-hangar and taxilane at the Lexington County Airport at Pelion. Two (2) bids and two (2) no bids were received. Staff recommended the award of the bid to Construction Services of SC, LLC for a total amount of \$653,500.70.

Waste Tire Services (Collection, Hauling, & Processing and/or Disposal) - Term Contract - Solid Waste Management - Bids were solicited for a term contract for waste tire services for Solid Waste Management. 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 four (4) additional one (1) year periods, if deemed to be in the best interest of the County. Staff recommended the award of the contract to Viva Recycling of South Carolina, LCS. The annual cost of the contract is estimated at \$38,700, including tax.

Chairman Banning opened the floor for discussion; no discussion occurred.

Chairman Banning called for the vote.

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

Abstained: Mr. Townsend*

*Mr. Townsend abstained as his son does business with Eagle Excavating.

Committee Reports - Justice, J. Kinard, Jr., Chairman - FY13 Justice Assistance Grant (JAG) Award - Mr. Kinard reported during the afternoon, the Committee met to consider the acceptance of the JAG award. The award in the amount of \$39,080 does not require a County match. The award will be split between Magistrate Court Services (\$4,690), Sheriff's Department (\$30,092), and Sistercare (\$4,298). The Committee voted unanimously to recommend to full Council for approval.

Mr. Kinard made a motion, seconded by Mr. Keisler to accept the award.

Chairman Banning opened the floor for discussion; no discussion occurred.

Chairman Banning called for the vote.

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

Public Works & Solid Waste Management, T. Cullum, Chairman - Laredo Road Proposed Closing - Council District 8 - Mr. Cullum reported during the afternoon Committee meeting, the Committee received information from staff regarding a court proceeding filed in Circuit Court by Mr. Jason W. and Nina W. Peeples to close Laredo Road. Laredo Road is a County maintained road that runs between Dew Avenue and Holland Street. The associated roadway easement is 480 feet long and 30 feet wide. The Committee voted unanimously of having no objection to the road closing.

Mr. Cullum made a motion, seconded by Mr. Matthews to take the Committee's recommendation of having no objection to the road closing.

Chairman Banning opened the floor for discussion; no discussion occurred.

Chairman Banning called for the vote:

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

Chairman Banning adjourned the County Council meeting and convened the County Transportation

Committee to take care of the following item:

County Transportation, B. Banning, Sr., Chairman - FY2012-2013 Lexington County Transportation Committee (CTC) Annual C-Fund Report - Mr. Kinard made a motion, seconded by Ms. Summers to approve the FY2012-2013 Annual C-Fund Report.

Chairman Banning opened the floor for discussion; no discussion occurred.

Chairman Banning called for the vote.

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

Chairman Banning adjourned the County Transportation Committee and reconvened the County Council meeting.

Budget Amendment Resolutions - The following BARs were signed:

14-050 - Appropriation transfers of \$112,500 and \$37,500 for the Kinley Creek Watershed study.

14-051 - Appropriation transfers of \$450,580 and \$337,375 and a supplemental appropriation increase of \$337,375 to cover the construction costs of the Phase I widening of the 12th Street Extension.

14-052 - An appropriation transfer of \$64,291 for position change of a CAMA Analyst to a Business Analyst in the Information Services Department. The net effect of the position change is zero.

14-053 - A supplemental appropriation increase of \$1,000. The Homeownership Assistance Program funded through the HUD HOME Program offers \$5,000 down payment assistance loans. The loan is forgivable after the homeowner resides in the residence for five years. One individual moved prior to the end of the five years, so this is a portion of the loan that had to be repaid.

14-054 - A supplemental appropriation increase of \$25 for a donation received from a citizen in appreciation of services provided by Fire Service.

14-055 - An appropriation transfer of \$38,550 to purchase mitigation credits from the US Army Corp of Engineers (USACE) prior to them issuing the Wetland Permit for the 12th Street widening project.

14-056 - An appropriation transfer of \$63,855 to cover the annual contract cost for mental health services for inmates in the Sheriff's Department.

14-057 - A supplemental appropriation increase of \$39,080 for the FY13 Justice Assistance Grant (JAG) received from the US Department of Justice.

Executive Session - Chairman Banning reported Council needed to go back into Executive Session to continue discussions of five contractual matters.

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

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

Matters Requiring a Vote as a Result of Executive Session - Chairman Banning reported Council discussed six contractual matters and there were two votes to be considered.

Old Business/New Business - Old Business from Executive Session - Cayce West Columbia Intergovernmental agreement - Ms. Summers made a motion, seconded by Mr. Collins that we approve the Intergovernmental Agreement with the City of Cayce and West Columbia in regard to the construction of a new animal shelter expansion subject to final approval by the County attorney and County administrator.

Chairman Banning opened the floor for discussion; no discussion occurred.

Chairman Banning called for the vote.

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

New Business from Executive Session - Easement and Parking Agreement for Pawmetto Lifeline
Mr. Jeffcoat made a motion, seconded by Mr. Kinard that we approve the access easement and parking easement for the Pawmetto Lifeline property.

Chairman Banning opened the floor for discussion; no discussion occurred.

Chairman Banning called for the vote.

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

Alliance Engineering (Lexington County Penny for Progress) - Mr. Jeffcoat made a motion, seconded by Ms. Summers that we approve the hiring of Alliance Engineering to work on the Capital Penny Sales Tax effort with the approval of our attorney after he reviews the contract.

Chairman Banning opened the floor for discussion.

Councilman Cullum asked the source of funding.

Mr. Mergo says the County receives State Aid to Subdivision money that is mandated that the State Legislators provides the counties based off of populations. However, in the past they have not been fully funding the local government fund, but they have been some provisos added during the legislative year of one time money. Last budget year (FY12-13) when we received funding, we did not want to use the funds for reoccurring expenses, so we set that money aside for opportunities where we would have a one-time expenditure item. The request before you is a one-time expenditure so it will come from that. It is not any money that is collected off any tax bill or millage that you approve.

Mr. Cullum replied, State Tax Collections. He asked should our ballot measure fail, this is non-refundable, correct.

Mr. Mergo replied, once the money is spent, it is spent.

Chairman Banning called for further discussions; none occurred.

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

Opposed:	Mr. Townsend	Mr. Collins
	Mr. Cullum	

Motion passes - 6-3

There being no further business, Chairman Banning adjourned the meeting.

Respectfully submitted,

Diana W. Burnett
Clerk

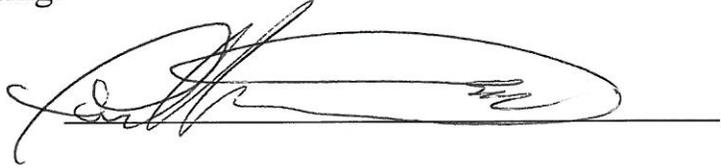
William B. Banning, Sr.
Chairman

ABSTENTION FROM VOTING AND DELIBERATING

I am hereby asking the Chairman to excuse me from voting and deliberating on the matter of Phase I Roadway Improvements to 12th Street E/B. because at Sable Gothic Industrial Park in Red City, SC of a potential conflict of interest because of the following:

Son does business with Eagle Excavating

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



Date: 9/24/13