

**MINUTES
COLLETON COUNTY COUNCIL
REGULAR MEETING
TUESDAY, MARCH 5, 2013
6:00 P.M.
COUNTY COUNCIL CHAMBERS, OLD JAIL BUILDING**

Colleton County Council met in Regular Session on Tuesday, March 5, 2013 at 6:00 PM, at County Council Chambers, Old Jail Building. Phillip Taylor called the meeting to order with Council Members, Gene Whetsell, Dr. Flowers, Evon Robinson, Steven Murdaugh in attendance.

Others present included: Sean Thornton, Kevin Griffin, Dennis Averkin, Meagan Chaplin, Tommy Mann, Theodore Reed, Criss Soard, Isreal R. Hodges, Sr., Eleanor Hodges, Donna Thomas, Ted Stanfield, Carl Coffin.

Mr. Taylor gave the invocation and led the Pledge of Allegiance.

Appearances & Public Presentations

Lowcountry Leadership Charter School Update- Jodi Crosby

Crissi Jackson- Updated everyone regarding The Lowcountry Leadership Charter School. They have contracted a company called HighMark and have proceeded with purchasing St. Paul's Academy, which is due to close this spring. This campus will become their school facility. Groundbreaking ceremony will be in March and Lowcountry Leadership Charter School is committed to having everything in order to start school by mid August. Mache Larkin will be the new principal. They are currently taking applications for enrollment for grades K5-9th and everyone is welcome to apply. Interested individuals can visit www.lcharterschool.org or call 889-5527.

LCAA Agency Update- Ms. LaShonda Scott, Compliance Officer

LaShonda- Updated everyone regarding the 2012 status within the community. Since 1974 Lowcountry Community Action Agency has provided services to low income families in Colleton and Hampton counties. Regarding Colleton County LCAA provides services to Head Start Children ages 3-5 yrs., which include the following services: dental, medical, & disabilities. There are 220 children enrolled here in Colleton Head Start. We provide services for community services through a block grant. All of our programs are funded via local, Federal, and some partnerships within our community, as it relates to the CDBG Grants. We have a Youth Leadership Program. In 2012 we had 21 students to participate from the high school in Colleton. Those students received services and mentorship regarding employment, employability and training, ... inaudible... project share and ...inaudible...it allows us to put monies back into our community for individuals who cannot afford to pay for utility bills, again addressing the low income need. SCE&G has partnered with us to provide those services to those individuals. We also assist in housing and rental payments; provide emergency medical

and nutrition services and counseling. We also provide a shelter and provided for a total of 10 families.

Approval of Minutes

Regular Meeting February 5, 2013

A motion to approve the minutes was made by Dr. Flowers and seconded by Mr. Whetsell.

The motion carried 4-0 (Murdaugh Abstained not at last meeting).

Awards and Recognition's

None

Administrative Briefing

Mr. Griffin said the Colleton County Master Gardner's Association will be working with the Tuskegee Airmen Chapter on landscaping the Tuskegee Chapter office and museum on April 4th beginning at 10 AM. The Boy Scouts will arrive that Saturday, April 6th. Keep Colleton Beautiful is giving a \$500 grant and the Tuskegee Chapter is matching that for a total of \$1,000. They would like to invite anyone who is interested in participating with them to contact Ms. Jean Harrigal at 843-549-2595 and she can get you more information on that project.

Mr. Griffin said Keep Colleton Beautiful; their 2013 Great American Clean Up is Saturday, March 16th from 9:00 AM-12:30 PM. We invite all those in the community that are interested to please attend.

Mr. Griffin said we have had quite a number of calls about roads and road conditions. Of course we have had about 11 inches of rain over 4 days in the last few weeks and our crews are getting out and doing all they can to get the roads repaired, but we only have 4 and we have about 350 miles of roads to maintain, but please follow up with us if you are not getting the service you need, but we are certainly trying to get to all of them as quickly as possible.

Public Hearing

Colleton County Sheriff's Office has applied for funding through the South Carolina Department of Public Safety Justice Assistance Grant (JAG) Program in the amount of \$102,813 for LiveScan fingerprinting and booking photo system replacement and upgrade.

No comments were made.

Executive Session

- a) Legal
- b) Economic Development

Regular Session

Mr. Taylor said they were briefed on several legal issues and did not have the opportunity to do the Economic Development, so that can be stricken off the list and we did not take any actions.

Old Business

Resolution 13-R-20, to Award the Contract for Jacksonboro Fire Station Renovations and Additions.

A motion to approve the resolution was made by Mr. Whetsell and seconded by Dr. Flowers.

The motion carried 4-1 (Mr. Robinson opposed)

New Business

Resolution 13-R-22, To Authorize Acceptance and Budgeting of Funds for Various Grants Received for FY2012-2013.

A motion to approve the resolution was made by Dr. Flowers and seconded by Mr. Murdaugh.

The motion carried unanimously.

Resolution 13-R-23, To Authorize the Waiver Of Various Fees For The July 2013 World Changers Home Repair Program.

A motion to approve the resolution was made by Mr. Whetsell and seconded by Dr. Flowers.

The motion carried unanimously.

Resolution 13-R-24, To Approve Various Mutual Aid Agreements Between the Colleton County Sheriff's Office and Surrounding Jurisdictions.

A motion to approve the resolution was made by Mr. Whetsell and seconded by Dr. Flowers.

The motion carried unanimously.

Resolution 13-R-25, To Declare Surplus Various Vehicles and Equipment and to Authorize Their Sale in Accordance with County Policy.

A motion to approve the resolution was made by Mr. Whetsell and seconded by Dr. Flowers.

The motion carried unanimously.

Resolution 13-R-26, To Award the Contract for the Reclamation/Paving Projects for Recreation Drive, Purple Heart Drive and Venture Park Drive.

A motion to approve the resolution was made by Mr. Whetsell and seconded by Dr. Flowers.

Mr. Murdaugh said I have a problem with supporting and paving of this project, so I just wanted to point out that we are in total reliance here on the committee and we really have no input on this committee. This is a committee that is appointed by the Delegation. I'm not thrilled with the system, but I recognize in order to get the project we have to 1st approve it.

The motion carried unanimously

Resolution 13-R-27, To Accept the Grant for the Colleton County Summer Feeding Program for 2013.

A motion to approve the resolution was made by Mr. Whetsell and seconded by Mr. Robinson.

The motion carried unanimously.

Resolution 13-R-28, to Authorize the Submittal of a Grant Application Related to the South Carolina Department of Public Safety Justice Assistance Grant (JAG) program for the Purchase of LiveScan Replacement and Upgrade.

A motion to approve the resolution was made by Mr. Whetsell and seconded by Dr. Flowers.

Mr. Robinson said I was wondering why we placed this under public hearing rather than going ahead and doing a resolution.

Mr. Griffin said it is a requirement for the submittal of the grant that the public has the opportunity to comment.

Mr. Robinson said okay.

The motion carried unanimously.

Resolution 13-R-29, To Appoint Member to Board Vacancy.

Results of ballots given to council members: Sabrina Williams was appointed to the Colleton County Resource & Development Board.

Items of Information & The Public Record

None

Public Comments

George Cone, Representing Raleigh Williams-The agenda did not include a copy of Resolution 13-R-20, I would like to be informed of the contents as it applies. I would like to state for public record that Mr. Williams (stopped speaking to turn on microphone) Mr. Williams believed that his bid is the lowest bid on this bid to section 3.08.185 Local Business Section, which gives a 3% preference to local business and section 3.08.188 Minority Business Section, which gives a preference to minority, members of minorities. These two sections are part of the procurement ordinance passed in 2009. The Local Vender section, the purpose of the Local Vender section was to create jobs in the county with a ripple effect created by the money being re-circulated by spending at local businesses by employees and owners of the business and by purchasing supplies and materials as needed to fulfill the contract from local businesses. It was to allow businesses in the county to prosper and expand and expand the facilities to pay additional property taxes, is related to an economic benefit to the county. The Section 3.08.188 Minority Business section has an entirely different purpose; that purpose is to aid in the removal of the ...inaudible... of past discrimination, so that minority businesses can take their rightful place in the local economy. The County Council in its ordinance section 3.08.188 said it was directed at businesses owned by individual and individuals determined to be socially and economically disadvantaged. The 1st group listed on that listed 3.08.188 was African-Americans and I don't think that anybody would disagree with your determination in this county as well as other places in the US, African-Americans have been socially and economically disadvantages. Council has already made the determination that they are socially & economically disadvantaged and they were trying to do something to address that situation. If we look at unemployment rates, the unemployment rates of black young men is way out of proportion. It is disproportionately high to the rest of the unemployment in the country. Mr. Williams, RRW Construction, Inc. bid was 3.82% above the low bid. It was \$3,939 above the low bid as I understand it 3% would have been allowed, so he was \$843.57 below if you only applied the 3%. If you allowed the Preferences to be accumulative he is over \$2,200 below the total preference that would be allowed. I looked at the ordinance ya'll passed in 2009, and should remember what your intent was, I know you have received advice of counsel for the county, but I don't think you can point to any language in the procurement ordinance which states specifically whether those two are accumulative or whether each one is separate and cannot be added to the other. If that is the case Mr. Williams thinks that he is the low bidder because he comes within the 6% preference. The Local Vendor and Minority Vendor Preference and he believes the contract should have been awarded to him and he also believes that the county ordinance, if it is apparently not determined to be accumulative with the two preferences that the county should address that by a new ordinance saying that the two are not accumulative and make that ordinance where it clarifies in the code and that way you allow the people in Colleton County to have input in that ordinance; so if an ordinance proposed goes through the Public Hearing you will hear what the public thinks of it. Right now you read it as an interpretation to say that it is not accumulative. There is no

specific language that says it is not accumulative in the ordinance, so Mr. Williams believes that the preferences he is entitled to Minority and Local Business Preference is a total of 6%, he is well within that and should be awarded the contract. It further says that County Council is not going to use that interpretation that they should enact an ordinance saying that is not the meaning of the procurement code as it is by interpretation you denied him the full protection of the two sections for which your ordinance provided he was entitled and the preferences that he was entitled. I will be glad to answer any questions you have and I am sure Mr. Williams will be glad to do likewise.

Mr. Robinson said he would publically state that I believe and if I am wrong we have five council persons up here, I think we have a verbal consensus from the council that we will review these ordinances and try to clarify any misinterpretations or whatever that we might believe exist in these ordinances. I think we have verbal consensus to that matter.

Mr. Murdaugh said he would agree with that, because obviously we need to revisit it to make sure that it is clear. Let me go back to the history because I disagree with some of the commits that were made. We set out in 2009 to do something that had not been done before and that was to have not only a Local Vendor Preference Ordinance, but also a Minority Vendor Preference, had not been done in this county up to that time that I am aware of, so we set out to do that. This was done by ordinance and there was a Public Input on this at that time. Every ordinance we pass in this county has public input, that doesn't mean they actually input, but they have the opportunity for input on every public ordinance. It is clear to us now that perhaps this could have been better written. I disagree, I do think there is some things in the ordinance, some language there perhaps that would say that maybe this case only one applies, but there is some other things and this ordinance is not about me or the council or about Mr. Williams, there is some other things in the ordinance, some other qualifications in there that were not met in this case as well, so it is not just a matter of that interpretation. That being as it is certainly we recognize that we need to clarify it. This thing was passed back in 2009, I can tell you that we reached a consensus because that is what governmental bodies are suppose to do unless they are in Washington I guess, but we reached the 3% because that was a number we could all live with. I am not saying it personally, my personally preference is that was enough, but this gives us the opportunity to go back and revisit that and clarify it and even in some of the sections where there was a clear in this case, clearly there was no certification with South Carolina Minority Business Enterprises. Do we need that or don't need that. I don't know if there is some other way. That is things we have to discuss, but there is things in this that clearly doesn't apply here and has nothing to do with any particular individual it is just the situation. We also have to protect the integrity of the bid process and that is what we ended up having to do in this case, but I will assure you that this is an item we will address ...inaudible ... on the agenda for us to discuss.

Mr. Cone said Councilman Murdaugh I would like to respond. If you look at section 3.08.150 Minor informalities and irregularities in bids, if Mr. Williams had failed to submit

his contractors number, notwithstanding the failure of a bidder to indicate his or contractor's license number or other evidence of licensure, provided that no contract shall be award until the bidder properly licensed shows that he is properly licensed. You show that those minor technicalities in that section are not to keep someone from being awarded a bid. If that is your basis, then

Mr. Murdaugh interrupted, well that is not what I said here and that doesn't apply anyway because it is not a contractor's license, but it is an accumulation of things. My point is that the ordinance, there are things in it that need to be corrected.

Mr. Cone said I am saying if the reason for not awarding it was because he failed to submit the Statement from the State that he is recognized as minority business, that is a minor irregularity and I don't think anybody sitting on County Council cannot look at Mr. Williams and tell he is minority. He is an African-American it is apparent and that is a minor irregularity. It is your decision, but I am saying that Mr. Williams respectfully disagrees with ya and urges you to take corrective action. If you did have input on whether it would be accumulative or non ...inaudible... at the time, I stand corrected.

Mr. Williams said I am registered with the State as a minority. You can check the record with the State. In addition last month we bided upon a ...inaudible... heating and air conditioner for the building on Washington Street. The lowest bidder was an out of town bidder, he did it at \$10,360. Lucas Electric bid it \$14,880 and he gets the bid. It appears to me there is gross neglect toward minority in Colleton County and it has always been and still is and I feel it is high time to correct it.

Council Time

Mr. Murdaugh said as I just mentioned, I would like for us to put Minority Vender Preference and the Local Vendor Preference as an item of discussion in the budget session that is coming up. Also I wanted to raise an issue that I have raised before and I know at that point and time maybe there was some resistance to it, but sometime you have to do like the honey badger, I am going to raise the issue again. This is an issue of the countywide business license and let me tell you we had a similar instance that came up again that we had down in Springtown Community where we've got a business enterprise; there has been a lot of crime, shootings, different things going on and the fact of the matter is our hands are tied, there is very little we can do short of the line on the Solicitor's Office and he has certain things that he has to do as well, but in order for us to have these businesses registered so that we have some regulation of these businesses and the activities that go on in the businesses. I would like for us to at least discuss the possibility again of having a countywide business license, not as a means, it is certainly not put in to generate revenue, but more of a registration process and information gathering so that we have some control over these businesses that are in the unincorporated areas. I would ask that we put that on the agenda as well.

Mr. Murdaugh said finally I noticed that our clerk is not here tonight and just wanted to publicly say that I hope; she has had an illness in her family and is going through a tuff situation and I think that our thoughts and prayers should be with her.

Mr. Taylor and Dr. Flowers said they also concurred with that.

Dr. Flowers said as far as the business licenses is concerned this has been discussed several times since I have been on council and certainly it is one of those things that is a two edge sword because regulatory problem with this is the fact that you do a business license, I think the license has to be based on gross income is that correct?

Mr. Averkin said that is correct, sales.

Mr. Griffin said there is actually two different ways you can do it. One is, it was a \$15 fee it may have gone up to a \$20 fee in a county business license. The city is a little different or you can do it on gross business sales. There are two different types.

Dr. Flowers said if it was a small license fee that would be fine, but based on gross income small business people ...inaudible... I think we ought to address something along this line as Mr. Murdaugh said so that we have some method of controlling the businesses that may be detrimental to the well being of this county. We have very little control over that right now as far as the council is concerned. I think this should bring it up for discussion also.

Mr. Robinson said he wanted to go on record as concurring with Councilman Murdaugh in regards to this minority contract. We certainly want to make this thing something that we get right on and make the corrections we need to make. I want to concur with him on what he said.

The meeting was adjourned.

Date: _____

Phillip M. Taylor, Sr., Chairman

ATTEST:

Ruth Mayer, Clerk to Council

******* NOTICE OF THIS MEETING WAS GIVEN IN ACCORDANCE WITH THE PROVISIONS OF THE FREEDOM OF INFORMATION ACT**