

**MINUTES
COLLETON COUNTY COUNCIL
REGULAR MEETING
TUESDAY, OCTOBER 2, 2012
6:00 P.M.
COUNTY COUNCIL CHAMBERS, OLD JAIL BUILDING**

Colleton County Council met in Regular Session on Tuesday, October 2, 2012 at 6:00 PM, at County Council Chambers, Old Jail Building. Evon Robinson called the meeting to order with Council Members, Gene Whetsell, Dr. Flowers, Steven Murdaugh, Phillip Taylor in attendance.

Others present included: Ruth Mayer, Sean Thornton, Kevin Griffin, Dennis Averkin, Mary Harris, Marshall Morehead, Jimmy Syfrett, Andy Strickland

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

Changes to the Agenda

None

Appearances & Public Presentations

Hope Haven of the Lowcountry Services- Christine Smith

Ms. Smith gave a brief overview of their services to everyone.

Approval of Minutes

Regular Meeting September 4, 2012

Special Meeting September 17, 2012

A motion to approve the minutes for September 4, 2012 was made by Dr. Flowers and seconded by Mr. Murdaugh.

The motion carried unanimously

A motion to approve the minutes for September 17, 2012 was made by Mr. Taylor and seconded by Mr. Murdaugh.

The motion carried unanimously.

Awards and Recognition's

Proclamation- Sean Thornton-Ernest F. Hollings Award for Excellence in State Prosecution

Mr. Robinson read the proclamation aloud.

A motion to approve the proclamation was made by Mr. Murdaugh and seconded by Mr. Taylor.

The motion carried unanimously,

Administrative Briefing

Mr. Griffin spoke with chairman-Changed Council's November Regular Meeting to October 30th at the regular time & place.

Fire Stations- construction of all three approved by council now underway (Maple Cane, Jonesville & Jacksonboro)

Update on Colleton Quick Job Center Grant - the time frame requirement has been extended to March 1, 2013

Ball fields- contractor will start paving on Thursday and plans to turn the park over to the county upon completion on October 31st.

Public Hearing

Ordinance 12-O-09, To Authorize the Rezoning of a 0.342 Acre Parcel in Green Pond, Identified as a Portion of TMS 292-00-00-034, from Rural Conservation-2 (RC-2) to Rural Conservation-1 (RC-1).

No comments were made.

Ordinance 12-O-10, To Amend the Colleton County Code of Laws by Repealing Various Chapters/Sections

No comments were made.

Old Business

3rd Reading Ordinance 12-O-09, To Authorize the Rezoning of a 0.342 Acre Parcel in Green Pond, Identified as a Portion of TMS 292-00-00-034, from Rural Conservation-2 (RC-2) to Rural Conservation-1 (RC-1).

A motion to approve 3rd reading was made by Mr. Taylor and seconded by Mr. Murdaugh.

The motion carried unanimously.

3rd Reading Ordinance 12-O-10, To Amend the Colleton County Code of Laws by Repealing Various Chapters/Sections.

A motion to approve 3rd reading was made by Mr. Whetsell and seconded by Mr. Murdaugh.

The motion carried unanimously.

2nd Reading Ordinance 12-O-11, To Provide For A Fee-In-Lieu Of Tax Arrangement For Project UHT; Provide For Special Source Revenue Credits To Fund Infrastructure Improvements; Provide For The Allocations Of Fees-In-Lieu Of Taxes Payable Under The Agreement For Development For A Joint County Industrial Park With Hampton County; And Other Matters Relating Thereto.

A motion to approve 2nd reading was made by Mr. Taylor and seconded by Mr. Murdaugh.

The motion carried unanimously.

2nd Reading Ordinance 12-O-13, To Provide for the Sale of Real Property Owned by Colleton County, South Carolina to Project UHT, LLC; and Other Matters Relating Thereto.

A motion to approve 2nd reading was made by Mr. Taylor and seconded by Mr. Whetsell.

The motion carried unanimously.

New Business

Resolution 12-R-96, To Designate Dawson Associates, Inc as a Sole Source Vendor for the Purchase of RAE Hazmat Equipment.

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

Dr. Flowers said it appears we are getting more and more sole source vendors in our purchase of equipment. I think this is not very good as far as business is concerned in keeping a handle on costs because we have a sole vendor, then you don't have any option but to pay whatever the charges are. In the particular case, I read through the letters involved and if I remember correctly there is only one person who is certified to do this in the state of S.C. I think if something happened to that person, where would we be? I think we need to start looking whenever we start buying our equipment from now on that we are going to have more than one option down the road for purchase because of competition. In sole source vendors like this and especially in an area like this there is no competition, so therefore we are at the mercy of these people for whatever they want to charge us. I think we need to start looking at that in all of our equipment purchases from now on and make sure that we are down the road going to have some option other than the sole source that we purchased from originally. I think that we need to look at that down the road Mr. Administrator. I think this is going to back us into a corner with money and these things are not cheap. There is a lot of money involved. I think we need to look at this from now on when we go to purchase equipment. I know in this particular case we've already got the equipment, this is the only thing that matches the equipment we've got now, but in the future, I think we need

to look to make sure we've got more than one source if possible to keep competition honest.

Mr. Griffin said I certainly understand your concern. Some issues like this with hazmat equipment are very specialized. We did have another sole source I know some past agendas. Some are related to the standardization that we now go through with Fleet Management where we try to stick with one product so we can keep that products parts on the shelves in stock all the time rather than having two or three different models basis and such where Fleet Management was having to keep up with four or five different car types.

Dr. Flowers said I understand that.

Mr. Griffin said but I understand your concern as well. We have had more than the usual number over here lately. We will certainly keep an eye on it and I will work with the Fire Chief to see if we can keep horizons broadened.

Dr. Flowers said down the road when we purchase more equipment we ought to look at this as a fact of life and that is when you have no competition they are going to charge what they want to.

Mr. Murdaugh said I know we have this as a sole source vendor, but that doesn't mean we are not looking for other vendors. We are doing it in this instance to get around, not around, but that is part of the procurement process is to sole source it at that point, but I hope we are still continuing to look for other vendors so that if we found four vendors that provided this product, then we wouldn't do a sole source, we would do a competitive bid at that point, but the sole source is actually done each time. Unless you tell me I am wrong, so if we find other vendors then we would then ask them to submit bids. Am I right?

Mr. Griffin said sometime you also have a product where if it is a breathing apparatus like the air tanks we just purchased, you may have four vendors that you are choosing when you actually purchased the tanks, but then after that you are committed to that particular tank for the service of that apparatus for any replacement packs or those type things because a lot of those fittings and such are not standardized.

Dr. Flowers said but when we sign this agreement, when we get the original bid, we sign this agreement; we have a long term agreement about how much escalation of cost it is going to be over time. We need to put that in the original agreement and by doing that we protect ourselves, but when we don't put that in the original agreement, then we have no recourse as far as their charges are concerned. That ought to be put in the long term, ever how long you think the equipment is going to last. That ought to be in the original contract.

Mr. Murdaugh said to make sure I am clear and maybe I am incorrect because I know we have had this discussion numerous times and every time we see that sole source, it

makes us a little bit leery, but if you can't find anyone that is selling it, then you really can't meet the procurement policy without designating it as a sole source, so a lot of times we only designate it as sole source simply because we can't find anyone else that sells it. I understand and agree with Dr. Flowers in what he is saying that we ought to look hard at products we are purchasing just to determine that our options are not limited, but the fact that Dawson Associates happened at this time to be the only person that might provide what we are looking for that doesn't mean if we go to buy the same product eight months from now and if we don't call around again and make sure there is more than one provider. We don't go straight back to Dawson, we make sure, we check to see if there are other options out there. If I am wrong, tell me I'm wrong so I'll understand the process, but that is the way I think it has been working.

Mr. Griffin said I agree with everything that has been said, but we try as diligent as we can to keep those costs down.

Dr. Flowers said from a business standpoint we need to keep our options and let everybody know that we want to try to save every dollar we can for the taxpayers in the county.

Mr. Robinson said he wanted to go on the record as supporting both of his colleagues. I think they have spoken very justifiably to this resolution and wanted to go on the record as supporting both of them in what they said.

The motion carried unanimously.

Resolution 12-R-99, To Grant Two Rights of Way By and Between the City of Walterboro, the County of Colleton, and South Carolina Electric and Gas Company.

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

The motion carried unanimously.

Resolution 12-R-100, To Approve the Memorandum of Understanding and Agreement Between Colleton County and the South Carolina Association of Counties Being Authorized and Designated as the Claimant Agent for the County Pursuant to the Setoff Debt Collection Act of 2003, as Amended and the Governmental Enterprise Accounts Receivable Program, as Set Out in §12-4-580 (2003).

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

Mr. Murdaugh asked if we were required under that act to designate the Association as the agent or is that just

Mr. Griffin interrupted that is a service the association provides. They provide that as part of associate services for the Association of Counties. We instituted it pretty much enterprise wide last year after some...inaudible... we were able to capture some, I won't say additional revenue, but revenue owed. Last year, we just went over numbers last week roughly \$300,000 this year it is going to look like we are going to be able to because we went back and there is some Solid Waste bills that were in the process actually of being written off could be well over a million dollars revenue to bring back to the county this year. The number is just over a million, depending on where that is and how much of that gets collected, but it has been successful and of course that helps keep taxes down when we can collect those revenues.

Mr. Murdaugh said do we submit the information directly to the department of revenue or do we go whatever we have and I don't know what that is. Do we submit it through the agent or do we go directly to the ...inaudible...

Mr. Griffin said we submit it to the agent and then they submit all the counties to the Department of Revenue because sometime you will have some of the same folks that have different bills in different counties and that be applied.

Mr. Murdaugh said the reason I am asking that is they have this clause in here about that we would hold the Association of Counties free and harmless for any damages really arising out of their performance. I was just wondering if we were sending them information. I don't know if any of this information we are sending them contains any sensitive data, but if somehow it got released by them, maybe you can give me some comfort there is not anything that would be sensitive.

Mr. Griffin said I would probably have to do a little more research on that and come back to you.

Mr. Murdaugh said we need to do it clearly, but I just would like to know what we actually send. I don't think there would be anything with maybe social security numbers or that type stuff. Just make sure if we are holding them harmless or anything in their performance, then we need to make sure we don't send them anything that could get us in trouble.

Mr. Griffin said let me get with the Finance Director because he handles that program primarily and I'll get the in-depth information and get back with you.

The motion carried unanimously.

Resolution 12-R-101, To Award the Contracts for Demolition Projects at Various Properties.

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

The motion carried unanimously.

Resolution 12-R-102, To Authorize a Fund Balance Appropriation from Fund 156-Fire Rescue and to Authorize Payment from Fund 142 – Infrastructure/Industrial Development Fund.

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

The motion carried unanimously.

Resolution 12-R-103, To Adopt the 2012 Annual Progress Report for the Lowcountry Regional Natural Hazard Mitigation Plan.

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

The motion carried unanimously.

Resolution 12-R-104, To Approve Renewal of Breathing Air Compressor Service Contract for Colleton County Fire Rescue.

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

The motion carried unanimously.

Resolution 12-R-105, To Authorize the Council Clerk to Advertise for Board Vacancies.

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

The motion carried unanimously.

Resolution 12-R-106, To Authorize Use by the Explorer Division of the Colleton County Sheriff's Office and the Colleton County High School NJROTC Booster Club of the Breland Building for the Annual Haunted House Fundraiser.

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

The motion carried unanimously.

Resolution 12-R-107, To Approve the Use of the County Parking Lot for Band of Blue Annual Palmetto Classic Stride 5K Run/ Walk.

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

The motion carried unanimously.

1st Reading Ordinance 12-O-14, To Amend Chapter 9.30 by Title and To Amend Sections 9.30.010, 9.30.030 and 9.30.050, Subsection (3) of Ordinance No. 11-O-04 To Include a Ban on Registered Sex Offenders Entering Into or Upon Any Facility Hosting an Event for Children Owned, Operated or Maintained by Colleton County.

A motion to approve 1st reading was made by Mr. Whetsell and seconded by Dr. Flowers.

The motion carried unanimously.

1st Reading Ordinance 12-O-15, To Amend Title 13-Buildings and Construction of the Colleton County Zoning Ordinance, Chapter 13.12 – Flood Damage Prevention, to Add the Definition of Enclosure to Section 13.12-2.020 and to Repeal Section 13.12-5.040.

A motion to approve 1st reading was made by Mr. Whetsell and seconded by Dr. Flowers.

The motion carried unanimously.

Items of Information & The Public Record

None

Public Comments

Council Time

Executive Session

- a) Personnel
- b) Economic Development

Regular Session

The meeting was adjourned

Date: _____

Evon Robinson, Chairman

ATTEST:

Ruth Mayer, Clerk to Council

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