

**MINUTES
LEXINGTON COUNTY COUNCIL
SEPTEMBER 28, 2004**

Lexington County Council held its regular meeting on Tuesday, September 28, 2004 in Council Chambers, beginning at 4:30 p.m. Chairman Davis presided; Mr. Cullum gave the invocation; Mr. Wilkerson led the Pledge of Allegiance.

Members attending:	George H. Smokey Davis	Bruce E. Rucker
	William C. Billy Derrick	Jacob R. Wilkerson
	Bobby C. Keisler	Johnny W. Jeffcoat
	John W. Carrigg, Jr.	Joseph W. Owens
	M. Todd Cullum	

Also attending: Art Brooks, County Administrator; Larry Porth, Finance Director/Deputy County Administrator; John Fechtel, Director of Public Works/Deputy 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.

Employee Recognition - Art Brooks, County Administrator - Customer Service Shining Stars - Mr. Brooks recognized Cathy Davis, Assessment and Equalization; Derrial Gardner, Personnel, Information Booth; and Rebecca Ricard, Procurement Services as the winners of the quarter for the Customer Service Shining Star award. The winners will each receive prime parking spaced donated by County Council.

Presentation of Resolution - Lexington County Sheriff's Department - 2004 Santee Cooper Excellence in Law Enforcement Award - Councilman Todd Cullum - Councilman Cullum presented a resolution to Sheriff James Metts and Chief Tim James recognizing the Sheriff's Department as South Carolina's premier law enforcement agency.

Sheriff Metts stated he was accepting the 2004 Santee Cooper Excellence in Law Enforcement award on behalf of the men and women of the Lexington County Sheriff's Department who work hard every day in a professional manner to serve the citizens of Lexington County and thanked Council for their support.

Sheriff Metts and Chief James presented each member of Council an artist rendering of the Sheriff's Department's badge with the inscription of CC and the district in which they serve.

Appointments - Midlands Workforce Development Board - Mr. Todd Blake - A motion was made by Mr. Carrigg, seconded by Mr. Keisler to appoint Mr. Todd Blake to the Midlands Workforce Development Board.

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

In Favor:	Mr. Davis	Mr. Carrigg
	Mr. Keisler	Mr. Rucker
	Mr. Derrick	Mr. Wilkerson
	Mr. Jeffcoat	Mr. Owens
	Mr. Cullum	

Planning Commission - Mr. David L. Lucas, Sr. - Mr. Cullum made a motion, seconded by Mr. Jeffcoat to appoint Mr. David L. Lucas, Sr. to the Planning Commission.

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

In Favor:	Mr. Davis	Mr. Cullum
	Mr. Jeffcoat	Mr. Rucker
	Mr. Derrick	Mr. Wilkerson
	Mr. Keisler	Mr. Carrigg
	Mr. Owens	

Review of Bids/Purchases/RFPs Over \$5,000 - Mr. Davis asked if Council was interested in increasing the current policy of reviewing all bids, purchases, and RFPs over \$5,000 to \$25,000 and over. He stated the normal policy had been \$25,000 and over.

Mr. Derrick asked that Council continue to review all bids, purchases, and RFPs over \$5,000.

Bid/Purchases/RFPs - A motion was made by Mr. Rucker, seconded by Mr. Derrick that the following bids be approved.

Professional Services for the Development of a 5-year Consolidated Plan - Community & Economic Development - Proposals were solicited from qualified firms and consultants to provide professional services for the development of the County's 5-year Consolidated Plan (FY2005/06 through FY 2009/10) for Community & Economic Development as part of the County's participation in the U.S. Department of Housing and Urban Development's Community Development Block Grant (CDBG) program. Four (4) proposals were received. The term of the contract could be for a period of twelve (12) months from the effective date of the contract, or until such time as the County receives final approval from HUD of the Consolidated Plan. The County may extend the contract if it appears to be in the best interest of the County with a startup date of October 1, 2004. Staff recommended contracting with The Matheny-Burns Group. The proposed cost for projected services and the development of the 5-year plan is \$27,400.

Fleet Vehicle Replacement - Fleet Services/Motor Pool - Staff recommended the purchase of one (1) New 2005 Chevrolet Trail Blazer for Fleet Services/Motor Pool. The vehicle will be purchased from Herndon Chevrolet Company through State Contract Number 04-S6156-A10130. Total cost including tax is \$19,693.04.

iPrism Internet Filtering Appliance, Annual Maintenance, Technical Currency, Installation and Training - Information Services - Quotations were solicited from qualified vendors for the purchase of one (1) iPrism Internet filtering application, annual maintenance, technical currency, installation and training for Information Services. The system will help the County enforce an Internet acceptable usage policy by monitoring, filtering, and reporting on inappropriate Internet access. Three (3) quotes were received. Staff recommended awarding the purchase to Computer Software Innovations, Incorporated as being the lowest responsible bidder. Total cost including tax and shipping is \$7,757.50.

Bulk Storage Racks - Information Services/Records Management - Bids were solicited for the purchase of bulk storage racks for Information Services/Records Management. The storage racks are needed for storage of boxed County records at the Records Management Office in the basement of the old courthouse. Eleven (11) bids were received. Staff recommended awarding the bid to The Rembert Company as the low bidder meeting specifications. Total cost including tax is \$23,331.72.

Heavy Duty Shredder - Information Services/Records Management - Bids were solicited for the purchase of a heavy duty shredder for Information Services/Records Management. The shredder is needed to destroy confidential records upon meeting their retention schedules. Three (3) bids were received. Staff recommended awarding the bid to Security Engineered Machinery as the low bidder meeting specifications. Total cost including tax is \$6,493.80.

3M Dual Corridor Theft Detection System & 12 Month Service Agreement - Library - Bids were solicited from qualified vendors for the purchase and installation of (3) 3M Dual Corridor Theft Detection systems with a twelve (12) month service agreement. The systems are needed to replace the current book theft detection systems at the Main Library and the Irmo branch which have burned out and are inoperable. Four (4) bids were received. Staff recommended awarding the bid to the 3M Company as being the lowest responsible bidder. Total cost of the equipment and service agreement including tax and shipping is \$27,833.40.

Computers and Monitors - Library/Information Services - Staff recommended the purchase of thirty-eight (38) Dell computers and monitors for Library/Information Services. The computers and monitors are part of a continuing replacement program approved by the State Legislature through the Education Lottery Spending budget. The computers and monitors will be purchased directly from Dell Computer through State Contract Number 03-S5869-A9659. Total cost including tax is \$33,825.43.

Relocation Project West Columbia Public Safety Answering Point (PSAP) - Public

Safety/Communications - Staff recommended the purchase from Public Safety/Communications for the relocation of the West Columbia Public Safety Answering Point (PSAP) from its present location to the new West Columbia town hall to various vendors.

Motorola will provide the radio equipment and consoles under State Contract Number OIR2002.07 at a cost of \$47,281.44; Bell South will provide the relocation of Positron 9-1-1 equipment as a proprietary provider at a cost not to exceed \$4,800; Electronic Business Equipment will provide the relocation of recording equipment at a cost not to exceed \$1,000; Brad's Electric, Incorporated will provide the tower conduit installation and electrical room revisions as a sole source vendor through the City of West Columbia's construction contract at a cost of \$15,244; Communication Specialist will provide the forty (40) foot tower and relocation of the existing base station radio equipment under State Contract Number OIR2002.07 at a cost of \$36,054.40. The County will reimburse the City of West Columbia for the wall and casework modifications at a cost of \$2,777. Total cost of the project including installation and tax is \$107,156.84.

High Density Polyethylene (HDPE) Smooth Type S Pipe - Public Works - Bids were solicited and advertised for a term contract for HDPE smooth Type S pipe for Public Works. The cost of the material is based on estimated quantities projected for use by the Public Works Department for a period of one (1) year. Four (4) bids were received. Staff recommended awarding the bid to Ferguson Enterprises with an estimated annual value of the contract being \$47,184.48 including tax.

Sharpe Hill Road Project - "C" Funds - Public Works - Bids were advertised and solicited from qualified contractors for the Sharpe Hill Road project for Public Works. The project includes the construction of approximately 1.64 miles of roadway and other appurtenances for Sharpe Hill Road for the intersection with Olin Rikard Road to the intersection with Blackville Road. There is an estimated 360 L.F. of 15", 1,452 L.F. of 18" and 96 L.F. of 24" R.C. pipe, 32,185 C.Y. of unclassified excavation, 11 Type 9 catch basins, 901 tons rip rap (class B), 25,835 S.Y. of graded aggregate base course, and 50 S.Y. of aggregate No. 5 for erosion control. Three (3) bids were received. Staff recommended awarding the contract to T.B. Bulldozing, Incorporated as being the lowest responsive bidder. The total bid for the project, based on estimated quantities, is \$731,970.43.

Fiduciary Management Services - Sheriff's Department/Detention Center - Staff recommended the request to amend the current contract for jail commissary and trust fund management services with Swanson Services Corporation for the Sheriff's Department/Detention Center. The amendment will consist of adding the fiduciary management services which has previously been performed by a County employee. The software for this service is the property of Swanson Services Corporation. The cost of this service will be \$47,840 annually.

Tri-County Adult Court Program - Solicitor's Office - Staff recommended the request to enter into a contract to provide treatment services for the Tri-County Adult Drug Court program for the Solicitor's Office through Saluda Behavioral Health System. Solicitor Myers recommended this contract be deemed as a sole source as this will be a continuation of existing services previously

provided by this firm. The cost of these services is \$160 per person, per month. The anticipated maximum number of participants is 25 for an estimated cost of \$36,000 for the period of 09/01/04 through 05/31/05.

Swing Arm Tire Changer and Wheel Balancer - Solid Waste Management - Bids were advertised and solicited from qualified vendors for a swing arm tire changer and wheel balancer for Solid Waste Management. The recycling division of Solid Waste Management has over seventy (70) trailers and this will allow the department to repair the trailer tires internally saving valuable time and money. Three (3) bids were received. Staff recommended awarding the bid to CarQuest of Lexington. Total cost including tax is \$10,276.19.

Concrete and Rebar - Solid Waste Management - Staff recommended the request and bid to purchase concrete and rebar for Solid Waste Management to construct a concrete pad at the Ball Park Road collection station due to increased waste volume and vehicle traffic. The rebar will be purchased from Seaber & Aiken, Inc. and the concrete from Hardaway Concrete Company through State Contract Number 00-S2596-A4097. Total cost including tax is \$9,457.43.

Mr. Davis opened the meeting for discussion.

Mr. Rucker asked staff to further explain the 5-year Consolidated Plan for Community and Economic Development.

Ms. Tammy Coghill, Director of Community and Economic Development, stated the 5-year Consolidated Plan is part of the HUD requirements for the County to participate in the U.S. Department of Housing and Urban Development's Community Development Block Grant (CDBG) Program. She stated this was put out for Request for Proposals (RFP) to solicit services rather than through the bid process in order to allow consultants to identify different ways in which they would approach obtaining public input and other matters. She said funding was budgeted for the Request for Proposals because it is sometimes better to have outside solicitation of what the community wants as opposed to something driven by employees.

Mr. Rucker replied, then they are going to give us a plan.

Ms. Coghill replied, that's correct. They will do a community needs assessment and work with citizens of the community and give the County feedback on what they feel the priorities could be and at that point staff will come before Council with a suggested list of priorities for the five (5) years.

Mr. Rucker stated what impressed him most was that the family median income in Lexington County is \$60,600 and asked what dollar figure is represented in the 36 percent low and moderate-income bracket.

Ms. Coghill stated it depends on which household size you use but said 80 percent of that family income is the threshold for even becoming eligible for these services and that would be a household

income of approximately \$48,000.

Mr. Rucker stated the 5-year Consolidated Plan will target neighborhoods and help encourage job creation through the improvement of water, sewer, and roads and address fire service needs.

Ms. Coghill replied, yes sir. Those are some of the activities that are eligible and even with the demographics listed, there are obviously pockets of our communities that are not as advantaged as that and this will help us direct the minimum resources we have from that entitlement to those particular needs.

Mr. Carrigg asked how many shelves are being purchased for Information Services that total \$23,331.72.

Mr. Shafer, Director of Information Services, stated the reason that the request is listed as submitted is because staff measured every row of shelving that we could put in the basement of the old courthouse.

Mr. Carrigg asked if the entire basement is being fitted for shelves.

Mr. Shafer replied, we are filling the whole basement with shelving.

Mr. Carrigg replied that answers his question.

Mr. Carrigg asked why the County is requesting to procure services from Saluda Behavioral Health System for the Tri-County Drug Court program that is being paid for by the Lexington County Drug Court program.

Ms. Evelyn Babbitt, Grants Manager, stated the Solicitor's office has talked with the grantor of the Drug Court grant and asked if they could spread it over to the Tri-County Adult Drug Court program. She stated it is 100 percent Federal funded.

Mr. Carrigg stated this was a grant that was awarded to Lexington County's citizens for treatment for people in Lexington County.

Ms. Babbitt replied that the County was not spending all the money; there was unspent money. Therefore, the Solicitor's office asked the grantor beginning July 1 if they could extend this to the Tri-County Adult Drug Court program and they obtained approval to do that.

Mr. Carrigg asked the County also bids out the Drug Court services, do we not?

Ms. Babbitt replied this is a vendor that Saluda County had already been using and the grantor agreed to allow them to continue using that same vendor and they would pay for it.

Mr. Carrigg asked, they are paying about twice as much as we are now, correct?

Ms. Babbitt replied, that I can't answer.

Mr. Davis asked whether the funds for this program are currently being housed with the County or with the Solicitor's home county.

Ms. Babbitt replied, here and stated she draws down the funds as reimbursement.

Mr. Carrigg asked how much more is Saluda Behavioral Health System charging versus the current contract?

Ms. Sheila Fulmer, Procurement Manager, stated for the number of participants in that size group we pay Alternative \$160 a person, which is the same price.

Mr. Davis asked if there was further discussion; no discussion occurred.

In Favor:	Mr. Davis	Mr. Rucker
	Mr. Derrick	Mr. Wilkerson
	Mr. Keisler	Mr. Jeffcoat
	Mr. Carrigg	Mr. Owens
	Mr. Cullum	

Tabled Item - Video Conferencing Equipment - Sheriff's Department (Tabled 8/24/04) - Mr. Jeffcoat asked that Council delay addressing the tabled video conferencing equipment until after Judge Westbrook's presentation.

Chairman's Report - Chairman Davis announced that he would provide members of Council a written report of activities that Council has been involved in as a body as well as upcoming activities.

Mr. Davis asked that Mr. Ronnie Collins be permitted to make a presentation concerning Clay Hill Road.

Mr. Ronnie Collins, 221 Clay Hill Road, Pelion, SC - Clay Hill Road Paving and Milled Asphalt - A while back I was sent a statement in reference to paving and giving up right-of-way on Clay Hill Road so it would become a paved road instead of dirt. I sent it back with a note. Then next thing I know, I'm hearing that well they are going to change the routing and this, that, and the other so a lot of other people decided to join in and decided they didn't want it paved either. Next thing we know, they are coming in and putting crush and run on a dirt road and now it is in worse shape than it was when it was just dirt. If you drive down it, they said, I was told, it would stop the dust. Dust is still flying up behind the truck. It would be smoother; I bounce all over the road going down the road. It is no better. It is actually a worse road now because you can't run a motorgrader

down it. When you turn out of the road out onto the highway, rocks are flying up hitting your paint job. I can't figure out why they would want to ruin a road. It wasn't because there was one party on a mile point something road that had anything to do and they are on one side of the road on one corner that requested it to be paved. No one else on the road wanted it touched. But, yet all the people on the road were overridden. Why did Council do that?

Mr. Davis stated that Council was permitting his presentation only and advised Mr. Collins that he would receive a written response to concerns and questions he posed.

Mr. Collins stated he bought that house on a dirt road because that's where I like to live. Anybody who doesn't want to live on a dirt road can buy on paved roads; its plenty of them. That is my opinion. I am very disturbed with the County of Lexington.

November and December 2004 Schedule - Mr. Carrigg made a motion, seconded by Mr. Rucker to cancel the November 23 and December 28 Council meetings and continue with the regular scheduled meetings of November 9 and December 14, 2004.

Mr. Davis reiterated that Council will have a called meeting in the event one is necessary.

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

In Favor:	Mr. Davis	Mr. Carrigg
	Mr. Rucker	Mr. Derrick
	Mr. Wilkerson	Mr. Keisler
	Mr. Jeffcoat	Mr. Owens
	Mr. Cullum	

Administrator's Report - No report.

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

A supplemental appropriation increase of \$23,612 to appropriate a grant award from SC Department of Health and Environmental Control (DHEC) to construct a concrete pad at a relocated recycling center in the Red Bank area.

A supplemental appropriation increase of \$7,000 to budget the federal grant funds received from the National Geodetic Survey paid to Lexington County to help defray the costs of developing an accurate base mapping system.

A supplemental appropriation decrease of \$86,492 to reduce the federal grant from the Bureau of Justice, Local Law Enforcement Block Grant from the anticipated federal funding of \$129,000 to the actual award of \$51,097. This reduction will also reduce the amount of matching funds required by \$7,589.

An appropriation transfer of \$137,000 to transfer appropriations in the FY04 Homeland Security Grant to reflect the changes required by the grantor, South Carolina Law Enforcement Division (SLED).

Approval of Minutes - Meetings of August 24 and September 13, 2004 - A motion was made by Mr. Wilkerson, seconded by Mr. Carrigg that the minutes be approved as submitted.

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

In Favor:	Mr. Davis	Mr. Wilkerson
	Mr. Carrigg	Mr. Rucker
	Mr. Derrick	Mr. Keisler
	Mr. Jeffcoat	Mr. Owens
	Mr. Cullum	

Zoning Amendment - Zoning Map Amendment M04-05 - 1675 Lake Murray Blvd., Columbia, SC - Announcement of 1st Reading - Mr. Davis announced first reading of Zoning Map Amendment M04-05.

Public Works, B. Derrick, Chairman - "C" Fund Enhancement Grant Matches - Public Works - Mr. Derrick reported his committee met during the afternoon to discuss the "C" Fund Enhancement Grant matches.

A motion was made by Mr. Derrick, seconded by Mr. Rucker to approve the "C" match for SCDOT Enhancement Grants in the amount of \$86,850 to fund the 20 percent match for the Towns of Gilbert (\$36,600) and Swansea (\$50,250).

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

In Favor:	Mr. Davis	Mr. Derrick
	Mr. Rucker	Mr. Wilkerson
	Mr. Keisler	Mr. Jeffcoat
	Mr. Carrigg	Mr. Owens
	Mr. Cullum	

Transfer of Property - Middlefield Road - Public Works - Mr. Derrick reported his committee met during the afternoon to discuss the transfer of property on Middlefield Road. Mr. Derrick stated the County was offered approximately a 1.2 acre parcel on Middlefield Road in exchange for paying the past due taxes of \$284.15 as opposed to granting a right-of-way that the County needed for a 20 foot drainage easement.

Mr. Derrick made a motion, seconded by Mr. Wilkerson to accept the 1.2 acre parcel on Middlefield Road in exchange of paying \$284.15 in back taxes.

Mr. Davis opened the meeting for discussion.

Mr. Davis asked whether the motion included a full review of all contingencies.

Mr. Derrick stated he has asked Mr. Fechtel, Director of Public Works, to confer with existing landowners, even though the County has done an environmental study, prior to the County accepting the property to be sure of no adverse conditions.

In Favor:	Mr. Davis	Mr. Derrick
	Mr. Wilkerson	Mr. Rucker
	Mr. Keisler	Mr. Jeffcoat
	Mr. Carrigg	Mr. Owens
	Mr. Cullum	

Health & Human Services, J. Wilkerson, Chairman - Fire Prevention FEMA Grant Application - Public Safety/Fire Service - Mr. Wilkerson reported his committee met during the afternoon to consider a grant application for Public Safety/Fire Service. The grant in the amount of \$35,250 is from the Federal Emergency Management Agency (FEMA) to purchase a portable Surrey Fire Safety House to be used in the education of fire prevention. This is a 70/30 percent match. The County's portion is \$10,575.

Mr. Wilkerson made a motion, seconded by Mr. Jeffcoat to approve staff's request to move forward with the grant application.

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

In Favor:	Mr. Davis	Mr. Wilkerson
	Mr. Jeffcoat	Mr. Rucker
	Mr. Derrick	Mr. Keisler
	Mr. Carrigg	Mr. Owens
	Mr. Cullum	

Presentations - Ms. Jeanette Ferguson, 1778 Nazareth Road, Lexington, SC 29073 - Tree Damage Caused by Flooding Water From Long Pond and Ridgewood Subdivisions - Ms. Ferguson was not present.

Marc H. Westbrook, Judge, Eleventh Judicial Circuit - Video Conferencing Equipment - Couple of things I would like to discuss, if I might. First, the question of the video conferencing equipment. There was some confusion last time, and I must be very honest and tell you, I think it was created more by my lack of communication than by anybody else. The Sheriff was confused and that was my fault, Sheriff. The Sheriff has been my good friend for 30 years, and we understand that anything he said was said in love, and we all appreciate that.

I am going to ask that you go ahead and take up the Sheriff's request tonight and pass that, if you would. I will be very honest, I didn't mean to cause any confusion last time but what was happening was this and a couple of things that I want to clear up here.

First of all, I read an article the day we did the opening of the Oak Grove Magistrate's Center, there was an article in the State, and I realized then there was a lot of confusion because the State, which rarely gets anything wrong, just had some mistakes in the article. But I want to make a couple of things clear first of all. If anybody got the impression that I was opposed to the video conferencing, I want them to understand that I was not. In fact, I think the Sheriff will bear this out, I'm the one who actually started the video conferencing discussion some time ago, even before we were in the new courthouse and we discussed it on the level of Circuit Court. What happened was following that then the magistrates got into the discussion, which was a very valid thing to do; I had no problem with, and they began to discuss it also and I realized that what was happening was that in addition to the Circuit Court connecting to the Sheriff's Department through video conferencing, there would also be a magistrate's office either in the old courthouse or wherever there might be a central magistrate system and the Cayce substation would also be involved and I had picked up and I may have gotten this wrong, had understood that also there was going to be one in Judge Lucas' office in Oak Grove. My concern became, as you well know, if there is one in Judge Lucas' office you know what's going to happen, every magistrate in the County is going to want one in their office too, and I realized if you've got this many hooked into only one at the Sheriff's Department then it is going to be hard to get air time on that system because so many people would be using it and I didn't want the Circuit Court to be in the position of having to do that, particularly because we have so many visiting judges, and sometime training judges to do something is really a chore, so we didn't want to do that with them. So that is why I wanted the time, and I did ask Councilman Jeffcoat and couple of others if you would just hold up and let me take a look at it. What I have done since the meantime, I have talked with Chief Tim James and with the Sheriff a good bit and I've told them that what we will do is we will back the Circuit Court out of that at this point. And now the reason we were going to do it was to actually help the Sheriff's Department so that it would reduce the gas, manpower, and cars and the trouble they would have to go through to bring people over to the Circuit Court. Now I think we can probably get back into it at some point but it suits me to go ahead and let the magistrates go ahead and try to work the system in first and see how it does and if it gets to where there is not too much confusion, then maybe we can add the Circuit Court to it also. I wanted to be sure that we understood about that and, again, if there was any confusion, it was really my fault for causing that; I didn't mean to. I was just trying to be sure that we didn't get ourselves into a difficult situation. And I will note, by the way in terms of the units, we actually have the unit in the courthouse for us. We had already gotten our own. I think the Sheriff's Department was going to allocate funds to do it through the magistrate offices, but we had actually bought ours through other sources so we already had one but we just didn't have anywhere to hook it up to and we are going to try to work something out with the Sheriff's Department with that, I think too. So we are going to be able to get it worked out. My suggestion would be to, I would ask you to go ahead and approve what the Sheriff is doing here. I don't know how many there are, what's involved with them, but I would certainly ask you to do that. Sheriff, I don't know if you want to add anything to that or not.

Sheriff Metts replied, Mr. Chairman and members of County Council I just want you to know as Judge Westbrook echoed, he and I are very good friends and I didn't mean to say anything at the last Council meeting that would have been embarrassing for he, or the Council or I. And Judge I want you to know that I respect you highly and we work with the Judge in any way that we can to improve the delivery of services to the courts in Lexington County and I certainly would be willing to do whatever Judge Westbrook thinks is in the best interest of the County, whether it is to delay what we have now and wait until we can get his hooked in or move forward. We certainly are on line with the Judge, and I respect him highly, and I think we are all asking to do the same thing. That is to save on the safety of the officers, gasoline, and time of the officers who are transporting prisoners whether it's to arraignment in the Circuit Court of whether it's to bond hearings in Circuit Court or the Magistrates Court. I think all we are trying to do is just move forward and whatever the Judge thinks is in the best interest of the system of justice in the courts and law enforcement, I certainly yield to because I have a lot of respect for him and he is right, we are good friends. And if I said anything that would have been off the mark in anyway, I apologize to the Council and to the Judge because I do respect him.

Mr. Jeffcoat stated he could understand why you would need video conferencing equipment at the old courthouse because of central court and Cayce and asked Sheriff Metts or Chief James to address why the Chief Magistrate's office would need video conferencing equipment.

Chief Tim James replied, I really don't know how to answer the question because I think the question at hand is the one that would be going into the Magistrate's office and I'm not in the loop on that one. What I am in the loop on is what we had requested to come out of the Inmates Services account which would have been those video conferencing that you stated. The one at the old courthouse, one at the City of Cayce which is a satellite jail for us, and then the one, of course, at our jail. But outside of that, I just do not have the answer. I believe with the help of Ms. Evelyn Babbitt, Grants Administrator, that may have been presented to be purchased out of the block grant, is that correct? But it has not been approved, correct?

Ms. Babbitt replied, it is not actually video conferencing; he was just purchasing some equipment and he labeled it video conferencing.

Mr. Jeffcoat stated he and Council would like to know what the "real" equipment is.

Mr. Rucker stated for clarification that both Judge Westbrook and Sheriff Metts have asked Council to vote on the video conferencing equipment for the Sheriff's Department only.

Mr. Jeffcoat apologized to Chief James for asking questions that were not a part of this particular purchase request for the Sheriff's Department.

Sheriff Metts asked, for clarification, that Procurement Services be allowed to address the purchase of video conferencing equipment for the Sheriff's Department.

Ms Fulmer, Procurement Manager replied, there is not a whole lot of clarification other than the fact that Procurement has not received any requests from the Magistrate to purchase any video conferencing equipment and it appears that they are in the process of transferring funds prior to any purchase. She said when you ask what is it that they are really buying, I don't know that we really have a defined list at this point.

Mr. Rucker stated it is his understanding that Council is only dealing with the video conferencing equipment (tab W) for the Sheriff's Department.

Ms. Fulmer replied, the video conferencing equipment (tab W) for the Sheriff's Department does not include the magistrate's office.

Tabled Item - Video Conferencing Equipment - Sheriff's Department - Mr. Rucker made a motion, seconded by Mr. Carrigg to take the video conferencing equipment for the Sheriff's Department off the table.

In Favor:	Mr. Davis	Mr. Rucker
	Mr. Carrigg	Mr. Derrick
	Mr. Wilkerson	Mr. Keisler
	Mr. Jeffcoat	Mr. Owens
	Mr. Cullum	

Mr. Rucker made a motion, seconded by Mr. Jeffcoat to approve the video conferencing equipment for the Sheriff's Department. The video conferencing equipment consists of three (3) Polycom viewstations, two (2) 32" TV monitors, two (2) heavy duty mobile carts, three (3) DVD recorders, four (4) fax machines and eleven (11) months of broadband service. The Polycom viewstations along with on-site installation and training will be purchased from Advanced Video Incorporated under State Contract Number 03-S5856-A9537 at a cost of \$13,814.85. The WAN services will be purchased from Time Warner Cable at a cost of \$1,668.46. The following vendors will provide the TV monitors, mobile carts, DVD records, and fax machines: Florida Micro - two (2) 32" TV monitors - \$854.70; Software House International - three (3) DVD recorders and four (4) fax machines - \$2,510.62; Clark Powell - two (2) mobile carts - \$1,394.40. Total cost including tax is \$20,243.03.

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

In Favor:	Mr. Davis	Mr. Rucker
	Mr. Jeffcoat	Mr. Derrick
	Mr. Wilkerson	Mr. Keisler
	Mr. Carrigg	Mr. Owens
	Mr. Cullum	

Marc H. Westbrook, Judge, Eleventh Judicial Circuit - Space Allocation in Old Courthouse -

Once we got into the new courthouse, the new Judicial Center, I tried to fly below the radar for a while and stay out of things. Some folks became concerned and approached me about it though with the plans that were actually set up for the courthouse and somebody made a comment, and I have been given credit and I appreciate it, but I shouldn't get credit. I'm not the one that said it, but someone else mentioned it to me and they made a very valid point. They said the old courthouse use to, until about eight or nine months ago, house the entire judicial system in Lexington County and the way it was set up, it was just going to be used by two or three magistrates now. It was not intended for that. No one intended to do the wrong thing with that. But that was just the way it worked out. I was going to make a suggestion and I think, if you don't mind, I am going to alter this suggestion, but of course, it is up to you how to do it frankly because it really comes down to how you want to use your space in the long run. I was going to suggest that we let the magistrates have the top floor, which would include the old courtroom, because if they were downstairs on the first floor then they would have to use the top floor for the various gatherings of trials and juries then nobody would really be able to use the offices on the top floor because there would be so much going back and forth. I was going to suggest that, but in talking over the last few days with various people, I've really become aware that there are a lot of ideas in how to use the old courthouse. I have met with the Space Committee, Art and a couple of the magistrates and I am going to ask if you would just maybe back up on everything and let's take a look. I think there are some other uses that could be done with the old courthouse. We mentioned the magistrates and Judge Rawl, the magistrate in Lexington who is really very vehemently against moving. He likes to stay where he is, but still it's up to you to decide that. I think we could use it, it has been mentioned of DSS but I don't know if there is enough room to do that. I think that could be discussed. The Sheriff's Department has given a good indication, we've talked about this, the fact that if the magistrates are there, they are going to need to have their warrant division close by and so I would ask if you would also allow them to be part of that discussion. Public Defender, if we ever decide to do anything with them. I think there are all sort of possible alternatives and I don't mean to just throw everything up in the air, but I think we need to do that at this point and basically give your committee and yourselves time to work with this process and to do it in a very manageable way. It is just right now, it's not being done in a manageable way and what was going to happen when I looked at the plan, I realized that there were going to be some offices taken and interspersed within that were going to be a whole bunch of empty offices that nobody could use because they just couldn't get a block of offices together. So I think that it just needs to be a little better planning than that and I would ask that you consider that possibility.

Based on the information given by Judge Westbrook, Mr. Rucker made a motion, seconded by Mr. Derrick that staff delay centralizing magistrate court to the old courthouse pending further study of the old courthouse.

Mr. Davis opened the meeting for discussion.

Mr. Owens stated he would certainly support the motion because apparently there are some issues that need to be resolved.

Judge Westbrook stated if there is no objection, he would be happy to meet with the Space Committee. I would ask again to have Sheriff Metts or Chief James involved, the magistrates and whoever else the Space Committee recommended.

Judge Westbrook asked if he might, he would like to add one other personal note. I was at Oak Grove a few weeks ago when we dedicated the Oak Grove office and I want to be sure that you understand that when I've done this, I'm not suggesting to you that the magistrates have done anything wrong. In fact, I want to note that I think the leadership in the magistrates right now is extremely good. They have done an excellent job, and I think at Oak Grove a few weeks ago, there were a number of accolades for Judge Lucas and what he's done as the Chief Magistrate and certainly he deserves that credit. He has done a marvelous job and I do want to note that there is another magistrate who has actually been very, sort of low key, but has actually been involved in the entire process. That is Judge Jeffcoat who is the Deputy Chief Magistrate, as you know. He is not going to say anything and Councilman Jeffcoat is not going to say anything; he is going to be modest about it, but I am. I am just going to tell you that every step of the way he has been involved in everything and I think that all the gains that the magistrates have made this year would not have been made without Judge Jeffcoat being involved. If nothing else, as a point of personal privilege, I wanted to at least make that note so that you have that. I think there was a resolution for Judge Lucas a few weeks ago, which was very appropriate because of what he has done, but I just want to be sure that that same kind of recognition is extended to Judge Jeffcoat who has been involved in everything too.

Mr. Davis stated the Space Committee may be expanded to include additional members and to submit a final recommendation within the next 60/90 days.

Mr. Jeffcoat stated that would be an excellent idea and felt the Space Committee should include a representative from the Sheriff's Department, Magistrate Court Services, and other departments who are going to be housed in the old courthouse.

Mr. Derrick stated he was not sure if this is the appropriate time to amend the current motion because the Space Committee has spent a lot of time with the study. He said he asked staff several questions and has only been able to get some satisfactory answers and some "not so" satisfactory. He asked if the Space Committee needed to be expanded to include State agencies that the County is trying to house as well. He said he keeps hearing that different agencies are requesting a certain amount of space and is unsure of the County's responsibility. He said he is just trying to get a feel of who needs what.

Mr. Rucker replied that Councilman Derrick is right because that has been the whole problem. He said that is the reason why the County has been slow with renovations, even though central court was approved. He said there are other needs and it may be the old courthouse can satisfy those needs.

Mr. Derrick replied he agreed but questioned if it would be more appropriate to try to incorporate

the other agencies' needs or just get this one issue settled and then move forward with the next issue. He said it seems like it is too much to "bite" off all at once and maybe if we can settle this first

Mr. Jeffcoat replied, it's a tremendous amount to "bite" off.

Mr. Wilkerson replied that he thought it needed to be separate issues.

Mr. Derrick stated as a point of discussion, let's move forward after this to that then.

Mr. Jeffcoat replied, I agree. He said from the time he has been involved with the Space Committee there has been some very aggressive requests from some of the state agencies for square footage in the County which he does not think the County should supply.

Mr. Owens asked, what are we going to do? Are we going to take the plan as is or are we going to incorporate them into the study or

Mr. Davis replied, the current motion is to delay the activities of the old courthouse pending a new space study.

Mr. Derrick replied, that will probably be step one of two steps.

Mr. Owens suggested that the Space Committee obtain input from those agencies requesting space.

Mr. Jeffcoat agreed the Space Committee needed to obtain as much input as possible.

Mr. Davis called for further discussion on the motion; none occurred.

In Favor:	Mr. Davis	Mr. Rucker
	Mr. Derrick	Mr. Wilkerson
	Mr. Keisler	Mr. Jeffcoat
	Mr. Carrigg	Mr. Owens
	Mr. Cullum	

Mr. Ernie Passailaigue, Executive Director, South Carolina Education Lottery - Disbursement of Lottery Funds - Mr. Passailaigue gave a Power Point presentation.

Mr. Passailaigue, Executive Director of the South Carolina Education Lottery, said he was not present to change anyone's mind on the lottery but to supply some background of what the lottery funds support. He said his agency tries to market the lottery as entertainment and said it dwarfs any other entertainment in terms of dollars generated.

He said to date the South Carolina Education lottery has grossed over two billion dollars with 33 percent of every lottery dollar being appropriated to K-12; a total of 839 million dollars all for

education. In addition, the lottery funds Life Scholarships, Hope Scholarships, K-5 Enhancement programs, and Palmetto Fellows. He stated over 4 ½ percent of the state's general fund budget for primary education is funded by the lottery in fiscal year 2005.

Executive Session/Legal Briefing - A motion was made by Mr. Wilkerson, seconded by Mr. Derrick to go into Executive Session to receive the legal briefing and to discuss contractual matters.

In Favor:	Mr. Davis	Mr. Wilkerson
	Mr. Derrick	Mr. Rucker
	Mr. Keisler	Mr. Carrigg
	Mr. Owens	Mr. Cullum

Not Present: Mr. Jeffcoat *

*Mr. Jeffcoat was not present when the vote was taken.

Mr. Davis announced that there would be a short delay before the scheduled Public Hearing as Council is trying to negotiate a particular Economic Development issue and asked everyone for their patience.

Mr. Davis reconvened the meeting in open session and thanked everyone for their patience during the delay.

Mr. Owens left early due to a prior commitment.

6:00 P.M. - Public Hearing - Zoning Map Amendment M04-04 - Torrey Pine Lane, Little Gap Court, Little Gap Lane Located in Crystal Pines - Mr. Bruce Hiller, Development Administrator, Community and Economic Development presented the information on M04-04. Mr. Hiller stated that the applicant Ms. Maryann Lapine has requested that Torrey Pine Lane, Little Gap Court, Little Gap Lane be changed from Local (L) to Residential Local Four (RL4). He stated that Ms. Lapine indicated on the application that the reason for the request is that all roads in Crystal Pines are privately maintained and not designed to carry the potential loads or traffic possible at the present road classification. The reclassification will also bring the above mentioned roads into agreement with the classification of RL4 for Red Fox Trail that is also contained within the Crystal Pines subdivision. Mr. Hiller reviewed the maps and area by using a Power Point presentation.

Mr. Davis opened the Public Hearing.

In Favor:

Lewis Lapine, 302 Little Gap Court, Chapin, SC 29036 - Good evening Councilmen. I am in favor of this amendment, and I would like to defer to George Bugenske, our President, who has prepared a short five-minute presentation on why we believe this is right for our community.

George Bugenske, 156 Torrey Pine Lane, Chapin, SC 29036 - Good evening Councilmen. As Lewis stated, I am this year's president of the Homeowners' Association. I request approximately five minutes of your time to explain why the majority of our homeowners in the subdivision are for the amendment and how it came about that we come before you today.

Foremost in our minds is to maintain the desirability and the value of our community and we thought this was the best way of doing things considering the way things have gone in our subdivision up to this point.

All of us, as homeowners, bought property in Crystal Pines because the developer advertised them as being large wooded lots, very quiet, country setting with amenities such as lake access via a boat ramp, tennis courts, security gates, and well-paved roads. And many of these amenities, few of them, have actually come about and so it becomes a trust issue in that even though restrictions in our covenants are stating certain requirements for the type of housing and structures that can go in our subdivision, we thought it would be better to go toward getting this amendment to have the zoning changed. The zoning reclassification will provide some measure of assurance that the covenants we signed guaranteeing single-family homes on large lots will remain unchanged.

All of the roads in Crystal Pines are privately maintained and were not designed to carry the potential loads or traffic possible at the present local classification. The Homeowners' Association is now in the process of obtaining bids, and this will be at our own expense because of the conditions of the roads and the way they are built, and we will very soon have to go to the membership and ask them to replace these roads or repave them and that is coming up. The specifications call for private roads that meet our designed needs and the construction of the roads meeting the present zoning would be prohibitively expensive for the 26 members and 40 overall lot owners.

The reclassification of Torrey Pine Lane, Little Gap Court, and Little Gap Lane will bring these roads into agreement with the classification RL4 of Red Fox Trail that is also contained in Crystal Pines, as previously mentioned, and is already the zoning that we request. Little Gap Court and Lane were not constructed to County minimum standards, the mostly built roads in the subdivision, and surely would not support local use.

The covenants recorded in Book 3373 Page 84 on June 6, 1995 by the developer and which impose certain restrictions or architectural control in the subdivision require single-family residences with a minimum finished first floor area of 2200 square feet. The County, of course, requires off-street parking for two vehicles and that would add 600 square feet for a garage and additionally a 25-foot minimum buffer must surround each dwelling. And so if you consider a minimum size dwelling of 2200 square feet and add the 600 square feet for a garage and a 25-foot buffer on all sides and the combined footprint would be 90 by 120 feet covering an area of 10,800 square feet and that is just 75 feet short of a quarter acre which is what RL4 is for residences per acre and it would not be possible to have more than four homes per acre. The interior lots have a slightly smaller restriction, 600 square feet less, but that still would not be sufficient room for more than four dwellings per acre.

At this point our developer is opposed to the zoning amendment because he is feeling that he will no longer be able to harvest timber in the development, which happened last year in these other areas. However, he did harvest timber on Red Fox Trail, which is currently zoned as RL4.

The members of this subdivision willing agreed to all these imposed restrictions and responsibilities of living on a privately maintained road and now we are hearing that there is a possibility, he has told several, that there could be a public marina, a tennis club, and condominiums that we feel would have significant impact on our subdivision as we bought the property and know it.

I would like to conclude by asking for your consideration of our request and grant us a zoning amendment that will provide us some reasonable level of protection imposed by the covenants and to assure the affordability of our privately maintained roads. I can answer any questions, or I can refer to somebody that maybe can answer them, if anyone has questions right now. We have also submitted a copy of restrictions and covenants to everyone.

Mr. Davis announced he has pictures that the Homeowners' Association submitted for the minutes.

Lee Yates, 160 Torrey Pine Lane, Chapin, SC 29036 - I am also currently serving on the Board of Directors. We believe that the RL4 classification is the highest and best use of the land in Crystal Pines. It represents more value, more tax value, and better tax base than anything could be. Please unify this subdivision, protect the covenants and property values of Crystal Pines. I thank you for your time.

The following stated they were in favor:

John T. Porter, 108 Red Fox Trail, Chapin, SC 29036
Mary Jo Cisco, 226 Little Gap Lane, Chapin, SC 29036
Diane Westmoreland, 135 Red Fox Trail, Chapin, SC 29036
Mike Westmoreland, 135 Red Fox Trail, Chapin, SC 29036
Debra Bugenske, 156 Torrey Pine Lane, Chapin, SC 29036
Donna Murphy, 148 Torrey Pine Lane, Chapin, SC 29036
Bob & Phillis Lockwood, Red Fox Trail, Chapin, SC 29036
Tim Murphy, 148 Torrey Pine Lane, Chapin, SC 29036
Vicki Lepper, 118 Red Fox Trail, Chapin, SC 29036
Roger West, 132 Torrey Pine Lane, Chapin, SC 29036
Ron Weathers, 305 Little Gap Court, Chapin, SC 29036
Julie & Rick Nelson, 152 Torrey Pine Lane, Chapin, SC 29036
Elaine McKenzie, 163 Torrey Pine Lane, Chapin, SC 29036

In Opposition:

Don Phillips, 301 Little Gap Court, Chapin, SC 29036 - Prior to Mr. Phillips presentation, Mr. Phillips submitted to Chairman Davis pictures and documentation to be included in the minutes.

I do have to address a couple of things that were said a moment ago. The smallest lot in Crystal Pines is a half acre, the largest lot is 1.8 acres. I have never looked at quarter acre lots until now and it is an almost certainty that I will go to quarter acre lots due to this rezoning.

I think and my attorney thinks that the rezoning hearing is being used by the applicant and her husband to strengthen their position in a pending civil suit or possible criminal suit or action. We have highlighted copies of a Lexington County's engineer's letter with the "Y" turnaround in front of their home. We were trying through a civil action to reclaim our road property from the Lapines. Further complicating our livelihoods is a pending sale of the lot next door to them, it's huge numbers, but we have had to disclose that they have blocked the end of the road and they could still back out, and they may back out. That would be quite a blow to us. The restrictions of the various phases of the development in Crystal Pines note that the remainder of the property is in no way regulated as to land use or development and it is, as you know, classified as timber land. And I do own well over 50 percent of Torrey Pine Lane and Little Gap Lane, which we think disqualifies it for RL4, according to the definition.

The applicant and the Homeowners' Association desire a nice neighborhood and keep it the way that I have kept it, and I have promoted for the last 25 years, we are on the same track there except for their actions, particularly like tonight and some details that you will see in your summary that I am not going through as it is quite extensive. Like I said, I think they are going to get the adverse opposite reaction from this move if it is rezoned. Some financial people I have talked to are encouraging me to go either with smaller lots, the quarter acre lots like just outside our gate in Timberlake or possibly mobile homes. I can make two to three times the amount of money per acre by doing that and it may come to that. The master plat that has been recorded for the end of Little Gap Lane for single-family homes, the smallest which is six tenths of an acre, I am going to look at that again with the help of the Planning Commission and I might see going toward splitting those into smaller lots, two-three tenths of an acre lot. I have invested 25 years into this project and it looks pretty good except my pictures show a little different picture from ... and I hope you all get to look at my pictures because the road has not been maintained by the Homeowners' Association. The money, the treasurer was actually looted in 1997 or 1998 and all the money was just all given back to various owners. No criminal actions or complaints were made or anything but it was clearly against our road agreement, which everybody agreed to, and some of the people who talked tonight were parties to that. I hope they don't do it again. The bottom line is Crystal Pines residents will see lower tax bills but, of course their property values due to this rezoning, will also be lower. That's it.

The Homeowners' Association asked that they be provided a copy of the material that Mr. Phillips submitted for the minutes.

Mr. Davis advised that the material would be included in the minutes and will make sure the Homeowners' Association receives a copy.

Mr. Davis closed the public hearing and expressed his appreciation to those attending the hearing.

Mr. Jeffcoat thanked everyone present for voicing their opinions and encouraged, if they have not done so already, that the Homeowners' Association president try and communicate with Mr. Phillips to resolve the conflict and offered to attend the meeting if they so desired. Mr. Jeffcoat asked in the event the two parties can come to an agreement to please let him know.

Executive Session/Legal Briefing - A motion was made by Mr. Jeffcoat, seconded by Mr. Rucker to go into Executive Session to continue receiving the legal briefing and discussing contractual matters.

In Favor:	Mr. Davis	Mr. Jeffcoat
	Mr. Rucker	Mr. Derrick
	Mr. Wilkerson	Mr. Keisler
	Mr. Carrigg	Mr. Cullum

Not Present: Mr. Owens

Announcement by Chairman Davis - Chairman Davis announced that on December 17 Council will host a retirement supper for Councilman Jacob Wilkerson.

Matters Requiring a Vote as a Result of Executive Session - Chairman Davis reported Council continued the legal briefing during the Executive Session and indicated two motions were to be considered.

Suspend County Council Rules of Parliamentary Procedure - A motion was made by Mr. Jeffcoat, seconded by Mr. Rucker that Council waive its procedural rules to allow amendments to Ordinance 04-07 as recommended by the County Attorney.

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

In Favor:	Mr. Davis	Mr. Jeffcoat
	Mr. Rucker	Mr. Derrick
	Mr. Wilkerson	Mr. Keisler
	Mr. Carrigg	Mr. Cullum

Not Present: Mr. Owens

Ordinance - 04-07 - Authorizing the Reduction of the Minimum Investment Commitment Under, and Certain Amendments of, the Lease Agreement Between Pirelli Communications Cables and Systems USA, LLC and Lexington County Dated December 7, 2001 - 3rd and Final Reading - A motion was made by Mr. Jeffcoat, seconded by Mr. Carrigg that County Council approve Ordinance 04-07 which has been amended by the County Attorney and is different from what is in the agenda packet. This ordinance includes:

- (1) The amended Fee-in-Lieu of Taxes Agreement with Pirelli.
- (2) Termination of the Memorandum of Lease of Real Property.
- (3) Conveyance of property back to Pirelli.

This motion is made on the condition that the County Attorney and Council Chairman are satisfied with the indemnification language in the agreements and are satisfied with any other changes to the documents.

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

In Favor:	Mr. Davis	Mr. Jeffcoat
	Mr. Carrigg	Mr. Rucker
	Mr. Derrick	Mr. Wilkerson
	Mr. Keisler	Mr. Cullum

Not Present: Mr. Owens

Ordinance 04-02 - An Ordinance Approving the Conveyance of Real Estate From the County of Lexington to Lexington County Recreation and Aging Commission - 3rd and Final Reading -
A motion was made by Mr. Wilkerson, seconded by Mr. Carrigg to table Ordinance 04-02.

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

In Favor:	Mr. Davis	Mr. Wilkerson
	Mr. Carrigg	Mr. Rucker
	Mr. Derrick	Mr. Keisler
	Mr. Jeffcoat	Mr. Cullum

Not Present: Mr. Owens

New Business - Mr. Jeffcoat reminded Council of two upcoming events. On Wednesday, September 29 at 2:00 p.m. the Central SC Alliance will be announcing a significant industrial development for Lexington County at the South Trust Building on Main Street and the Lexington County Industry Appreciation Cookout will be Thursday, October 7 from 5:30 - 8:00 p.m. at Saluda Shoals Park.

Old Business - Drug Court - Assistant Solicitor (Grade 19) - Mr. Jeffcoat stated in a previous meeting Council had postponed discussion of an Assistant Solicitor for Drug Court until funding could be addressed and asked Ms. Babbitt, Grants Administrator to address Council.

Ms. Babbitt stated she met with Solicitor Myers and indicated he was unable to be present because he was out-of-town attending a conference. Ms. Babbitt said the Solicitor has received money from

the Prosecution Commission to be used strictly for prosecution of drug related activities. This is the motion fee the State has said that Solicitors can have to either prosecute or use for drug treatment. Ms. Babbitt said a portion of the \$150,000 the Solicitor's office received last year was used to pay off the deficit in Drug Court. She said he has since received \$150,000 again this year and would like to hire an Assistant Solicitor. Ms. Babbitt stated that Solicitor Myers would be agreeable to advance the County \$60,000 and indicated a budget amendment has been prepared if Council approves the position. The \$60,000 budget amendment is for an Assistant Solicitor (Grade 19) which includes fringe benefits, telephone, \$1,200 for conference and meeting expense, and personal mileage. Ms. Babbitt stated that Solicitor Myers understands that if the State discontinues collecting the motion fee or discontinues restricting it for prosecution of drug cases that the position (Assistant Solicitor) would be eliminated.

Mr. Jeffcoat said he understood that the Solicitor has funds left over from last year's funding that he could have used for this purpose that he needs to spend. Is that correct?

Ms. Babbitt replied, that's correct.

Mr. Carrigg stated 90 percent of what the Solicitor's Office prosecutes are drug offenses and asked, this is money that is used to prosecute drug offenders or for drug treatment. Correct?

Ms. Babbitt replied, correct.

Mr. Carrigg asked if the Solicitor's Office can't use any of the funding to supplement the salaries of current personnel or do they have to add new solicitors?

Ms. Babbitt replied that she would have to look to see if there is a non-supplant clause.

Mr. Carrigg said the only reason for asking is because when grants are available it is wonderful to grow and add new prosecutors but stated if you could use some of the funding to reduce the taxpayers' burden, it would be a win for everybody.

Ms. Babbitt replied that the only thing that she recalls in the legislation is that it must be used for cases related to drugs and that any left over funds can be used for the Solicitor's operating expenses.

Mr. Carrigg stated that is 50 percent of what they do over there, minimum. Mr. Carrigg said he would like to know the answer.

Mr. Cullum agreed with Mr. Carrigg to keep the same staff and just use your funding.

Mr. Jeffcoat made a request to delay discussions until such time that Solicitor Myers is present and asked that Solicitor Myers attend the October 12, 2004 meeting to discuss and answer any questions that are posed.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Dorothy K. Black
Clerk

George H. Smokey Davis
Chairman

Diana W. Burnett
Assistant Clerk to Council