

MINUTES
LEXINGTON COUNTY COUNCIL
OCTOBER 28, 2003

Lexington County Council held its regular meeting on Tuesday, October 28, 2003 in Council Chambers, beginning at 4:30 p.m. Chairman Davis presided; Mr. Jeffcoat gave the invocation; Mr. Carrigg led the Pledge of Allegiance.

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

Also attending: Art Brooks, County Administrator; Larry Porth, Finance Director/Deputy County Administrator; Katherine Doucett, Personnel Director/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 - Several Public Works employees were recognized for a job “well done” in the Coatesworth Subdivision. The employees were: Tommy Frost, Supervisor, Tommie Price, Site Supervisor, Crewmen Wade Spivey, Dwayne Livingston, Dwight Havird, Randolph Havird, and Dan Jennings, and Chris Stone in Engineering.

Employee of the Quarter - Art Brooks, County Administrator - Nominees for the second quarter Employee of the Quarter were Samuel E. Owens, Deputy with Security Services; Fremont Huggins, Business Personal Property Delinquent Tax Specialist; and Steve Pierce, GIS Mapping Technician II.

Mr. Owens has been employed with the County since August 1998 and is a Deputy with Security Services. Mr. Brooks stated Mr. Owens was nominated for all the kind acts he shows to the citizens of Lexington County who visit the Administration Building and the significant impact he has made on fellow employees.

Mr. Huggins has been employed with the County since 1999 and works in the Treasurer’s Office as the Business Personal Property Delinquent Tax Specialist. Mr. Brooks noted since April 2002, Mr. Huggins has collected approximately \$1,310,000 in delinquent taxes for the County. Mr. Huggins also is very instrumental in guiding the Library Board in his second term as Library Board Chairman. He is an

enthusiastic, conscientious promoter of the library and its services to the community of Lexington County.

Mr. Steve Pierce has been with the County since 1986 and is a GIS Mapping Technician II in Planning and GIS. Mr. Brooks stated Mr. Pierce has voluntarily and enthusiastically taken on new tasks that at times has created a very demanding workload for him. Mr. Pierce was instrumental in updating roads for GIS and 9-1-1 applications.

Mr. Brooks presented a plaque to Steve Pierce as the Employee for the Second Quarter and Certificates of Excellence were presented to Samuel Owens and Fremont Huggins.

Appointments - Transportation Planning Advisory Committee - Mr. Derrick made a motion, seconded by Mr. Rucker to reappointment Mr. Charlie Compton and Mr. John Fechtel to the Transportation Planning Advisory Committee.

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	

Mr. Jeffcoat asked Ms. Black, Clerk to Council, if Ms. Lewandowski and Mr. Amick have been sent a letter to consider reappointment to the Assessment Appeals Board and Board of Zoning Appeals respectively.

Ms. Black replied, no; but would be glad to.

Mr. Derrick stated he was under the impression that Council was still waiting on information from the Building Codes Board of Adjustments regarding the change and restructuring of the Board.

Mr. Davis replied that the Building Codes Board of Adjustments have not yet sent Council a recommendation.

Mr. Davis asked Mr. Derrick if he would like to pursue.

Mr. Derrick replied, we need to as there are two Board members whose terms have expired and the Board already is faced with difficulty in forming a quorum.

Mr. Davis replied that Council will follow up with the Building Codes Board of Adjustments regarding reconstruction.

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

Function Five Laptop Computers - Magistrate/Information Services - Staff recommended the purchase of five (5) Dell Laptops, five (5) software licenses, two (2) LaserJet printers and two (2) external print servers for Magistrate/Information Services. These items will be purchased through the FY03 Local Law Enforcement Block Grant for five (5) Magistrates; Judge Rutland, Judge Jeffcoat, Judge Reinhart, Judge Rawl, and Judge Adams. The five (5) Dell Laptops will be purchased directly from Dell Computers through State Contract Number 03-S5869-A9659 in the amount of \$8,421.00. The five (5) software licenses will be purchased from Software House International through State Contract Number 01-S4072-A7243 as well as two (2) LaserJet printers and two (2) external print servers in the amount of \$2,274.35. The total cost including tax is \$10,695.35.

Soliciting Full Line Grocery Chains for Christmas Gift Certificates - Personnel - Bids were advertised and solicited from qualified Full Line Grocery Chains for Christmas Gift Certificates for an estimated 1,288 County employees at a face value of twenty-five dollars (\$25.00). One (1) bid was received. Staff recommended to award the contract to Piggly Wiggly Carolina Company, Incorporated at a total cost of \$28,980.00.

Two (2) Wildland Firefighting Vehicles - Public Safety/Fire Service - Competitive bids were solicited and advertised for the purchase of two (2) Wildland Firefighting Vehicles for Public Safety/Fire Service. These Wildland Firefighting Vehicles will be equipped with vehicle consoles and front bumper remote control monitors that are specifically designed to handle the threat of wildland/urban interface fires. Two (2) bids were received. Staff recommended to award the contract to Red Diamond Fire Trucks as the low bidder in the amount of \$128,716.00 including sales tax.

Eagle 8/8A Audio Recorder and Hawk 4 Digital Video/Audio Recorder - Sheriff's Department - Bids were advertised and solicited from qualified Video/Audio Recorder dealers for one (1) Eagle 8/8A Audio Recorder and one (1) Hawk 4 Digital Video/Audio Recorder for the Sheriff's Department. This system will record and work in conjunction with the digital video computer printer system. One (1) bid was received. Staff recommended to award the bid to Adaptive Digital Systems in the amount of \$11,130.00 including sales tax.

Fleet Vehicle Additions - Sheriff's Department - Staff recommended the purchase of two (2) New 2004 Chevrolet ½ Ton Extended Cab 4-wheel drive pick-up trucks equipped with emergency equipment and toolboxes for the Sheriff's Department through various suppliers. These vehicles are necessary to investigate and secure undercover narcotic operations located in areas that cannot be reached by an ordinary vehicle. The two (2) 2004 Chevrolet ½ Ton Extended Cab 4-wheel drive pick-up trucks will be purchased from Love Chevrolet through State Contract Number 03-S5464-A9016 - \$39,146.06 including sales tax; emergency equipment from Palmetto Distributors - \$1,124.44 including sales tax; toolboxes from

Woods & Water Outdoor Supplies - \$892.50 including sales tax and installation of emergency equipment from Light-N-Up under County Contract Number C02014-01/10/02B - \$500.00. The total cost including sales tax is \$41,663.00.

These vehicles are being funded through the Multi-Jurisdictional Task Force Grant. The grant will provide 75% of the necessary funds. The additional 25% will be funded through Cayce and Irmo Police Departments. At the end of the grant term, these vehicles will belong to Cayce and Irmo Police Departments. This is not a fleet addition to Lexington County, but a Lexington County Grant.

Mr. Davis opened the meeting for discussion.

Mr. Jeffcoat asked Judge Rutland if he, Judge Adams, Judge Rawl, Judge Reinhart, and Judge Jeffcoat were the only judges going to have laptops?

Judge Rutland replied, no sir. Judge Rutland stated this is Law Enforcement Block Grant money that we (Magistrate Court Services) have obtained for a number of years. He stated last year we (Magistrate Court Services) bought laptops. He said Magistrate Court Services is purchasing the laptops in a cycle which assisted Magistrate Court Services in not having to ask Council for General Funds in our Capital Account. He stated over the period of years, we (Magistrate Court Services) have bought other computer equipment using this Law Enforcement Block Grant money.

Mr. Jeffcoat asked this is not something the County needs to match; just a Block Grant.

Judge Rutland replied this is a 10% match. He stated the Sheriff's Department is involved in this grant, as well as the Solicitor's Office.

Mr. Jeffcoat stated it will cost the County \$10,695.00 for everything Magistrate Court Services is requesting.

Judge Rutland stated in the total grant the Magistrates are getting approximately \$15,000.00. He stated the only Magistrate that will not have a laptop is Judge Shockley and has talked with Judge Shockley who is happy with his setup. However, Judge Rutland stated if Judge Shockley at anytime decides he may need a laptop, he will let me know, and I assured him that I will try my best to accommodate him.

Mr. Jeffcoat had questions regarding the LaserJet printers and stated he was aware that Court Administration is in the process of running a test program with Richland and Greenville Counties.

Judge Rutland stated he has been in communication with our I.S. Department. He said he and Mr. Schafer, Director of Information Services, have been discussing, probably over a year, our current program. Judge Rutland stated they (Magistrate Court Services) will be coming back at some point because we want to rewrite our programs. He stated Chief Justice Toal is moving toward a statewide program; we are making plans to go to Greenville County to look at it in operation and get that Judge's

perspective of the good and the bad. He stated they plan to coordinate the program at the same time so Greenville's I.S. staff can be present so Mr. Schafer and his staff can communicate. He stated there are some issues that he has, not being against the statewide program, but maybe having a program that will mirror it, that communicates with it and communicates with us, because along with this program comes currently a \$25,000.00 maintenance fee that we (Magistrate Court Services) will have to pay, and our I.S. employees, as I understand it, will lose total abilities to do anything for us except hardware repair. He stated he had questions about what if the system goes down or I have a problem with the system, how long is it going to take the State to get me up and running. Judge Rutland commended the County's I.S. staff. He stated when we (Magistrate Court Services) go down, I.S. is "Johnny-on-the-spot" to bring us back up, because an hour or two in my office without a computer is a nightmare as I cannot answer the public's questions like I need to. He stated we (Magistrate Court Services) are progressively working on that and any equipment that we are buying now we are making sure that it is compatible if we, in fact, go with the State system; that we are not buying something that we have to turn around and buy two years from now.

Mr. Jeffcoat stated he understood the equipment Information Services was purchasing would be compatible with this (Court Administration Program) new program. Mr. Jeffcoat asked what is the 5100N Laser Jet?

Mr. Schafer replied, that's just a model number. If you see HP, it is a Hewlett Packard. He said, basically, the protocol to all the Hewlett Packard LaserJets are basically the same; the difference in the models is how many copies they are rated to print per month.

Mr. Jeffcoat stated from the information he has been gathering Richland County has the 5100N which is supposed to be the latest in technology and will accommodate the new program that Chief Justice Toal is trying to implement throughout the state. He said he noticed in the request there are two laser printers at \$317.10 and his understanding is that the 5100N is \$2,100.00, and was wondering, do we need a \$2,100.00, 5100N to accommodate this new program. He stated if we do, then maybe that is what we need to buy now.

Mr. Schafer stated one of the problems with the State's systems is they kind of put out a one-size fits all deal. They (the State) have real expensive flat panel monitors that they provided for the Clerk of Court's Office through a grant. He said what he would say is, the HP printers that Information Services is recommending will work with any system. Mr. Schafer stated HP is the industry standard; we are not buying out of production or inadequate printers at all. He said they make a general recommendation on a one-size fits all type thing, but other things will work just fine.

Mr. Rutland stated for an example, is the printer used in Traffic Court. He said a printer out of his office would not work in Traffic Court because of the diversity and the volume. They (Traffic Court) will do ten times the volume of printing that I will do, and I know a little about the printers, they are rated for so many copies per month and one of them, I heard, was 54,000 copies a year. That's a lot of copies, which I doubt we would ever generate and that's continuous copying. He stated our printers do not continuously print.

Mr. Derrick stated he had questions concerning the bid regarding the Fleet Vehicle Additions dealing with the Multi-Jurisdictional Task Force Grant. He said, "At the end of the term, these vehicles will belong to Cayce and Irmo Police Departments," which he doesn't have a problem, but wanted to know if the County is picking up the insurance and liability on these vehicles.

Chief James, Assistant Sheriff, stated this is one of the first of this type grant that the Sheriff's Department has incorporated where the municipalities actually work with the Sheriff's Department in a coordinated effort to eradicate drugs. He stated the grant is, in fact, one grant given to Lexington County for all these municipalities and then their funding comes off that stream. He said everything is purchased and bought and paid for to include insurance under that particular grant, anything else that is expended outside the grant is reimbursed to the County by that municipality.

Mr. Derrick stated we (County) would not be covering maintenance, insurance, etc., other than what the grant covers.

Chief James replied, we are reimbursed 100%.

Mr. Derrick stated it concerns him because the title of the bid says "Fleet Additions," it's really not a fleet addition.

Chief James replied, it is not actually an addition to the Lexington County fleet as it will be one Cayce vehicle and one Irmo vehicle. Under the grant, per se, it will be a County grant.

Mr. Wilkerson asked how long does the grant run?

Chief James replied, it has four more years to it; we are into the second year and it has four more years. It is a five year total grant. Of course, any money that we (Sheriff's Department) expend out of County funds, they are given back to us by those municipalities.

Mr. Rucker asked if the County has ever dealt with Red Diamond Fire Trucks.

Chief Rawl, Fire Service Coordinator, replied, no sir; we have not dealt with them.

Mr. Rucker asked what do we (County) know about Red Diamond Fire Trucks.

Chief Rawl stated they are located in the upstate, Spartanburg. They have been in the truck manufacturing business for a while.

Mr. Rucker asked if the two Wildland Firefighting Vehicles will be similar to Truck 5?

Mr. Rawl replied, very similar. We are looking at basically a 450 chassis 4-wheel drive with a 125 gallon per minute pump with a 300 gallon water tank and a 10 gallon foam tank with a custom built body.

Mr. Rucker stated he had a question regarding the front bumper remote control monitor and asked Chief Rawl to explain.

Chief Rawl replied, it is a monitor and a control inside the cab that allows the vehicle operator, on a woods fire or field fire as he comes into it, to actually cut on the pump and direct the front nozzle to whatever direction it needs to be, which speeds up the attack and also eliminates some use of manpower having to get out and actually put someone on the hose reel.

Mr. Rucker replied, kind of a semi Redbird One or Redbird Two.

Chief Rawl replied, right, very similar to some of the front turrets you see on some of the apparatus.

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

Mr. Owens was not present when the vote was taken.

Chairman's Report - Family Night - November 18 - Mr. Davis asked each Councilman to invite their families to the November 18, 2003 County Council meeting for everyone to meet.

Introduction of Senator John Courson - The Honorable Senator John Courson was unable to attend.

Palmetto Conservation Foundation - Mr. Tommy Windsor - Mr. Ken Driggers, Executive Director discussed what the Palmetto Conservation Foundation is all about. He stated Palmetto Conservation Foundation is a statewide non-profit organization that is different from other conservation groups as they do no advocacy work. He stated the Palmetto Conservation Foundation is interested only in land conservation, historical preservation, and outdoor recreation. He stated the Palmetto Trail is a project through the Palmetto Conservation Foundation.

Mr. Driggers discussed Open Space Planning, which is defined as sensitive environmental resources, historical resources, scenic views, etc., that is very popular in the Northeastern states but is growing in South Carolina. He stated the Open Space Planning is a no "one shoe fits all" and it is a non-regulatory program; it goes hand-in-hand with the Land Use Regulation and Zoning Ordinance.

He proposed that the Palmetto Conservation Foundation form a partnership with Planning and GIS to recommend some plans for open space preservation and different programs that Lexington County may want to enact.

Mr. Wilkerson asked Mr. Driggers if developers are coordinating their planning of developments with the Palmetto Conservation Foundation after plans have been enacted or doing them separately.

Mr. Driggers said it really needs to be a partnership between the developer and local government and if both are working off a Conservation Open Space Plan, it would enable parcels to be linked together.

Mr. Wilkerson asked if that is being done in other areas of the state now.

Mr. Driggers replied, yes sir.

Mr. Davis stated he was going to ask the Planning and Administration Committee to further study the Open Space Planning.

S.C. Hospital Association Meeting - Governance Best Practices - Mr. Davis stated he, Mr. Cullum, Mr. Carrigg, and Mr. Derrick attended the S. C. Hospital Association Best Governance Practices session during the conference held September 19-21 as guests of Lexington Medical Center.

Report on Meeting - Town of Lexington - Mr. Davis stated on September 26, 2003 he, Mr. Keisler, Mr. Wilkerson, and Mr. Jeffcoat had an unofficial meeting with some citizens and leaders of the Town of Lexington to discuss some of their needs, as well as our common needs, and parking in the downtown area. He stated they also discussed the Town of Lexington's need for land for a particular water tower, which was acted upon during the October 14, 2003 Council meeting.

Administrator's Report - Mr. Brooks stated the contractor still ensures that the County will have an Occupancy Permit on 12/1/2003. He also stated he will bring before Council on November 18, 2003 an operation/maintenance plan for both the Judicial Center and Administration Building. He said the operation/maintenance plan will center on how the County plans to operate the Judicial Center. He stated the consultant recommended the County not have live plants in the buildings due to possible mold attraction.

Mr. Wilkerson asked what was the opening date of the Judicial Center.

Mr. Brooks stated the County will begin moving in December 1, 2003.

Mr. Wilkerson asked how long will court be affected during the moving process.

Mr. Brooks stated Judge Westbrook has been in contact with Chief Justice Toal and the court schedule for the month of December has been set aside until January.

Mr. Wilkerson replied, the whole month of December.

Mr. Brooks stated that is usually a slower time for the court system, especially with the holidays.

Mr. Owens asked Mr. Brooks to pursue a way of changing the design of where Council sits in the new Chambers. He stated it would be very disruptive if a Councilman needs to leave the dais and walk through the crowd. Mr. Owens stated Mr. Brooks indicated that the Fire Marshall said it may be a violation of the

Fire Code to put a hall behind the dais, but said the County certainly needed to pursue.

Mr. Jeffcoat replied he thought the architect was the one who said that.

Mr. Brooks replied, yes sir.

Mr. Jeffcoat asked Mr. Brooks to check with the Fire Marshall and Fire Chief and see if there are ways to work out the design.

Budget Amendment Resolutions - The following BAR was distributed and signed:

Supplemental appropriation increase of \$1,000.00 from the Wal-Mart Foundation to the Fire Service capital contingency account.

Zoning Amendments - Zoning Text Amendment T03-04 - Driveway & Street Restrictions - 3rd and Final Reading - A motion was made by Mr. Carrigg, seconded by Mr. Rucker that Zoning Text Amendment T03-04 be given third and final reading.

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

Zoning Map Amendment M03-06 - 6172 Bush River Road - Announcement of 1st Reading - Mr. Davis announced first reading of Zoning Map Amendment M03-06.

Zoning Map Amendment M03-07 - Cottage Road - Announcement of 1st Reading - Mr. Davis announced first reading of Zoning Map Amendment M03-07.

Ordinances - Ordinance 03-5 - Lexington County Council Rules of Parliamentary Procedures - 2nd Reading - Mr. Derrick made a motion, seconded by Mr. Owens that Ordinance 03-5 be given second reading.

Mr. Davis opened the meeting for discussion.

Mr. Jeffcoat stated one of the changes to the Lexington County Council Rules of Parliamentary Procedure would exclude proxy votes. Is that correct? He stated he wanted to make sure Council was fully aware of the change.

Mr. Davis stated he thought the logic in excluding proxy votes is that a vote could change if additional information was presented at a meeting.

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

Ordinance 03-10 - Conveyance of Real Estate from Lexington County to SCDOT (Hwy. 6 & Hwy. 1) - 2nd Reading - Mr. Rucker made a motion, seconded by Mr. Wilkerson that Ordinance 03-10 be given second reading.

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

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

Mr. Jeffcoat asked to address Zoning Map Amendment M03-06. He stated he thought most members of Council have a problem with rezoning property just to allow more uses. He stated he thought it would be helpful to Council if the petitioner(s) would be more specific in the reason for rezoning.

Mr. Davis stated if Council wanted to change rezoning regulations requiring specific activity on rezoning, then it needs to be discussed with Planning.

Mr. Rucker asked to place rezoning regulations into the Planning and Administration Committee for further study.

Committee Reports - Planning & Administration, B. Rucker, Chairman - Policy Addressing the Rehiring of Former Employees - Mr. Rucker reported that his committee met and discussed the Policy Addressing the Rehiring of Former Employees.

Mr. Rucker made a motion, seconded by Mr. Jeffcoat to adopt staff's recommendation on the Policy Addressing the Rehiring of Former Employees and the policy be effective on Wednesday, October 29, 2003.

Mr. Davis opened the meeting for discussion.

Mr. Wilkerson asked if the policy requiring former employees sick and annual leave to return to "zero"

is in accordance with what the State does in their rehiring policies, or is this completely different.

Ms. Doucett, Personnel Director, replied she did not know what the State's policy is on sick leave when they rehire someone, but this has been the County's policy for rehiring employees. She stated this is just restated here for this particular policy.

Mr. Wilkerson stated he has a problem with the policy regarding sick leave. He stated whether an employee should be rehired with or without sick leave should depend on the situation. He stated, of course, someone who has been gone for five or six years and comes back may be a different story than someone that had retired and was asked to come back by the County.

Ms. Doucett stated the decision to eliminate employee sick leave balance when they leave may factor into their decision to retire and come back. She stated if someone has ninety days of sick leave that they have accrued, they may not be comfortable retiring or trying to come back to work. She stated some employees do pick up a short-term disability policy and then return to work to cover any income loss that they have from an illness or time they are going to be away from work for personal reasons just to bridge that gap.

Mr. Wilkerson stated he understood the annual leave accrued because they are paid, that is not an option, but is concerned about the sick leave depending upon certain situations.

Mr. Wilkerson asked how people with sick leave, if they do have ninety days built up, end up taking time off the last year when they need to be here because the employee will not be able to use it if they decide to leave.

Mr. Doucett replied the sick leave does count toward their retirement as a service credit. She stated she has not seen employees abuse sick leave on the way out the door without the County asking for a doctor's excuse.

Mr. Owens asked if you have ninety days of sick leave, can you use that if you have eleven years, three months. Does that factor into it; we don't pay them for it but it is added credit to service.

Ms. Doucett replied, correct; it is factored into their service.

Mr. Owens stated in a sense they are paid for it; they are using it.

Mr. Doucett stated it was definitely a benefit to maintaining a balance for that reason.

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

Mr. Derrick

Justice, J. Carrigg, Chairman - Victims of Crime Act (VOCA) Grant - Reverted Funds - Law Enforcement - Mr. Carrigg reported that during the afternoon meeting, his committee met and discussed the Victims of Crime Act (VOCA) Grant.

A motion was made by Mr. Carrigg, seconded by Mr. Rucker to allow staff to move forward with the Victims of Crime Act Grant application.

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

Committee as a Whole - Turn Lanes - Maxie and Old Cherokee Roads - Mr. Carrigg reported during the afternoon meeting, the Committee as a Whole met and discussed a request from Mr. Fechtel, Director of Public Works, to approve \$25,000.00 for turn lanes at the intersection of Maxie and Old Cherokee Roads through the RISE Match Program. Mr. Fechtel stated this would be a 2:1 match. The County would contribute \$25,000.00, the developer \$25,000.00, and SCDOT \$25,000.00.

Mr. Carrigg made a motion, seconded by Mr. Jeffcoat to commit \$25,000.00 to improvements for turning lanes for Maxie and Old Cherokee Roads and instructed staff to seek reimbursement from the developer.

Mr. Davis opened the meeting for discussion.

Mr. Wilkerson asked how much have we (County) talked to the developer and to what degree has the County contacted him before we move forward with this.

Mr. Fechtel, Director of Public Works, replied that he really doesn't have that information. He stated this is an issue that has probably gone back seven or eight years when that development was first started. He stated he did not have any working relationship with any developers at that point. He said he knew the County Attorney has worked on that issue in the past, but could not provide Council information about that.

Mr. Wilkerson asked should there have been a turn lane installed during the initial development.

Mr. Fechtel stated the turn lane, as he understood, was basically a commitment by the developer. He stated it was not really needed until some of the development occurred, but did not know to what extent the County was involved in requiring a turn lane as it was the developer saying he would provide.

Mr. Wilkerson asked if the County had any records stating whether it was supposed to have been put in or not.

Mr. Fechtel replied he was sure there has been discussion in the past, but was not aware of

Mr. Wilkerson asked if the developer still develops in our County.

Mr. Fechtel replied, not that he is aware.

Mr. Davis stated to answer some of the questions Mr. Wilkerson asked, according to the County Attorney, the County does have some written material, as well as ongoing discussions with their legal staff.

Mr. Owens stated as being that as it may, he would like to defer this until we (County) see where we are from the legal aspect. He stated this sends a bad message; a developer can go out and commit to something and if he can wait long enough, the County and State will come along and fund what he was supposed to have funded. He stated for that reason, he will certainly be voting against it.

Mr. Cullum asked Mr. Fechtel if he could identify the developer.

Mr. Fechtel replied his understanding it (developer) was Pulte.

Mr. Cullum asked are they developing anywhere in the County now?

Mr. Fechtel replied, I don't know.

Mr. Derrick asked Mr. Fechtel why this project (Maxie and Old Cherokee Roads) was so urgent that he had to bring it before Council tonight and did not go through the Public Works Committee. What is the deadline?

Mr. Fechtel replied, as Council remembers, I briefed Council on recommendations on the RISE Program, SC DOT match, and indicated at the last session (October 14, 2003) if there were any projects to be added that we needed to do so because the Highway Commission is going to act on that (RISE Program) at the end of this month. He stated this was brought about with a conversation he had with Jim Cagney, District 1 Administrator, who found out about the program, and asked him to present it to Council and it was too late to get it on the agenda, but we do need to act if we are going to get it in on the RISE Match program this year.

Mr. Derrick asked whether the County can approve submitting for the RISE grant but not approve expenditure of funds at this time. Can we do that?

Mr. Fechtel replied, yes sir, we can get it programmed and get it (Maxie and Old Cherokee Roads Project) on there with that stipulation.

Mr. Derrick stated this is just programming the money, not spending the money.

Mr. Derrick made a motion to amend the motion, seconded by Mr. Owens to approve of submitting the Maxie and Old Cherokee Roads project through the RISE Match Program but not approve expenditure of funds and prior to any expenditure of funds, the request is to be presented before the Public Works Committee.

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

Vote on Amendment:

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

Vote on Motion as Amended:

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

Presentations - Mr. Pete Oliver, 165 Lake Murray Terrace, Lexington, SC 29072 - Nassau Plant

- First of all, I would like to say thank you and will go through these things as fast I can; I try to keep you ahead of the learning curve on what's going on and what's transpiring relative to AT&T Nassau Metals in Gaston, S.C.

I deeply appreciate the opportunity to speak with you today, and I thank you for the time you have allowed me.

A few weeks ago I was privileged to be invited to "Lunch with Lou." As usual his comments were very good, funny and insightful. He related how football players could be successful as individuals and team members so that the whole team was successful. He further related, not only should players be members of the team and enjoy success, but more importantly they should be significant. This statement of being significant is important to you and me.

Each of us has enjoyed success in life that we enjoy such as the blessings of family and friends, success and professions, but more importantly the trust of being an elected official. For example, with the building of the new courthouse complex, your names will prominently be displayed. This will be wonderful for each of you and your families. The new courthouse will stand for decades. What I am requesting today will not bring you the accolades or the sense of accomplishments that the new courthouse presents to Lexington County and its citizens. I am asking each of you to be significant today. There will be no grand edifice, there will be no plaque, there will be no photos, there will be no ribbon ceremony, but you can do something far more important to Lexington County than build a new courthouse.

I am asking you to contact the US EPA and request in writing that AT&T Nassau Metals (Lucent Technologies) be investigated for criminal wrongdoing concerning the Form 104E filled out with the US EPA. There is no statute of limitations concerning the filling out of this form.

There are three elements concerning AT&T Nassau Metals which are important and clearly state why there

should be an investigation concerning the documentation provided by AT&T Nassau Metals related to the Lexington County landfill, which in my opinion are criminal in nature. I will provide you several illustrations of other forms that were erroneously filed by AT&T Nassau Metal (Lucent Technologies). These are all interrelated and the common thread running through all the documents is AT&T Nassau Metals (Lucent Technologies).

The first element and foremost issue is why would a \$33 billion company risk the possibility of criminal and civil prosecution. There is only one answer - money, in the form of gold, palladium, platinum, and silver. At one time until the 1970s, we were on the gold standard of \$35.00 an ounce for gold. After the US came off the gold standard, look what happened to precious metal prices. Gold went from \$35.00 an ounce to over \$400.00 an ounce. Palladium went from \$50.00 to \$150.00 per ounce. Platinum went from \$100.00 an ounce to a range of \$300 to \$800.00 an ounce. Why is this important? AT&T built this equipment using gold at a price of \$35.00 an ounce, and it was fully depreciated when it was shipped to AT&T Nassau Metals. AT&T cost basis at this time was zero. The catch is, we paid AT&T the full market value for the precious metal content at the time of purchase. The precious metals sales by AT&T Nassau Metals for the years 1984 through 1988 was \$14.9 million, \$32.1 million, \$23.8 million, \$32.9 million and \$40.4 million for a total of \$144.1 million for five years. When we paid AT&T for the precious metal content in the scrap, we basically transferred the true precious metal profits to AT&T. They did not show up on Nassau's books but were a profit to AT&T. The profit for AT&T Nassau Metals would show up as a marginal number of profit or loss depending on market conditions. Say if AT&T Nassau Metals made \$10.00 or loss \$5.00 an ounce, the total effect to the AT&T Nassau Metals is marginal. Who made the money.

Mr. Davis stated to Mr. Oliver that he has presented this presentation in an excellent format written for Council to digest and advised him that Council needs the time to read and digest the material. He asked Mr. Oliver to allow Council to read the material and then asked Mr. Oliver to come back and have a question/answer session before the Committee as a Whole.

Mr. Oliver said so his understanding is to clarify the point you just made so that I understand. You will invite me back and you will give me an allotted time, at least equal to the 12 to 15 minutes that I asked for today.

Mr. Davis replied, absolutely, but we will be more informed.

Mr. Oliver said that's fine with me, but I want to make one more point and then I will sit down. When you look at all this, the last document you have, is a copy of the FBI closed investigation. An attorney is named as a conspirator in the shipment of 10 million pounds of PCB West pond sludge and lead dust. The lead dust is also mentioned. An attorney. The whole problem is - lawsuits filed in the State of South Carolina have been tainted by the actions of an attorney and let me point out one thing when you read this and I will sit down. It doesn't say alleged, it doesn't say maybe, it says 10 million pounds of PCB sludge was shipped. Okay, I will sit and I welcome that opportunity.

Mr. Davis advised Mr. Oliver that he will definitely be invited back and we will take this as homework and digest it and actually prepare some questions in advance that we will be asking you when you come back.

Executive Session/Legal Briefing - A motion was made by Mr. Jeffcoat, seconded by Mr. Derrick to go into Executive Session to receive legal briefings.

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

Mr. Owens was not present at the time the vote was taken.

Mr. Davis reconvened Council in open session.

Matters Requiring a Vote as a Result of Executive Session - Mr. Davis reported that Council discussed two legal matters during the Executive Session with no votes to be taken.

Old Business/New Business - None.

There being no further business, the meeting was adjourned.

Adjournment

Respectfully submitted,

Dorothy K. Black
Clerk

George H. Smokey Davis
Chairman