

MINUTES
LEXINGTON COUNTY COUNCIL
FEBRUARY 24, 2004

Lexington County Council held its regular meeting on Tuesday, February 24, 2004 in Council Chambers, beginning at 4:30 p.m. Chairman Davis presided; Mr. Jeffcoat gave the invocation; Mr. Derrick led the Pledge of Allegiance.

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

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 - Mr. Brooks recognized Kathryn Barton, Program Director of the Juvenile Arbitration Program, in the Eleventh Judicial Circuit; Mary Ashley and Beth Harmon, Telecommunications Operators and Al Budaszewski, Emergency Medical Dispatcher in Public Safety/Communications.

Ms. Barton was recognized for being named as the Volunteer Administrator of the Year by the S.C. Association of Volunteer Administrators.

Ms. Ashley, Ms. Harmon, and Mr. Budaszewski were recognized for their professionalism and knowledge of their job in assessing a possible carbon monoxide poisoning situation.

Appointments - Accommodations Tax Board - Mr. R. H. "Peter" Averhoff - A motion was made by Mr. Carrigg; seconded by Mr. Jeffcoat to appoint Mr. R. H. "Peter" Averhoff to the Accommodations Tax Board.

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

In Favor: Mr. Davis Mr. Carrigg

Mr. Jeffcoat	Mr. Derrick
Mr. Rucker	Mr. Wilkerson
Mr. Keisler	Mr. Owens
Mr. Cullum	

Lexington/Richland Alcohol & Drug Abuse Council - Ms. Lynn L. Dooley - A motion was made by Mr. Derrick; seconded by Mr. Wilkerson to appoint Ms. Lynn Dooley to the Lexington/Richland Alcohol & Drug Abuse Council.

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

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

Temporary Sign and Permitting Committee - Ms. Mardi McKinnon - A motion was made by Mr. Owens; seconded by Mr. Cullum to appoint Ms. Mardi McKinnon to the Temporary Sign and Permitting Committee.

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

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

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

Fleet Vehicle Addition - Public Safety/Fire Service - Staff recommended the purchase of one (1) new 2004 Ford F450 cab and chassis equipped with emergency equipment and accessories for Public Safety/Fire Service. The Ford F450 cab and chassis will be purchased from Pulliam Motor Company through State Contract Number 03-S5469-A9067 in the amount of \$36,425.41. The cost of emergency equipment and accessories will be provided by Palmetto Distributors - \$2,713.55; Hansens Gold Leaf - \$448.88; Tony's RV Parts & Service Inc. - \$2,042.97; and Light-N-Up - \$687.50. The installation of the emergency equipment will be performed by Light-N-Up through County Contract Number C02014-01/10/02B. The total cost including sales tax is \$42,318.31.

Reverse 9-1-1 Emergency Notification System - Public Safety/Communications - Staff recommended the purchase of the reverse 9-1-1 emergency notification system equipment for Public

Safety/Communications for the Administration Building. This program will allow emergency messages to be disseminated through existing telephone lines to each affected citizen's home. Calls may be made to the entire county or to only the affected area. The reverse 9-1-1 emergency notification system will be purchased from the sole source provider, Dialogic Communications Corporation, in the amount of \$51,940.00. Alltel Communications will provide the telephone lines and internal wiring as a proprietary provider at a cost of \$1,056.05 and the cost of the computer from Dell Computer through State Contract Number 03-S5869-A9659 at a cost of \$1,138.59. The total cost including tax is \$54,134.64.

TVI Shelter and Accessories - Public Safety/Communications - Bids were advertised and solicited from qualified vendors for the purchase of a TVI shelter and accessories for Public Safety/Communications. The TVI shelter is a mobile tent that is used statewide by all COBRA teams as a multipurpose shelter to establish command post operations and patient protection during emergency operations. Staff recommended to award the bid to Fisher Scientific, LLC at a cost of \$21,816.17 and Advanced Containment Systems, Incorporated at a cost of \$5,092.50. The total cost including tax is \$26,908.67.

2003 - 2004 Resurfacing Program - Public Works - Bids were advertised and solicited from qualified contractors for the 2003 - 2004 resurfacing program for twenty-nine (29) asphalt roads. The project includes the resurfacing of approximately 48,782 L.F./9.24 miles of roadway. There is an estimated 10,529 tons of HLAC type 4, 200 tons HLAC binder course, 100 tons of CR-14 asphalt, 500 L.F. of 4" french drain pipe, and 100 C.Y. of unclassified excavation. Three (3) bids were received. Staff recommended to award the bid to C.R. Jackson, Incorporated. The total bid for the project, based on estimated quantities, is \$629,158.06 which includes tax. It is the intent of the Public Works Department to resurface as many roads as funds will permit.

Steel Plates and Anchor Bolts - Solid Waste Management - Bids were solicited and advertised for steel plates and anchor bolts for Solid Waste Management. The steel plates and anchor bolts will be used to repair and replace steel plate runners under most of the compactor containers. Seven (7) bids and three (3) no bids were received. Staff recommended to award the bid to Complete Steel Service. The total cost including tax is \$13,065.52.

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

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

Chairman's Report - Pelion Airport - Mr. Davis stated he would be creating tonight a special committee to study the governance and management of the Pelion Airport and asked Mr. Rucker and Mr. Cullum to be Chair and Co-Chair respectively.

Comments from Mr. Davis - Mr. Davis thanked staff for their participation in making the dedication of the Judicial Center and the addition of the Administration Building a success.

Mr. Davis commended Chief James for a very impressive presentation to the Municipal Association and complimented his communication skills.

Administrator's Report - Ice Storm Response Update - Chief Tim James and Mr. John Fechtel - Chief Tim James, Assistant Sheriff and Interim Public Safety Director and Mr. John Fechtel, Director of Public Works gave Council an update regarding the January ice storm.

Chief James stated the EOC became fully operative by 12 noon on January 26th. He said the EOC was manned 24 hours a day by representatives from Fire Service, Law Enforcement, Public Works, and EMS and indicated Fleet Services, Administration, Finance, Building Services, Central Stores, and local agencies were on standby as well. Chief James stated there was a profound sense of communication, coordination and cooperation among all departments.

Chief James stated the shelters played an important role during the ice storm, but said it was hard trying to locate shelters that had power. He stated shelters were set up at White Knoll and Batesburg/Leesville. He stated each shelter had to be manned by representatives from the Department of Social Services, the Red Cross, and law enforcement personnel for security. He said the shelters were utilized this time more than any other time throughout the history of Lexington County, as he understands. The White Knoll shelter accommodated over 168 people daily and Batesburg/Leesville had in excess of 40. In addition to the White Knoll and Batesburg/Leesville shelters, a special needs shelter was established at the Lexington Medical Center.

A shuttle service was established to shuttle residents from Chapin to White Knoll and provided individual escort to those in need.

Chief James stated in the first 24 hours of operation EMS responded to 104 calls and Fire Service responded to 353. He said Law Enforcement calls were within the normal range, therefore, the department was able to utilize personnel elsewhere.

Chief James stated work related accidents during the ice storm were almost nil and thanked Council for the proper training and equipment for their employees during this crisis.

Mr. Fechtel stated he met with SCDOT and was told they would be utilizing their personnel on sand trucks and said under the mutual aid agreement with the State, Public Works would handle all tree calls within the County.

Mr. Fechtel stated he would be meeting with FEMA on Wednesday, 25th to discuss ice storm damages and costs. He stated the County will be able to claim approximately \$111,000 in expenses through FEMA. He said the County is looking at approximately 12.5 percent of the total figure in expenses as FEMA will be covering 75 percent with an additional 12 percent from the State.

Mr. Fechtel said through FEMA any volunteers that were used during the ice storm can be used as a "credit" (estimated rate of pay of a volunteer plus fringes i.e. firefighter pay x hours worked). He said this would elevate expenses but would reduce the amount of money the County would have to fund. Mr. Fechtel stated SCDOT would be billed for the work performed on their roads by the Public Works Department.

Mr. Fechtel stated the clean up of debris is a problem on rights-of-way where the County does not have access; however, said residents are allowed to dispose debris on the County's rights-of-way and then the County would be reimbursed for the removal of the debris for over-time hours only. However, if personnel are utilizing a fire truck, patrol car, ambulance that is related to the storm then an hourly rate based on the equipment is given as a credit.

Mr. Keisler and other members of Council thanked everyone for their hard work and dedication during the ice storm.

Generators, Heaters, and Database of Volunteers With Four-Wheel Drive Vehicles - Mr. Jeffcoat stated the fire stations around Lexington County would make excellent emergency shelters and asked about the possibility of equipping fire stations with generators to provide water and heat during emergency situations.

Mr. Rucker stated a lot of the fire stations are equipped with generators but there are areas within the fire stations that have no heat. Mr. Rucker asked staff to also look into equipping fire stations with heaters during the budget process.

Mr. Wilkerson asked if using fire stations as shelters would interfere with the operation of service.

Mr. Derrick stated he was certain there are residents who have four-wheel drive vehicles who would be willing to assist the County during emergencies and asked staff to compile a database of volunteers with four-wheel drive vehicles.

Chief James stated several of the ideas from Council have been discussed to a certain extent and indicated a team is in progress of being formed to establish a very strong protocol for future emergencies. He stated the Red Cross is actually the one who says "if and when and where" a shelter is set up and that representatives from the Red Cross and the Department of Social Services have to be present, etc. He stated he will be looking at centrally located sites and will report his findings to Council.

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

Supplemental appropriation increase of \$3,500.00 received from the "Friends of the Courthouse" to be used for technology and furniture in the Judicial Center.

Supplemental appropriation increase of \$5,570.00. The DHEC award for the EMS Grant-in-Aid program was higher than anticipated, therefore, increasing the budget and redistributing the funds as awarded.

Appropriation transfer of \$69,700.00 from the convenience station accounts to repair the transfer station floor. The total cost of the project is \$166,000.00 with \$96,300.00 budgeted for FY03/04.

Supplemental appropriation increase of \$39,611.00 from an incentive check received from the child support enforcement division for the period October 2001 through September 2002.

Mr. Davis stated he understood this incentive money for the Clerk of Court is not budgeted.

Mr. Brooks replied that is correct.

Mr. Davis stated this is Title IV-D incentive money, therefore, he may discuss with the Clerk of Court his suggestion on expenditures since the County still has outstanding service charges with the bank.

Mr. Jeffcoat asked if the service charges have not been cleared.

Mr. Davis replied, no sir, not totally. He stated the service charges have been cleared one time but is an ongoing event.

Mr. Jeffcoat asked if it (service charges) is reoccurring.

Mr. Derrick asked how can Council find out the authorized uses of the Title IV-D funds.

Mr. Brooks stated this was a federal program and would provide Council a copy of the statute.

Mr. Jeffcoat asked if the Clerk of Court's child support account is out of balance because of fees.

Mr. Davis replied, yes sir.

Clerk of Court - Child Support Bank Account - Mr. Jeffcoat made a motion; seconded by Mr. Cullum that Lexington County's external accountant conduct an audit on the Clerk of Court's child support bank account back three years prior to the onset of the out of balance to current date.

Mr. Davis opened the meeting for discussion.

Mr. Owens asked if the County has those records.

Mr. Jeffcoat stated we should have the records but would still like to have an audit of that particular account for three years prior to having this out of balance situation.

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

Banking Services RFP - Mr. Cullum asked for an update on the RFP for banking services.

Ms. Sheila Fulmer, Procurement Manager, stated a recommendation would be provided to Council at the March 9th Council meeting.

Ordinances - Ordinance 03-13 - American Fiber & Finishing, Inc. - Multi-County Park Agreement - 3rd and Final Reading - Mr. Jeffcoat made a motion; seconded by Mr. Carrigg to approve third and final reading of Ordinance 03-13.

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. Owens
 Mr. Cullum

Justice, J. Carrigg, Chairman - Additional Funding for Conference and Training Expenses - Magistrate Court Services - Mr. Carrigg reported his committee met on Tuesday, February 10, 2004 to discuss a request from Jamie Lucas, Chief Magistrate, for an additional \$3,000.00 in conference and training expenses for Magistrate Court Services.

Judge Lucas stated magistrates are required to have a minimum of 18 hours of continued legal education (CLE). He said in the past many of the classes were offered at no cost through the Police Academy. However, the Police Academy no longer provides this service. He stated the Bar Association has since taken over the administering of the continued legal education programs. He stated the magistrates are now required to pay for many of the classes that were once free. He said the cost of each class can range from \$30.00 and up depending upon the location, topic, and availability of the class.

The committee voted to recommend to full Council to approve a \$3,000.00 budget amendment for conference and training expenses.

A motion was made by Mr. Carrigg, seconded by Mr. Wilkerson to approve a \$3,000.00 budget amendment for conference and training expenses for Magistrate Court Services.

Mr. Davis opened the meeting for discussion.

Mr. Derrick asked when did it go into effect that the Police Academy would no longer provide continued legal education (CLE) for the magistrates and when did the Bar Association start charging for the services. Mr. Derrick asked why Magistrate Court Services did not include this request in their FY03/04 budget.

Mr. Carrigg stated as he understood the Bar Association has always charged for continued legal education.

Jamie Lucas, Chief Magistrate, stated in July 2003 the Bar Association began charging for classes and registrations that are offered through the Bar. He stated the Policy Academy used to provide the classes; however, with the budget cutbacks they have stopped a lot of their services.

Mr. Derrick stated his question was when did they (Police Academy) stop.

Judge Lucas stated he was uncertain but would find out that information.

Mr. Derrick stated he wanted to know why it was not budgeted in this year's budget and said he would probably be voting against the request because it was not budgeted and should have been.

Judge Lucas stated it was rather hard to budget for something that was an unknown. He stated they did not know how much the classes were going to cost, etc.

Mr. Derrick said he understood Mr. Carrigg to say the Bar Association has been charging for the classes.

Judge Lucas stated their classes had been through the Police Academy but now are having to go through the Bar Association.

Sheriff Metts stated the Bar Association started charging this year during the cutbacks with the State and said all the Academy is providing are basic services.

Mr. Cullum asked if the magistrates have planned training between now and June 30, 2004?

Judge Lucas stated several Magistrates have inquired about attending the State Legislative Convention where CLE hours can be obtained. He said he and Judge Rhinehart just returned from Charleston where they attended a criminal domestic violence class where they were able to accumulate 11.25 hrs. of CLE.

Mr. Cullum asked how many CLE hours are required by magistrates.

Judge Lucas stated magistrates are required to submit 18 hours of CLE; six civil, six criminal, two ethics, and six electives.

Mr. Cullum asked if the \$3,000.00 was an actual figure needed.

Judge Lucas replied, no sir. He stated Magistrate Court Services felt that the cost would not exceed the \$3,000.00.

Mr. Cullum asked if the classes are billed as per credit hour.

Judge Lucas stated he was uncertain, but it would depend on the type of class provided. He stated the criminal domestic violence class he attended today did not require a registration fee, however there is mileage for the trip.

Mr. Wilkerson asked if the CLE is required by the Bar and the State and stated then the State cuts the funding that requires the magistrates to take the hours.

Judge Lucas stated this has been discussed with judges and Court Administration regarding something that is mandated and was told "you have to do the best you can to find the classes." He stated the classes are only offered certain times of the year.

Mr. Wilkerson stated but magistrates are appointed by Legislation.

Mr. Rucker asked if the magistrates are having to pay for their own classes.

Judge Lucas replied, no sir. He said the magistrates are being reimbursed. He stated magistrates are using their credit cards to pay for classes and upon completion of the class will submit for reimbursement from the County.

Mr. Rucker asked if the magistrates would have to absorb the cost of the classes if Council did not approve the \$3,000.00 request.

Judge Lucas replied yes.

Mr. Cullum asked what would happen if magistrates did not acquire the necessary CLE hours.

Judge Lucas stated that magistrates would either be suspended or removed from office.

Mr. Cullum stated then you are mandated to complete the require hours.

Judge Lucas stated there is no give and take. He stated magistrates are required to report their CLE hours each year.

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

Mr. Cullum

Opposed: Mr. Derrick

Not Present: Mr. Jeffcoat

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

Issues Dealing With Magistrate's Pay - Magistrate Court Services - Mr. Carrigg stated his committee met on Tuesday, February 10, 2004 to discuss issues dealing with Magistrate's pay from Jamie Lucas, Chief Magistrate Judge.

Judge Lucas stated the Associate Chief Magistrate is a new position that was created January 1, 2004, which the County has never had. Judge Lucas stated Section 22-8-40 allows additional funding of a minimum of \$3,000.00 for the Chief Magistrate for his duties in that role. However, it does not allow additional funds for the Associate Chief Magistrate.

Judge Lucas stated the Associate Chief Magistrate plays a vital role in assisting him and feels that an additional \$1,500.00 supplement would be warranted. He stated the \$1,500.00 supplement would be distributed twice yearly in accordance to the Chief Magistrate's pay.

The committee voted to recommend to full Council to approve the \$1,500.00 supplement for the Associate Chief Magistrate.

A motion was made by Mr. Carrigg; seconded by Mr. Owens to approve a \$1,500.00 supplement for the Associate Chief Magistrate.

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

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

Abstaining: Mr. Jeffcoat

Mr. Jeffcoat recused himself from the discussion and vote due to a conflict of interest.

I am hereby asking the Chairman to excuse me from voting and deliberating on the matter of Issues Dealing With Magistrate's Pay because of a potential conflict of interest because of the following: Brian Jeffcoat, Associate Magistrate is my son.

I am furnishing this statement to the Chairman and I request that this statement be printed in the

Minutes of this meeting.

s/Johnny W. Jeffcoat

Date: February 24, 2004

Nextel Blackberry Mobile Phones and Service - Magistrate Court Services - Mr. Carrigg reported his committee met on Tuesday, February 10, 2004 to discuss a request from Jamie Lucas, Chief Magistrate, Magistrate Court Services to purchase Nextel Blackberry mobile phones.

Judge Lucas asked the committee to consider the request to purchase Nextel Blackberry mobile phones for magistrates. He stated the device would allow judges to better organize their time and aid other judges who often move between offices.

The Blackberry 7510 is an integrated device that includes a cell phone, internet access (which would allow judges to research case laws, etc.), an electronic scheduler, and a long-range two-way radio. This device would eliminate the need to carry several devices such as a pager, PDA, cellular phone, etc.

The cost of each Blackberry 7510 is approximately \$265.00 with an additional \$1,000.00 per unit for service.

The committee voted to recommend to full Council to approve the request to purchase the Blackberry 7510 for the magistrates and members of Council where service is currently provided.

Mr. Carrigg stated he had a number of individuals to approach him regarding the recommendation to purchase the Blackberry 7510 mobile phones and said since the County is in the process of conducting a communications study, that the request for the purchase of the Blackberry 7510 mobile phones be delayed until the communications study has been completed.

Rent for the Oak Grove Magistrate's Office - Magistrate Court Services - Mr. Carrigg reported his committee met on Tuesday, February 10, 2004 to discuss rent for the Oak Grove Magistrate's office from Jamie Lucas, Chief Magistrate, Magistrate Court Services.

Judge Lucas requested an additional \$2,250.00 to cover the rent for the Oak Grove Magistrate's office for the months of April, May, and June. The rent per month is \$750.00.

Judge Lucas stated during the FY2003/04 budget process, funds were requested only through March 31st as April 1st was the anticipated completion date for the new facility.

The committee voted to recommend to full Council to approve a budgetary amendment for \$2,250.00 to cover the cost of the rent for April, May, and June.

Mr. Carrigg made a motion; second by Mr. Cullum to approve a budgetary amendment for

\$2,250.00 to cover the cost of the rent for April, May, and June for the Oak Grove Magistrate's office.

Mr. Davis opened the meeting for discussion.

Mr. Rucker asked Judge Lucas what was the projected completion date for the new Oak Grove Magistrate's office.

Judge Lucas stated the projected completion date is for April.

Mr. Rucker asked who provided the projected date.

Judge Lucas stated that was the date he was given for completion because it is a 150 day completion upon approval.

Mr. Rucker asked if the construction company would be liable for liquidated damages if the Oak Grove Magistrate's office is not completed by April 1.

Mr. Brooks stated the stud walls are in place and the trusses are to be delivered this week.

Mr. Rucker asked staff to review the contract and determine who is liable for liquidated damages if not completed by the due date.

Mr. Owens asked if rent is paid on a monthly basis.

Judge Lucas replied, yes sir. Judge Lucas stated Magistrate Court Services hopes to be in their new location by the completion date without having to spend the entire \$2,250.00 but did not want to wait to request the funds in case the facility was not completed.

Mr. Jeffcoat asked if the County has completed the land transaction for the Oak Grove Magistrate's office from Lexington County Recreation and Aging Commission.

Mr. Brooks stated the transaction from Lexington County Recreation and Aging Commission has not been completed. He said they (Lexington County Recreation and Aging Commission) have given the County permission to move forward with the construction and advises the County there is no problem with the land transaction.

Mr. Wilkerson stated the County needed to complete the land transaction from the Lexington County Recreation and Aging Commission prior to construction of the Oak Grove Magistrate's office.

Mr. Brooks stated the Lexington County Recreation and Aging Commission have buildings on County property as well.

Mr. Jeffcoat stated then “we may have some leverage,” however would like to complete the land transaction.

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

Abstaining: Mr. Jeffcoat

Mr. Jeffcoat abstained as he was not present during the full discussion.

Office on Violence Against Women (OVW) Grant - Sheriff’s Department - Mr. Carrigg stated his committee met during the afternoon and discussed the Office on Violence Against Women grant application. Mr. Carrigg stated this is a 100 percent federally funded grant for a period of 24 months and the Sheriff’s Department will be requesting one position for a trainer.

Mr. Carrigg made a motion; seconded by Mr. Owens to allow staff to move forward with the grant application.

Mr. Davis opened the meeting for discussion.

Mr. Derrick asked if the grant has a sunset clause as this would be adding a person.

Chief James stated at this point his department cannot find where the grant has a sunset clause but the grant does encourage the recipient to maintain the employee once the grant has expired.

Mr. Carrigg amended the motion; seconded by Mr. Owens to allow staff to move forward with the grant application as long as there is absence of a definitive sunset clause.

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

Five (5) Additional Deputies for Judicial Center - Sheriff’s Department - Mr. Carrigg stated his committee met during the afternoon and discussed the request for five (5) additional deputies for the Judicial Center.

Mr. Carrigg made a motion; seconded by Mr. Keisler to approve the request for five (5) additional deputies for the Judicial Center.

Mr. Rucker stated the remaining four (4) deputies would be needed in the future for the Judicial Center when all the courtrooms are in operation and would like to see this request in the Sheriff's Department budget for FY04/05.

Mr. Derrick asked Mr. Rucker for further explanation on the remaining four (4) deputies.

Mr. Rucker stated the original request was for nine (9) deputies for the Judicial Center but feels the Judicial Center will need the remaining four when all the courtrooms are in operation and would like to see the request for the remaining four (4) deputies be included in the Sheriff's Department budget for FY04/05, if they are needed.

Mr. Cullum asked for clarification whether a budget appropriation, once it has been approved, cannot be deleted.

Mr. Carrigg stated to his understanding this was requested as a supplement.

Mr. Cullum asked if the requested five (5) deputies would be a part of the continuing budget or not.

Mr. Rucker stated the five (5) deputies would have to continue to be funded in the Sheriff's Department budget as long as the Judicial Center is in operation but suggested if the remaining four (4) deputies are needed, he was asking that the four (4) deputies be reflected in the Sheriff's Department budget for FY04/05.

Mr. Cullum asked whether the additional five (5) deputies could be funded out of the current Sheriff's Department budget.

Mr. Rucker stated that would be an unknown until the fiscal year ends in June.

Sheriff Metts stated as long as the Judicial Center is in operation there has to be a minimum security level. He said if the Judicial Center was under optimal operation, then nine (9) additional deputies would be needed in addition to the personnel transferred from the old courthouse and would be continuing unless something was to happen. Sheriff Metts stated in the past the Sheriff's Department has carried over funds and would assume there would be some carryover funds but stated that does not answer the immediate need of getting the deputies for the Judicial Center. Sheriff Metts stated if the Sheriff's Department has funds carried over, he would not have any problem allocating the funds at the end of the year.

Mr. Cullum stated it was reassuring to hear the remarks from Sheriff Metts.

Mr. Wilkerson stated usually the Sheriff's Department has funds that are carried over and said Sheriff Metts does a good job with his budget.

Mr. Derrick wanted to explain his vote because he understands that Council is asking the Sheriff's

Department to present a budget with a 1 mill increase and would be endorsing the 1 mill increase with this vote because the security is needed. Mr. Derrick stated he would be opposing the motion because Council has not had the opportunity to seek other options.

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

Opposed: Mr. Derrick

Public Works, B. Derrick, Chairman - \$1.00 Increase in Curbside Service in Franchise Areas 2, 3, and 4 - Solid Waste - The Public Works committee met on Tuesday, February 10, 2004 to discuss a request for a one (\$1.00) dollar increase in curbside service for franchise areas 2, 3, and 4.

Mr. James R. Reed, Owner - Southland Sanitation Inc. and Mr. Charles B. Johnson, Owner, - Johnson's Garbage Service stated the \$1.00 increase is needed to offset the rising costs in fuel and insurance due to 9/11. Mr. Reed stated since 9/11 insurance has increased 21 percent and fuel has increased from \$.80 (from the original bid process) to approximately \$1.45 per gal.

The committee voted to recommend to full Council to approve the \$1.00 per month increase in curbside service for franchise areas 2, 3, and 4.

Mr. Derrick made a motion; seconded by Mr. Cullum to approve the \$1.00 increase in curbside service for franchise areas 2, 3, and 4.

Mr. Davis opened the meeting.

Mr. Rucker stated the \$1.00 requested increase should be included during the FY04/05 budget process.

Mr. Derrick stated this is not a budget item because it is not a millage item, etc. He stated this is a contract that Council is being asked to negotiate in midstream. Mr. Derrick stated during the bid process contractors should have taken inflation into consideration knowing this would be a long-term contract.

Mr. Derrick called for the question.

In Favor: Mr. Davis

Opposed: Mr. Derrick Mr. Cullum
 Mr. Rucker Mr. Wilkerson

Mr. Keisler
Mr. Carrigg

Mr. Jeffcoat
Mr. Owens

Motion fails.

Old Business/New Business - Survey of State Funds - Mr. Davis asked staff to conduct a survey of all departments and agencies that County Council funds to see how much money in State budget cuts have affected the departments or agencies for the upcoming budget process.

Mr. Wilkerson asked for staff to also provide Council with how much money the County has had to absorb because of State budget cuts.

Legislation - H.3793 - Probate Judge Autonomy Act - Mr. Derrick stated H.3793 was reported out of the House Judiciary subcommittee and will now go to the House Judiciary Committee. He stated this bill, if enacted, would give complete fiscal autonomy to the Probate Judge to hire, terminate, add additional office space, etc. and Council, as the local government, would have no authority. He stated if Council had any disagreement then it would be placed before a judge to resolve. Mr. Derrick stated Mr. McLeod of the Central Midlands is on the Judiciary Committee and asked each council member to contact him personally to let him know that Council opposes H.3793.

Mr. Wilkerson asked Mr. Derrick if he knew who sponsored the bill.

Mr. Derrick replied he did not.

Mr. Davis asked if the Probate Judge had complete fiscal autonomy would they have the right to set their own millage.

Mr. Derrick stated not the millage but would be able to set his budget and then the treasurer would have to establish the millage to fulfill his budget.

Mr. Rucker stated according to the Association of Counties Board of Directors the failure of the governing body and the Probate Judge to agree on any proposed budget reductions or changes would be resolved by Circuit Court. Mr. Rucker said if not resolved there then it would be sent to the State Supreme Court and he or she may adopt or not adopt fully or partially the personnel, policies and procedures established by the governing bodies. Mr. Rucker stated that means that he or she does not have to abide by our (Council) policies and may make adjustments to his or her staff at any time as determined by the Judge; he has control over the use of all the judges' budgeted funds on an annual basis (it is determined annually regardless how they may be earmarked by us or any local body). Mr. Rucker stated Mr. James Harrison is the Chairman of the House Judiciary Committee and suggested that Council send a resolution to Mr. Harrison in opposition to H.3793.

Mr. Rucker made a motion; seconded by Mr. Derrick to send each member of the House Judiciary Committee and Delegation a letter opposing H.3793.

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

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

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

Mr. Davis reconvened Council in open session.

Matters Requiring a Vote as a Result of Executive Session - Chairman Davis reported Council received the legal briefing and discussed contractual matters during the Executive Session and indicated three motions were to be considered.

Resolution Congratulating Lexington, Gilbert, and White Knoll High School's Brass Ensemble - A motion was made by Mr. Cullum; seconded by Mr. Derrick to approve the resolution congratulating Lexington, Gilbert, and White Knoll High School's brass ensemble during the dedication of the Judicial Center and the addition to the Administration Building.

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

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

Not present: Mr. Carrigg

Mr. Carrigg left the meeting early due to a prior commitment.

Resolution Commending John Frick - A motion was made by Mr. Cullum; seconded by Mr. Derrick to approve the resolution commending John Frick for all his tireless efforts and diligence to make the dedication of the Judicial Center and the Addition to the Administration Building a success.

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

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

Not present: Mr. Carrigg

Isle of Pines Special Tax District - A motion was made by Mr. Jeffcoat; seconded by Mr. Derrick to approve a resolution whereby Lexington County would advance up to \$50,000.00 of the initial costs on the Isle of Pines' water and sewer system and on the completion of the bond issue, the County will be reimbursed with bond proceeds.

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

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

Not Present: Mr. Carrigg

There being no further business, the meeting was adjourned.

Respectfully submitted,

Dorothy K. Black
Clerk

George H. Smokey Davis
Chairman

Diana W. Burnett
Asst. Clerk to Council