

MINUTES
LEXINGTON COUNTY COUNCIL
November 8, 2011

Lexington County Council held its regular meeting on Tuesday, November 8, 2011 in Council Chambers beginning at 4:30 p.m. Chairman Kinard presided.

Councilman Frank Townsend gave the invocation. Councilwoman Debbie Summers led the Pledge of Allegiance.

Members attending: James E. Kinard, Jr. Frank J. Townsend, III
 George H. (Smokey) Davis Debra B. Summers
 Bobby C. Keisler Johnny W. Jeffcoat
 Kenneth Brad Matthews William B. Banning, Sr.
 M. Todd Cullum

Also attending: Katherine Hubbard, County Administrator; Joe Mergo, III, Deputy County Administrator; Larry Porth, Finance Director/Assistant County Administrator; John Fachtel, Director of Public Works/Assistant 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.

Presentation - Presentation of Check From the Lexington County Fire Service Boot Drive to Muscular Dystrophy Association - On October 7 and 8, Fire Service held a Muscular Dystrophy Association (MDA) boot drive collecting \$32,515.97. Chief Brad Cox and Captain Andrew Shealy presented a check to Ms. Tara Hill of MDA that will assist 700 families in the Midlands.

Presentation of Resolution - Arbor Day 2011 Presented by Councilman Todd Cullum - Councilman Cullum presented a framed resolution recognizing Friday, December 2, 2011 as Arbor Day 2011 to the Lexington Soil and Water Conservation District. Ms. Kathy Hensley, Chairman; Dwight Davis, Vice Chairman; Bill Melvin, District Manager; and Robbie Derrick, Lexington County Landscape Administrator were present to accept the resolution. The District presented a live Redbud tree to the County and to some of the area elementary schools in celebration of Arbor Day 2011.

Councilman Davis reported during the County's 200th birthday celebration, the County decided rather than having a party, we would plant 200 trees around the County, which we did.

Chairman's Report - Chairman Kinard reported he attended the Midlands Technical College Recognition of Counties along with several other members of Council. He attended the Employee of the Year Luncheon with Nathan Prouse from Fire Service and represented the County at the Nephron announcement.

Council Members' Reports/Comments - Mr. Banning reported that he, Ms. Summers and Mr. Jeffcoat

attended the Urban League Dinner, as well as, the other events reported by the Chairman. He said Council also attended the Lexington Medical Center Board Retreat this past weekend.

Mr. Jeffcoat reported Nephron announced they would be investing over \$300 million with 700 plus jobs locating in Lexington County. He said it is a quality company that pays real good wages, and we are excited about them being here. He said a meeting was held with Nephron officers and owners of the company, their engineers and the County's engineers, fire marshal, zoning, stormwater, public works, and every department that would be involved to answer any questions they might have. He related the owners of Nephron were most impressed with our staff and commended staff for representing the County so well.

Mr. Banning asked to add comments that Mr. Kennedy made during the meeting that he thought were worth mentioning. He said Mr. Kennedy looked at the general contractors, architects and said, "Guys let me remind you, we are not in Florida any longer; we are in Lexington County." Mr. Banning said it was exciting to see how they responded to what we (staff) has done without cutting any corners to help them do their jobs.

Ms. Summers reported on her attendance at a press conference at the Bi-lo on Hwy 321 in Cayce for the Recycling Program with Coca Cola that the people in Lexington County, Cayce, West Columbia, Lexington, Springdale, Columbia, Richland County, and the whole Midlands area are going to participate. Ms. Summers reported she also attended the ribbon cutting at Time Warner new customer service facility on Platt Springs Road.

Mr. Keisler reported, while Council was out of town, he had the privilege to be in the Veteran's Day Parade along with 10 veterans on the County Council Float. He said he felt honored because he, too, was a Veteran. Mr. Keisler thanked Ed Lundeen and Janet Smith with the Veterans Affairs office for all their hard work in putting everything together for the parade.

Mr. Matthews reported that he attended the Hallmark Homeowner's Association meeting last week with staff from the Public Works Department.

Lexington High School Students - Chairman Kinard recognized several students from Lexington High School attending as part their class assignment.

Employee Recognition - Katherine Hubbard, County Administrator - Ms. Hubbard recognized Janet Smith with the Veterans Affairs office. She reported that Ed Lundeen, Veterans Affairs Director, received a call from Mr. Duke Singleton who was very complimentary of Ms. Smith, who has been helping him to obtain his father's military medals, discharge papers and grave marker. Mr. Singleton said Ms. Smith has always been very pleasant, helpful and knowledgeable in helping him.

Administrator's Report - Ms. Hubbard reminded that Council recently adopted a resolution designating this week as Thank a Veteran Week and extended our sincere gratitude and heartfelt appreciation to those men and women in the County for their selfless and very unassuming dedication and sacrifice to Lexington County, the state of South Carolina and United States of America.

Ms. Hubbard reported the County will be closed on Friday, November 11 in observance of Veteran's Day.

Ms. Hubbard recognized Alex Mountzouros, a distinguished member of the Sheriff's Department. She reported while he attended the Criminal Justice Academy, he received the Clifford A. Moyer Marksmanship Award for having the highest handgun qualifications score.

Ms. Hubbard announced the Get-in-the-Game Recycle Annual Event, Battle of the Bins between Carolina-Clemson, is November 13-19. During this event, residents are encouraged to recycle their office paper by placing it in a designated Carolina or Clemson bin at one of our eleven collections and recycling centers around the County. Additional information can be found on the County's website.

Resolution - National American Indian Heritage Month - A motion was made by Ms. Summers, seconded by Mr. Jeffcoat to approve the National American Indian Heritage Month resolution as presented.

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

In Favor:	Mr. Kinard	Ms. Summers
	Mr. Jeffcoat	Mr. Townsend
	Mr. Davis	Mr. Keisler
	Mr. Matthews	Mr. Banning
	Mr. Cullum	

Appointments - Lexington/Richland Alcohol and Drug Abuse Council - Ms. Lynn L. Dooley - Ms. Summers made a motion, seconded by Mr. Davis to reappoint Ms. Dooley.

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

In Favor:	Mr. Kinard	Mr. Summers
	Mr. Davis	Mr. Townsend
	Mr. Keisler	Mr. Jeffcoat
	Mr. Matthews	Mr. Banning
	Mr. Cullum	

Lexington/Richland Alcohol and Drug Abuse Council - Mr. William L. Rawl - Mr. Davis made a motion, seconded by Mr. Jeffcoat to reappoint Mr. Rawl.

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

In Favor:	Mr. Kinard	Mr. Davis
	Mr. Jeffcoat	Mr. Townsend
	Ms. Summers	Mr. Keisler
	Mr. Matthews	Mr. Banning
	Mr. Cullum	

Aiken/Barnwell/Lexington Counties Community Action Commission, Inc. - Ms. Marie G. Rabon - Mr. Davis made a motion, seconded by Mr. Jeffcoat to appoint Ms. Rabon. Ms. Rabon replaces Ms.

Juanice Aaron

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

In Favor:	Mr. Kinard	Mr. Davis
	Mr. Jeffcoat	Mr. Townsend
	Ms. Summers	Mr. Keisler
	Mr. Matthews	Mr. Banning
	Mr. Cullum	

Ms. Summers reminded that Council needed to consider someone for the Building Codes Board of Appeals vacancy.

Bids/Purchases/RFPs - Chairman Kinard requested that Item #3, Tab N - Grounds Beautification Project for the Administration Building and Judicial Center under Bids/Purchases/RFPs be removed from the agenda.

A motion was made by Mr. Banning, seconded by Mr. Davis to approve the Tab L - **Crushed Concrete (Term Contract)**.

Crushed Concrete (Term Contract) - Public Works - Bids were solicited for crushed concrete for Public Works. Two (2) bids were received. Staff recommended the award of the bid to Pascon, LLC and J.C. Wilkie Construction, LLC. Total estimated premium yearly cost, including applicable sales tax, of \$134,820 for the initial period of one (1) year with the option to extend the contract for four (4) additional one (1) year periods, if deemed to be in the best interest of the County.

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

In Favor:	Mr. Kinard	Mr. Banning
	Mr. Davis	Ms. Summers
	Mr. Keisler	Mr. Jeffcoat
	Mr. Matthews	Mr. Cullum

Abstained: Mr. Townsend*

*Mr. Townsend abstained as one or more of the bidders are a customer of his.

Mr. Jeffcoat made a motion, seconded by Mr. Townsend to approve the remaining Bids/Purchases/RFPs for Tabs M, O, P, and Q.

Employee Grocery Gift Cards - Human Resources - Bids were solicited for employee grocery gift cards. Staff recommended the award of the bid to Bi-Lo. Total cost at \$32,625.

Ground Beautification Project for the Administration Building and Judicial Center - Building Services - Item pulled.

Lexington Fire Station Roof Replacement - Building Services - Bids were solicited for the Lexington Fire Station roof replacement. Eight (8) bids were received. Staff recommended the award of the bid to Aquaseal Mfg. & Roofing, Inc. Total cost is \$67,823.

Lower Quail Hollow Dam - Outlet Pipe Rehabilitation - Public Works - Bids were solicited for outlet pipe rehabilitation to the Lower Quail Hollow Dam. Five (5) bids were received. Staff recommended the award of the bid to Palmetto Gunito Construction Company, Inc. Total cost, including all applicable taxes, at \$139,353.

Sheriff's Department Elevator Modernization - Building Services - Bids were solicited for the Sheriff's Department Elevator Modernization. Five (5) bids were received. Staff recommended the award of the bid to Carolina Elevator Service, Inc. Total cost, including all applicable sales tax, at \$79,546.

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

In Favor: Mr. Kinard Mr. Jeffcoat
 Mr. Townsend Mr. Davis
 Ms. Summers Mr. Keisler
 Mr. Matthews Mr. Banning
 Mr. Cullum

Approval of Minutes - Meeting of October 11, 2011 - Mr. Banning made a motion, seconded by Ms. Summers to approve the minutes as submitted.

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

In Favor: Mr. Kinard Mr. Banning
 Ms. Summers Mr. Townsend
 Mr. Davis Mr. Keisler
 Mr. Jeffcoat Mr. Matthews
 Mr. Cullum

Zoning Amendment - Zoning Text Amendment #T11-04-Article 2-Application of Regulations - Chapter 3. Buffering Restrictions - 1st Reading - Mr. Jeffcoat made a motion, seconded by Mr. Banning to approve 1st Reading of Zoning Text Amendment T11-04 and invoke the impending doctrine with this vote. This is dealing with height restrictions.

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

In Favor: Mr. Kinard Mr. Jeffcoat
 Mr. Banning Mr. Townsend
 Mr. Davis Ms. Summers
 Mr. Keisler Mr. Matthews
 Mr. Cullum

Ordinance - Ordinance 11-17 - Providing for the Expansion of the Service Area Boundaries of the Irmo Fire District - 2nd Reading - Mr. Jeffcoat made a motion, seconded by Mr. Matthews to approve 2nd Reading.

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

In Favor:	Mr. Kinard	Mr. Jeffcoat
	Mr. Matthews	Mr. Townsend
	Mr. Davis	Ms. Summers
	Mr. Keisler	Mr. Banning
	Mr. Cullum	

Committee Reports Public Works, T. Cullum, Chairman - Relocation of Park Road at Old Cherokee Road - Mr. Cullum reported the Public Works Committee reviewed a proposal to relocate Park Road at Old Cherokee Road by the property owner. After a legal briefing, the Committee voted unanimously to recommend to full Council to approve the relocation by the County with a total reimbursement by the property owner for the cost to do the relocation. This is being done primarily because of safety concerns staff has with the present angle of the road. The County has been given right-of-way for the new construction and will retain right-of-way after the new road relocation.

Mr. Cullum made a motion, seconded by Mr. Townsend to approve staff's recommendation to relocate the road with the understanding that the agreement for the property owner is to reimburse the County the cost of relocation.

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

In Favor:	Mr. Kinard	Mr. Cullum
	Mr. Matthews	Mr. Townsend
	Mr. Davis	Ms. Summers
	Mr. Keisler	Mr. Jeffcoat
	Mr. Banning	

Solid Waste, D. Summers, Chairman - FY 12 PalmettoPride Community Pride Grant Application - Ms. Summers reported the Committee reviewed a request to apply for the FY 12 PalmettoPride Community Pride Grant. The application amount is \$4,500 with no County match required. The funds will be used to purchase plants for the beautification project at the Cayce-West Columbia Library. The Committee unanimously voted to recommend to full Council to approve staff's request.

Ms. Summers made a motion, seconded by Mr. Banning to approve staff's request to apply for the grant.

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

In Favor:	Mr. Kinard	Ms. Summers
	Mr. Banning	Mr. Townsend
	Mr. Davis	Mr. Keisler
	Mr. Jeffcoat	Mr. Matthews
	Mr. Cullum	

Committee of the Whole, J. Kinard, Chairman - CMRTA Intergovernmental Agreement -

CMRTA Intergovernmental Agreement - Mr. Kinard reported the Committee met this afternoon and reviewed an intergovernmental agreement from the Central Midlands Regional Transit Authority (CMRTA) between Richland County, City of Columbia, and Lexington County. The Committee voted to recommend to full Council to accept the CMRTA Intergovernmental Agreement as presented.

Mr. Banning made a motion, seconded by Ms. Summers to approve the agreement as submitted.

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

In Favor:	Mr. Kinard	Mr. Banning
	Ms. Summers	Mr. Townsend
	Mr. Davis	Mr. Jeffcoat
	Mr. Matthews	Mr. Cullum

Opposed: Mr. Keisler

Budget Amendment Resolutions - None.

Mr. Banning congratulated Mr. Charlie Compton, Planning & GIS Director, on the birth of his new grandbaby.

Executive Session/Legal Briefing - Mr. Jeffcoat asked Chairman Kinard for a brief Executive Session to discuss a contractual matter.

Mr. Jeffcoat made a motion, seconded by Ms. Summers to go into Executive Session.

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

In Favor:	Mr. Kinard	Mr. Jeffcoat
	Ms. Summers	Mr. Townsend
	Mr. Davis	Mr. Keisler
	Mr. Matthews	Mr. Banning
	Mr. Cullum	

Mr. Kinard reconvened the meeting.

6:00 P.M. - Public Hearing - Council members present: Kinard, Townsend, Davis, Summers, Keisler, Jeffcoat, Matthews, Cullum and Banning.

Prior to opening the public hearings, Mr. Kinard reviewed the guidelines for public hearings.

Public Hearing - Zoning Text Amendment #T11-02-Article 2 - Application of Regulations-Communication Towers

Mr. Bruce Hiller, Development Administrator with Community Development, presented information on Zoning Text Amendment T11-02 that was applied for by Mr. Charlie Compton, Director of Planning and GIS, on behalf of County Council. The reason for the request is to revise the regulations pertaining to

Communication Towers.

Mr. Kinard opened the public hearing for those in favor of T11-02.

Favor:

Mr. Kinard reported no one had signed up in favor; therefore, closed that portion of the public hearing.

Mr. Kinard opened the public hearing for those in opposition of T11-02.

Opposed:

Gary Pennington, Pennington Law Firm - 1501 Main Street, Suite 600, Columbia, SC 29202 - (Mr. Pennington said he signed the first sheet he saw and was not in opposition and asked to please disregard that.)

Mr. Pennington said you probably remembered him from the SCANA tower they did last year. I am here to provide information and here on the behalf of Verizon Wireless at this time and wanted to say that I appreciate the fact that you guys are taking this issue serious and studying it. It is obviously something that is very important to Verizon Wireless. I have had the opportunity yesterday, by invitation, to meet with your staff, the County Administrator and others and that was very helpful. I got a better understanding of the history behind the proposed text amendment and some of the things that had happened recently that motivated or was the genesis of that, so I understand that. And, I understand what our concerns are, and I think they are valid concerns. I offered to the staff or asked them for the opportunity to work with them to potentially develop some language that would allow wireless carriers to continue to develop alternative types of technology in these areas that are zoned residential. I understand there is only a very small part, in terms of geography, where we have these zoning classifications right - Dutch Fork area? However, those areas are very heavily residential in nature. Well, 80 percent of calls and data usage originate inside buildings today. Thirty percent today of households are wireless only and that number is growing exponentially and people are not just utilizing cell phones anymore for just voice communications. You have heard me say before - it's all about data wireless broadband. For example at my house alone my wife, myself, three kids, we all have cell phones, we all have iPads, we all have computers all of which work wirelessly all at the same time. So in order to have that kind of usage you got to have bandwidth. You got to have a better level of coverage than we have had in the past inside of buildings such as these and inside of our homes because that is where people are using devices. They still use them in their cars and places like that, out and about. But the nature of wireless usage is changing and that change is necessitating more coverage be provided and more capacity be provided. Well, for years that area has been covered predominantly by two communications towers, I know them well. One is the tower that is right there on the Weed property beside the water tank, right? Well, that tower has been there awhile and if you look at it, it's pretty heavily loaded up. Well, the other tower in that area is at the end of the street down by the dam that is on the SCANA property and that tower for the most part is loaded up as well. There will be a need in the future in order for people in that area to continue to experience the coverage and capacity that they need for additional facilities to be built. Now I agree with you, there are areas where it makes no sense from a planning stand point to allow a standard communications tower to be built but there are alternative types of technology that potentially could be deployed. And, what I offered to the staff was to present to them some proposed language that has been utilized in other areas or, potential language that has never been used before, that would potentially deployment of other types of technology. You know we have talked in terms of stealth technology such

as unipoles, you know those slick types of poles where you do not see any antennas, you do not see any lines or cabling, generally the height of those poles are lower than your traditional lattice steel tower with the antennas hanging off that, such that they are not as visible; they blend into the surroundings. I will give you an example of that, near here Columbia, SC Rosewood behind the Rite-Aid Drugstore, I think it's Rite Aid, one of the drugstores near the Publix. You know SCANA has a substation behind that; it's got poles in it already. It's zoned R1, R2 or something of that nature. Well there is a 79 foot unipole in that compound that nobody ever sees and it has three carriers in it but its providing service in the Shandon neighborhood and the Rosewood neighborhood. Now, obviously when we do anything in a residential neighborhood there is going to have to be neighborhood involvement. But, we put in place there in Columbia a process by which if you were to build something like that, that is stealth in nature at less than a certain predefined height, it could be done as a special exception, not a rezoning because generally towers are not permitted in Columbia and residential zones either. As a special exception with reduced setbacks, there are certain safeguards built in, neighborhood involvement, community meetings and those kinds of things. Because, obviously, if you do not get the buy-in in the neighborhood you are just wasting your time; it's not going to happen here, it's not going to happen in Columbia, that's just the way things work here. And, that's the way it should work. People need to know what's happening and be a part of it and get their buy-in on the frontend. So, I would like to propose to you that we have some type of alternative available such as stealth technology, reduced heights and there are other types of technology as well, this is not a end all solution. There are things called outdoor distributed antennas systems whereby we utilize existing utility poles in and around neighborhoods and other areas for low profile types of antennas with a fiber optic cable back-haul type system to existing radio stations and existing communications compound. People never see those things but they provide coverage in a very limited area, not really in neighborhoods, more generally in a campus-type setting but potentially neighborhoods as well. So anyway, I promised them that I would get them that language, send them some pictures of some other types of technologies and what they might look like visually. And, also the question was asked can you tell us what you anticipate your needs to be in the near future or where are the areas in the county where you need additional coverage or capacity. Those are things that I do not have answers to, I have to seek that out. But, I am here to be a part of the solution, and I want to thank you for your action on this and any questions you have I will be happy to answer.

Mr. Kinard asked if there were any questions for Mr. Pennington.

Mr. Banning thanked Mr. Pennington for his input.

Mr. Davis said he also appreciated the information as we do need to know about the possibilities of providing coverage without aesthetic problems.

Mr. Jeffcoat said that we are all aware there is a need for cell towers as we all use cellular phones, iPads, iPhones, etc. and understands as well that something has to happen but, said the experience we had recently was totally ridiculous. He said Council is open to hear anything you have to offer or for us to look at and do not think anyone intended to close the door on cell towers but reiterated the location in a neighborhood is ridiculous.

Mr. Matthews asked for clarification if the zoning text we are currently talking discussing would still allow Council to review on a case by case basis, correct.

Ms. Hubbard responded, yes. The way the process would work is that there would be a map amendment to County Council and what Mr. Pennington has asked for is to see if there is a compromise on some specific types of technology recognizing that if you want to put a full sized tower somewhere and you needed a map amendment you would be back in front of Council.

Mr. Matthews asked, so you're saying if you have this XYZ service that is stealth or whatever, that it would not have to come before Council that it would be automatically approved.

Mr. Pennington responded that time is of the essence in our industry and what we are looking for is streamlined approaches and an application process that is not too lengthy in time and a process that is predetermined and somewhat predictable. Predictably is the key here and going before the Planning Commission and then before County Council, this body, not that you are not fair, you have been very fair to me in the past when we have done this. It's just a lengthy process and unpredictable process and expensive process so we were looking to the extent that we can meet these heightened standards if you will for these alternative types of technology not the steel lattice tower in the back of the neighborhood; no, that does not work. But some other form that we would be able to go before some, one hearing before the zoning board of appeals whatever your equivalent of that may be in this county. I do not think I have ever been before such a body here. Do you have one? I am sure they have good expertise and very knowledgeable. That is what we are looking to avoid as well because a map amendment and a residential zone that gets difficult sometimes. Mr. Pennington said they (residents) would still have the opportunity to present issues at the zoning board of appeals.

Mr. Cullum asked Mr. Pennington if he can gather some sort of formal proposal and give us an idea of what he is talking about, technology wise, and to present it to one of our committees and let staff review that with him and see if it's something we may be interested in going further. He said he agreed with Councilman Jeffcoat that where we are presently that is just not doable. But we do understand we are in a wired world, and now, becoming a wireless world and the future is going to require us to have broad band width and believes it would be more proactive if we would have someone present this to Council because we may not have been aware of it had you not brought this to our attention. Mr. Cullum asked staff to follow up on this.

Mr. Kinard said there being no one else signed up, closed the public hearing session.

Matters Requiring a Vote as a Result of Executive Session - Mr. Kinard reported out of executive session with no motions to be considered.

Old Business/New Business - None.

Motion to Adjourn - Mr. Banning made a motion, seconded by Ms. Summers to adjourn.

In Favor:	Mr. Kinard	Mr. Banning
	Ms. Summers	Mr. Townsend
	Mr. Davis	Mr. Keisler
	Mr. Jeffcoat	Mr. Matthews
	Mr. Cullum	

There being no further business, the meeting was adjourned.

Respectfully submitted,

Diana W. Burnett
Clerk

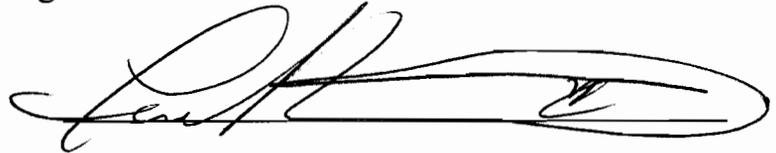
James E. Kinard, Jr.
Chairman

ABSTENTION FROM VOTING AND DELIBERATING

I am hereby asking the Chairman to excuse me from voting and deliberating on the matter of Crushed Concrete - Term Contract because of a potential conflict of interest because of the following:

One or more of the bidders are a customer of mine.

I am furnishing this statement to the Chairman and I request that this statement be printed in the Minutes of this meeting.

A large, stylized handwritten signature in black ink, appearing to be 'Paul H. ...', written over a horizontal line.

Date: 11-8-, 2011