

**COMMITTEE of the WHOLE COMMITTEE
MINUTES
OCTOBER 28, 2008**

The Committee of the Whole met on Tuesday, October 28, 2008 in the Council Chambers, located on the second floor of the Administration Building beginning at 10:00 a.m. Mr. Derrick, Committee Chairman presided.

Members Attending:

William C. Billy Derrick, Chairman	*Debra B. Debbie Summers, V Chairman
*James E. Kinard, Jr.	George H. Smokey Davis
Johnny W. Jeffcoat	*John W. Carrigg, Jr.

*Messrs. Kinard, Carrigg and Ms. Summers arrived after the meeting was already in process.

Absent:

Bobby C. Keisler
William B. Banning, Sr.
M. Todd Cullum

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

Lexington County Delegates in attendance:

Senator Ronnie W. Cromer, District 18
Representative Chip Huggins, District 85
Representative Kenneth A. "Kenny" Bingham, District 89
Representative Edward H. "Ted" Pitts, Jr., District 69
Representative Walton J. McLeod, District 40

Others:

Mayor Randy Halfacre, Town of Lexington
Britt Poole, Assistant Town Administrator
Mayor Stan Shealy, Town of Chapin
Adrienne Thompson, Chapin Clerk-Treasurer and Zoning Administrator
Norma Hamer, Chapin Chamber of Commerce
Stewart Mungo, Mungo Homes

Note: It is noted that during the discussion, members of the audience did not come to the podium, therefore, several questions and answers were not audible.

Long Range Transportation Plan - Planning and GIS - Charlie Compton, Director – Mr. Derrick opened the meeting. Mr. Jeffcoat provided opening comments for the Long Range Transportation Plan as it impacts his district the most.

Mr. Compton presented a power point presentation. He said the year-to-year comparisons for SCDOT traffic counts as shown were available on the County’s webpage under the GIS Property Mapping and Data Service. He also presented the Columbia Area Transportation Plan for 2025 and 2035 as outlined below:

COATS - Columbia Area Transportation Plan			
<u>2025 Plan</u>		<u>2035 Plan</u>	
POINTS		POINTS	
0-30	Volume to capacity	33	Traffic volume & congestion
minus	Cost/benefit	20	Financial viability
<i>(generally single digits)</i>		5	Pavement quality index
plus 1 for each	Inter-modal enhancements		Alternative transportation solutions
		8	Truck Traffic
minus 1 or 2	Physical and environmental impacts	8	Environmental impact
minus 1 or 2	Social & cultural impacts		Consistency with local land use plans
plus 1 for each	Safety enhancements	10	Public safety
plus 1 or 2	System continuity	8	Right-of-way preservation
		8	Potential for economic development

Mr. Compton provided a very brief history on the COATS. He compared the 2025 and 2035 Transportation Plans and outlined the differences between the two plans. He explained the value of the point system in the 2035 Plan by each category and why the rankings are different between the two plans. Mr. Compton presented the question, what do you do if you don’t like the 2035 Plan you are being asked to approve and offered the following suggestions:

1. Come up with a method that determines when a project stays in its position from a previous Plan. At least lock projects in that make it to the *Transportation Improvement Plan* (TIP).
2. You could also create a method that gives extra points to top projects from previous Plans so that if the project moves, it does not move as far.
3. Add a multi-lane category to the current 2035 Plan. Put half of the widening money in it as if you were going to widen them, but have the Plan say that less costly alternatives will be explored first.

Representative McLeod asked if the 2035 Plan applied equally to everything, road-widening,

new construction, and accessing improvements.

Mr. Compton replied that in the 2035 Plan there is a list of two-lane widening projects only. There is intersection money for a list of intersections approved but not anywhere the size of the guide share that is for widening. There is a methodology for new locations, but have not been explored in terms of the modeling. There is nothing there to use for it.

Mayor Shealy's, Town of Chapin, question was not audible on tape.

Mr. Compton responded that the only thing in the 2035 Plan are two-lane widening. The intersection list is maintained all the time and there is money for intersections. All the five-lane roads or other bad traffic situations are not in the plan.

Mayor Shealy's question was not audible on tape.

Mr. Compton responded that was a good suggestion in terms of need; set-aside for a new location, which would be more than widening.

Representative McLeod questioned points and category of financial liability. He said he thought that the purpose of planning was to have a document which was supposed to help you satisfy the needs and whatever your needs were then find the money for which to secure that. If you have no financial liability, there is no money set-aside ...zero.

Mr. Compton responded the way it is now it is nothing but a budget. Here is how much it is going to cost and it gets put into the plan. There is no analysis for what you get for the money. The formula used and tried to get into the plan was you determine how much of the traffic exceeds capacity; how much of it is beyond the capability of that road; how much money is it going to cost to fix and divide it into that then you determine what you get - cost benefit. The current plan is simply we are going to spend this much money and if there is that much money in there before we run out we'll spend it and then we will start on the next one. There is no analysis of what you get for those dollars.

Rep. McLeod asked is that comparable to a course of benefit of analyst.

Mr. Compton responded that is what we had here, what I consider, a very basis cost benefit analysis that was used in the last two updates and knowing, looking at specific projects that got bumped down. We had a piece of Two Notch Road, that if you do it regularly, it looks like it should be at the top, but we do not get much and it appropriately went down and it should have.

Rep. McLeod asked so financial liability essentially means cost benefit.

Mr. Compton replied that is how he interpreted it.

Mr. Derrick said that is not the way they are interpreting it because they have said that if they do not have the money, regardless of how worthwhile the project is, then the financial viability points are low.

Rep. McLeod said that is what he understood the explanation to be.

Mr. Derrick replied that is what Reginald Simmons, CMOG Director of Transportation, told us. It does not make any sense that the worse project could cost the most and get the least points just because you do not have the money. It does not make it any less viable.

Mr. Compton said he could give one simple explanation as to how did we get there with such a bad formula? Once again, the state staff had to jump in and deal with the whole state of South Carolina, very quickly, and they did a good job. When they are dealing with the areas outside of the metropolitan areas, they are dealing with two-lane roads. They are dealing with primarily two-lane roads that have need of something more. So when they divided the total cost, the total amount, it ends up being relatively a cost benefit. So the state's formula worked, because they have all two-lane roads that they are primarily evaluating. However, because they recognized the viability of that formula we used before, they are thinking next time we may get a little more sophisticated with ours. But it does not translate to metropolitan areas. The MPO should not be copying the state on that one. We should be doing our own to fit our situation.

Ms. Adrienne Thompson, Chapin Clerk-Treasurer and Zoning Administrator replied that they had a comprehensive study done by....on Columbia Avenue, and asked did that fall into that financial viability?

Mr. Compton replied that was one of the concerns that was brought up. The fact that the study was done yet it was not brought up in the plan at all.

Rep. McLeod replied, "jimmy the plan."

Mr. Derrick referred to Ms. Hubbard, County Administrator. She replied we cannot alter the plan between now and the next meeting. What we need to formulate amongst this group is how we are going back to the meeting next month with what we want to do.

Ms. Hubbard said the next COG meeting is December 11, 2008. There are a few more days to work on this and would like to ask for Council and the group's endorsement to start making the steps to eliminate this from becoming a fist fight between Richland and Lexington County. This is a Midland's issue, a Midland's plan and although we are talking about it today, here primarily as Lexington County representatives. She said in talking with her counterpart, Milton Pope with Richland County that he has a number of the same concerns about how the 2035 Plan was formulated. She said she would like to ask for an endorsement to take these recommended next steps that staff has put together and sit down with Mr. Pope and ask him for Richland County's endorsement of the same concerns and the same next steps. Then bring back a staff recommendation to you and Richland County Council for the two-county region. This is going to help us take care of the 2035 Plan that we all understand the COG is now under the gun to submit but the plan can be revised immediately. We do not have to wait another five years to make changes. This plan should have been constructed correctly. Ms. Hubbard said that she

thinks it is incumbent upon the membership organizations of the COG to have the COG construct it appropriately. The concern is that a list has been created based on what staff has described to you, which in my opinion, was an erroneous method and there should have been additional steps put in. Ms. Hubbard indicated that she would like to see the COG Board require the COG staff to immediately, after submitting the plan, go back and do the plan the way it should have been done. With the modeling; the actual traffic counts for truck traffic; looking at existing and future congestion; and a better analysis of the points that were assigned in the formula and submit a revised plan upon completion. The only way to get all of this put together before December 11th is a charge from you to sit down with Richland County and if you want us to involve Fairfield County, we can contact them. Then, bring back recommendations for you to share with the COG staff as a board on what your expectations are for the existing 2035 Plan and an immediate revision to that plan as soon as it gets out the door.

Mr. Jeffcoat responded, consider that charge done. He said he would like to know the justification that this group has for putting together the new plan. He said he does not see any justification at all other than there are some roads and some areas that possibly they need to have in front of some that need more attention than theirs, but this is a clever way of making that happen.

Ms. Hubbard responded if she understood what Mr. Jeffcoat was saying was that the 2025 Plan should have been examined first and any adjustments made to that based on updating.

Mr. Jeffcoat agreed.

Ms. Hubbard said there was some information that the technical committee, and quite frankly the board, has not been given and that is the points breakdown for all the projects, at least the top twenty or twenty-five projects. Ms. Hubbard asked how did the COG staff come up with 79.868 points for the number one project? And, how does that break down between all of the categories listed? If you look at the points for that particular project and you carry it down to the 20th project, which happens to be Columbia Avenue, that project received 56.682 points. How do those points break down and all the projects in between? How much weight was given to the environmental impact? How much weight was given to the right-of-way preservation? That needs to be provided to the technical committee to see if the intended result happened of this formula. What they have been given is what the total score was, not a break down by these categories and that is the first analysis of the symptoms of these plans. Based on your charge, we will contact the COG staff and ask for a break down by category of all of these points so that we can test some of the theories that we think happened and come back with that. That is why this particular plan needs to be retooled and modeled appropriately. The modeling will begin to bring out staff's assumptions about exploring money for a new lane category in the plan. It may not be a five-lane widening, it may be a new road that diverts traffic that cannot be explored until you start modeling. The COG has invested in the software and hardware to do it and it's time to use it.

Mr. Derrick indicated that in addition, he would like to see staff break down the point system for the 2035 Plan as compared to the 2025 Plan. We have all the same categories but the points are weighted so much differently. He said let us see if we can break those points down in the 2035 Plan so that immediately after this action is taken then we can go to the Technical Committee

and say we want these to be our criteria. It is still in keeping with the Legislature. The Legislature gave us the authority to change the points however we want. This was done at the Rural Transportation. We need to compare these points. The traffic volume and congestion under that plan would get about 70 points.

Rep. McLeod requested that the term financial liability be defined in writing in the plan.

Mr. Derrick added that it needs to be defined so that it reads cost benefit.

Mr. Jeffcoat said that a lot of this needs to be defined. He told everyone how fortunate we were to have Ms. Hubbard with her background. She has a background of twelve years in dealing with these models. And so she knows what she is talking about when it comes to modeling.

Ms. Hubbard thanked Mr. Jeffcoat and clarified that her background was in planning not transportation and said that all the praise should go to staff.

Mr. Davis asked after Ms. Hubbard talks with Richland County that she inform us if we (County Council) need to talk with members of Richland County Council,

Mr. Derrick replied, not only us, but include all the COG board members and all the Delegation members.

Representative Cromer said he went to a meeting last week with all the members of Central Midlands and the Highway Commission of Lexington County and talked about this last week. He said he told them about a situation that you have here with the County transportation funds. He said he and John Fechtel met with a couple of disgruntled citizens who live on a dirt road that would qualify for funding, but every time that we have a new development in Lexington County that thing kicks up because of the counts of the homes. So these people have been put off for about 25-30 years on getting their road paved. We talked about the County looking for something that would keep some of those that were almost at the top of the list, keep them there for a certain period of time so that eventually their road would get paved rather than putting it off from now on. He said he thought that the three questions that staff presented this morning are only fair. He asked if you would consider that in your deliberations, and look at what is already in place and those who have already done the work for the traffic studies and everything. Those roads need to keep a certain posture. They are based on previous calculations, previous design work and commended staff for those three questions.

An individual, who did not identify himself, said after this came out he met with Mr. Simmons and asked him is this the same ...three decimal. How did they come up with these numbers? He said the thought the Administrator might want to delve into exactly which numbers they are using and how they came up with this number that goes up three decimal points.

Mr. Derrick said it will be requested to be released now. The Administrator is charged to do what they suggested. He asked if Fairfield County was in the COATS areas?

Ms. Hubbard replied that she may have misstated and it should be Kershaw County not Fairfield

County.

It was brought up that Calhoun is part of the COATS area.

Mr. Derrick said to include all those in the COATS area.

Ms. Hubbard said she would have a meeting with her peers from those Counties and ask them to include their planning director and go through the outcome of this meeting and what the concerns are that have been raised at the COG Board last week. She said she would see if she could arrange a meeting next week so she could report back and start to formulate what the direction needs to be with the COG staff between now and December 11th.

Mr. Derrick asked if Norman Whitaker or Reginald Simmons would be involved with those meetings?

Ms. Hubbard responded that in debating the best way to approach this, she has exchanged thoughts with Norman Whitaker, the executive director, since last Thursday. She said he would like to be included, but was unsure how you would want us to proceed. She said we are at the point where there is a recommendation that needs to come back to the COG staff, and asked whether Council wanted them involved ahead of time, along the way, or after the fact.

Mr. Jeffcoat replied that on that issue it would be good for the County Administrator to have at least one meeting without Norman Whitaker and Reginald Simmons. Then once you have everything together contact them like they have done us.

Mayor Halfacre said Katherine said something about needing to go ahead and pass this plan and propose, maybe try to amend it?

Ms. Hubbard replied she was not sure that all the modeling that needs to be done and all the discussion about the formula can be completed in time to submit the 2035 Plan in accordance with the Federal Guide Share Funding requirements. She said we can do what the staff has suggested between now and then but she thought that you would hear from the COG staff that there is not enough time to get a complete rewrite of the direction on the 2035 Plan. By rewrite she does not mean reprioritizing everything but going in and actually diagnosing what happened with this formula to create this plan. She said she did not know if that can be done.

Mayor Halfacre asked do we know when that date is?

Mr. Compton replied that he thought it was November 1st.

Mr. Derrick said he has asked that question several times.

Ms. Hubbard said she would request that from Norman Whitaker when she asks him for the date. She said we thought that the COG Board meeting last week was the absolute deadline for recommendation from the board because we were operating under a November 1st deadline as we understood it to be.

Mayor Halfacre responded that you put dates out there to pressure people into making certain decisions by certain time. He said unless there is some factual date then he questioned that.

Ms. Hubbard said she would ask for that information as well.

An individual in the audience responded to say, yes, there is such a date.

Ms. Hubbard said that she has talked with staff about that and any cover letter that could go with the 2035 Plan. She said they are going to want a plan that is not in a draft form which has been adopted by the board. The thing to keep in mind is there is nothing preventing an update to that plan immediately. It is going to take some time to actually do what needs to be done with this plan correctly.

Mayor Halfacre said he agreed with that and has no problem with that, but we do not need to do something that is going to imply other people into assuming well why did we do it on the front end and why are we not doing an amendment. He said he agreed with the Mayor of Chapin that if we go in and do this, we better layout the ground work and clearly state that this is not acceptable. He said we are approving this because of the deadline and that we want to immediately amend along these lines.

An individual in the audience replied, that he/she agreed with Mr. Jeffcoat that they have had this plan since March 27th and they did not release it.

Mr. Davis said our representatives from Congress can get the exact date for that particular agency so we will know from two sources.

Ms. Hubbard responded that her recommendation would be to take all the time we can and submit it at the final hour to make as much headway into the discussion today as we can.

Mr. Derrick said we need to find out if all our Guide Share Projects right now are one hundred percent complete because if they are not, then the Guide Share money can continue to be spent on those projects. He said the only thing we are trying to do is get a project on the board so when we have additional Guide Share money we can put it to work. Mr. Derrick indicated that whenever he asked SCDOT about that they were, "well we need it as soon as we can get it because we cannot spend any more money." He said we probably have all the money we have now committed for the next three years and if the truth be known, we do not have money that is waiting to be spent right this moment. That is the key question.

Ms. Hubbard said in talking with staff that was one of the points made that while this plan needs to be submitted in order to check a box on the Federal Guide Share program requirements that we may have enough time to correct what needs to be corrected here before the first Federal Guide Share money goes to any of the prioritized lists from this update. The one area of caution is that a prioritized list was published, which we all have seen and any change to the list may cause those who are currently ranked in the top thirteen to be suspicious of the outcome. It is going to be incumbent on our group, this group here, the group that you asked us to assemble at

the staff level, to make sure that everybody understands how this plan may have had some unintended effects so that no one's feelings get hurt. The Columbia Avenue project was the top project in the 2025 Plan and it is now number twenty. It has caused a lot of discussion. If the Two Notch Road project moves there will be a lot of discussion and it will take everyone understanding what happened to create this plan in order to avoid some hurt feelings. There will be some who feel like something has happened to this plan - that they do not understand and should not have happened. That somehow it was artificially altered.

Mr. Davis said that the changing of Mr. Fechtel's plans over the years has prepared us for that.

Rep. McLeod replied there is a legal concept called estoppels, where someone relies on the actions of the sovereign or the state or the city or the county and they make certain steps to rely on their own. The government is not just authorized to willy nilly change it and drop something from number one to number twenty. People, business people, government all relied on a governmental document and then to have the thing summarily raggedly changed is adverse to the best interest to all of us. He said he realizes that Ms. Hubbard's got a serious problem if you have their projects near the top. But the concept of estoppels reliance on governmental action is a well known principal, which we might be able to utilize.

Mr. Derrick said we want to mention that even though the list has been published nobody has voted on the list at this point. It was actually postponed at the last meeting so it is not an official document yet.

Ms. Hubbard said to please not misinterpret her comments. She said she does not feel that this prioritized list has received the amount of study that it requires. She said she is hopeful that everyone else who has projects on this list accepts that as being the basis for additional study and does not become ingrained in their project as finally number one so we are going to support this particular list regardless of how flawed the methodology may have been. She said that was the intent of her comment.

Mayor Halfacre said it is really appalling, quite frankly unnerving, to think that a public body such as the Central Midlands will not release how they came up these road ranges. That is public information. He said he thought they have been pushed back. They have asked for that information and have not given it to them; yet, we are mandated to approve this because the Federal Government says we have to submit it by a certain date. He said that was pretty unsettling to him.

Mr. Stewart Mungo said in difference to what the Administrator said, he thought it is very difficult to get politics out of road building as someone said earlier. Despite all these three digit formulas and all of this other stuff, he suspects there is a pretty serious dose of politics involved. He said we own property on this road, Alan Kahn does, the hospital, and Lexington School District Five and we have all worked together with the chamber to try to cooperate to do whatever any of us can do, individually or collectively, but then they redo the plan halfway through. So there is a total disincentive for the property owners. The affected people can try to be part of the solution. He said he will benefit from seven of the next nine so he is okay with that but why are we wasting all this effort that we have already done. Do we have to start all over

again and move over to Barr Road? That is just dumb. He said he did not know how anybody can defend a three digit secret number.

Mr. Derrick said he wanted to reemphasize that is not an official list yet. It may become one, but right now it has not been adopted by the COG.

Mr. Davis said we were privileged to have the CMCOG vice-chairman, John Carrigg, as a member of our group.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Judy R. Busbee
Assistant to the Clerk

William C. Billy Derrick
Chairman

Diana W. Burnett
Clerk