

**COMMITTEE of the WHOLE COMMITTEE
OCTOBER 11, 2011**

The Committee of the Whole met on Tuesday, October 11, 2011 in the Committee Room, located on the second floor of the Administration Building, beginning at 2:18 p.m. Mr. Jeffcoat presided in the absence of both the Chairman and Vice Chairman.

Members Attending:

*James E. Kinard, Jr., Chairman	Frank J. Townsend, III
George H. Davis	Debra B. Summers
Bobby C. Keisler	Johnny W. Jeffcoat
K. Brad Matthews	M. Todd Cullum

Absent:

**William B. Banning Sr., V Chairman

**Mr. Banning was not present due to a meeting with SCDOT and John Fechtel, Director of Public Works.

*Mr. Kinard arrived after the meeting was in process prior to the Executive Session.

Also attending: Katherine Hubbard, County Administrator; Joe Mergo, III, Deputy County Administrator; Larry Porth, Finance Director/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.

Update of the 12,000 Year History Park and Greenway Connections at Congaree Creek and the Progress and Future of the River Alliance - Mike Dawson, Executive Director - The River Alliance - Mr. Dawson introduced Mr. John MacArthur, River Alliance Board Chairman. Mr. Dawson presented updates on the 12,000 Year History Park, Three Rivers Greenway Connections and SCANA hiking trail. He highlighted progress on each project which included poster images and a binder of information for Council members. For information only, no action taken.

Review of Cell Tower Locations - Ron Scott, Director- Community Development and Charlie Compton, Director - Planning & GIS - Mr. Scott and Mr. Compton provided a review of cell tower locations. Mr. Compton reviewed some of the changes that were made for cell towers. In addition to making decisions about where cell towers could go, the performance standards, which have been a standard for all our activities as to where towers can locate in the county, were "beefed up." It was an opportunity to divide communications towers into two categories - telephone related in one category and larger ones in another category. Staff also added some standards the County did not have before such as, vegetation control, illumination restrictions, cell tower color, co-location, and fall zone requirement certification for structural engineer. The only exception to that is if the setback is greater than the height of the tower.

Mr. Scott reported there was a concern on a recent variance request on Nursery Road in terms of the zoning districts in which communications towers are limited to and which categories where they would have been allowed. He said if Council so desires, staff can look at text amendments that would remove those from being placed in R1, R2, or R3, and even some of the RL roads. Mr. Scott said one thing that should be considered is that by even making such a change it would not necessarily remove the ability of a cell site to come before Council for a map amendment request if they desire especially if they were certain the site best met the need of a particular area. They would first have to come before Council for a map amendment request to allow the zoning district to be changed for that parcel to allow the activity. Then it would still be required to meet the performance standards to locate there. Mr. Scott said he would work with Mr. Compton to come up with text to meet anything Council would like to consider on this issue.

Mr. Jeffcoat said he would like staff to proceed in this direction and would like to see it pretty strict on R1 (detached single dwelling unit), R2 (duplex and manufactured housing) and R3 (multi-dwelling units that are attached) as well as RL roads. Also, he would like as many safety valves in place so we can avoid having huge crowds show up thinking the County is allowing cell towers in the middle of their neighborhood. Mr. Jeffcoat indicated if the restrictions are there it may deter the cell tower requests from being considered in neighborhoods. In addition, Mr. Cullum said he would like to see some sort of screening around cell towers, which Mr. Compton replied there is mandatory complete screening for up to 20 feet.

After much discussion, staff was instructed to draft wording for first reading by title only as a pending ordinance for the afternoon meeting.

Lexington CTC Annual C Fund Report for FY 2010-2011 - Public Works - Jim Starling, Engineering Assoc. III - Mr. Starling presented the FY2010-2011 Lexington County Transportation Committee (CTC) Annual Fund C Fund report. He reported state law requires the County's Transportation Committee, which is County Council, to submit a general accounting report on C Funds annually to the South Carolina Department of Transportation for the General Assembly. The report contains annual income, expenses, and funding commitments for each fiscal year. For fiscal year 2011, it is broken out in local and state projects and there were no local match programs.

A motion was made by Mr. Davis, seconded by Ms. Summers to recommend to full Council to approve the Lexington CTC Annual Fund Report for FY 2010-2011 and submittal to SCDOT.

The vote in favor was unanimous.

Mr. Cullum asked about the trend of the County's funding and said he heard it was on the decrease. Mr. Starling replied it is maintained and, according to information, it is right around four million annually. Mr. Cullum thought it was \$4.7 million. Mr. Starling said it is generally at \$4-\$4.1 million or so and has pretty much maintained that for the last three to four years.

Meeting of September 13, 2011 - Approval of Minutes - A motion was made by Mr. Cullum, seconded by Ms. Summers to approve the September 13, 2011 minutes as submitted.

The vote in favor was unanimous.

Mr. Kinard arrived prior to beginning the Executive Session.

Executive Session - A motion was made by Mr. Jeffcoat, seconded by Ms. Summers to go into Executive Session to discuss one personnel, four contractual and four legal matters.

The vote was in favor. Mr. Matthews was not present at the time the vote was taken.

Mr. Kinard reconvened the meeting in open session with no motions to be considered.

Old Business/New Business - Local Contractors Procurement - None.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Judy R. Busbee
Assistant to the Clerk

James E. Kinard, Jr.
Chairman

Diana W. Burnett
Clerk