

M I N U T E S
LEXINGTON COUNTY COUNCIL
October 13, 2009

Lexington County Council held its regular meeting on Tuesday, October 13, 2009 in Council Chambers beginning at 4:30 p.m. Chairman Summers presided.

Reverend Stewart Schnur, Associate Chaplain at Lexington Medical Center, gave the invocation. Tyrece Penn, Senior at Lexington High School, led the Pledge of Allegiance.

Members attending:	Debra B. Summers	James E. Kinard, Jr.
	William C. Derrick	George H. Davis
	Bobby C. Keisler	Johnny W. Jeffcoat
	William B. Banning, Sr.	M. Todd Cullum

Not Present: John W. Carrigg, Jr. *

*Mr. Carrigg, who is Chairman of the Central Midlands Council of Governments, was in Washington, DC for a meeting.

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

Special Recognition - Lexington and Swansea High Schools - Chairman Summers recognized economic students from Lexington and Swansea High Schools who were attending as part of their class assignment.

Chairman's Report - Chairman Summers reported that she and several Council members attended the Joint Lexington County Chambers event at the Saluda River Club to recognize the Lexington County Delegation and local, state, and federal officials and the SCANA Oyster Roast and BBQ to salute elected officials serving Calhoun, Fairfield, Kershaw, Lexington, Newberry, Richland, and Union Counties. In addition, she attended the 20-year celebration of the Lexington Medical Center Extended Care.

Administrator's Report - V.C. Summer Full-Scale Exercise - Ms. Hubbard proudly reported that FEMA's evaluation of Lexington County's response plan during the V.C. Summer Nuclear Exercise on October 7th was "the best that they have ever seen" and "that the performance at the EOC was one to be emulated by all EOC's."

Employee Recognition - Katherine Hubbard, County Administrator - Employee of the 3rd Quarter 2009 - Ms. Hubbard recognized the following nominees for the Employee of the Third Quarter: Becky Looby, Probate Court; Bob Knight, Sheriff's Department-Judicial Center; and Trevor Hall, Public Safety/Communications.

Ms. Hubbard presented a plaque to Mr. Hall as the Employee of the Third Quarter and Certificates of Excellence were presented to Ms. Looby and Mr. Knight.

Shining Stars of the Fourth Quarter 2009 - Ms. Hubbard recognized Barbara Amick, Ellie Hurlburt, Amie Brunson, and Mary Ann Taylor in the Auditor's Office and Sherry Stone in the Register of Deed's Office as the winners of the fourth quarter for the Customer Service Shining Star award. Each recipient received an engraved acrylic "Shining Star" and qualifies for a free parking space for the quarter provided by several council members.

Ms. Hubbard recognized Sharon Willis in Planning and GIS for assisting the Veterans' Affairs Office with their Veterans Outreach program. This is only one example of the numerous projects that Sharon unselfishly volunteers to help.

Certificate of Appreciation - Ms. Susie Hendrix, Lexington County Library Board, Presented by Councilman Derrick - Councilman Derrick presented a frame certificate to Ms. Hendrix in appreciation of her thirteen years of volunteer service to the Lexington County Library Board.

Appointments - Library Board - Ms. Louise Riley - Mr. Derrick made a motion, seconded by Mr. Kinard to appoint Ms. Louise Riley to the Library Board. Ms. Riley replaced Ms. Susie Hendrix.

Ms. Summers opened the meeting for discussion; no discussion occurred.

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

Children's Shelter - Jerald Sanders - Mr. Cullum made a motion, seconded by Mr. Jeffcoat to reappoint Mr. Jerald Sanders to the Children's Shelter.

Ms. Summers opened the meeting for discussion; no discussion occurred.

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

Museum Commission - William Kiesling, Jr. - Mr. Derrick made a motion, seconded by Mr. Davis to reappoint Mr. William Kiesling to the Museum Commission.

Ms. Summers opened the meeting for discussion; no discussion occurred.

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

Bids/Purchases/RFPs - A motion was made by Mr. Jeffcoat, seconded by Mr. Davis to approve the following Bids/Purchases/RFPs (Tabs - T, U, V, W).

Computer Software License Purchases - Sheriff's Department - Staff recommended the purchase of 262 Office 2007 Single Microsoft Volume Licenses and 352 Symantec Endpoint Anti-virus Protection Licenses for the Sheriff's Department from Software House International through State Contract Number 5400000536. Total cost, including shipping and tax, is \$74,252.97.

Detention Center Security Locks - Sheriff's Department - Competitive bids were advertised for detention center security locks for the Sheriff's Department. Two (2) bids were received. Staff recommended the award of the bid to Corley Systems, Inc. Total cost is \$133,832.

Motorola XTS 5000 Astro Portable Radios - Sheriff's Department - Staff recommended the purchase of 59 Motorola XTS 5000 Astro portable radios for the Sheriff's department from Motorola through SC State Contract DSIT.2009.01. Total cost, including shipping and tax, is \$323,470.54.

Wood Waste Grinding & Marketing Material Request for Proposal - Solid Waste Management - Competitive proposals were solicited to establish a contract with a vendor to provide Wood Waste grinding and marketing material for Solid Waste Management. Four (4) proposals were received. The term of the contract shall be in accordance with the proposal and go through October 31, 2012. The County may extend the contract if it appears to be in the best interest of the County. The extensions will be on an annual basis and may be less than, but will not exceed two (2) additional one (1) year periods. Staff recommended the award of the contract to DS Utilities. The total three (3) year contract is estimated to be \$225,000. The County will receive an approximate potential net revenue of \$48,000 annually derived from DS Utilities marketing the processed wood waste as boiler fuel/biomass product. The estimated cost to the County, for the three (3) year term contract, is \$531,000.

Ms. Summers opened the meeting for discussion; no discussion occurred.

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

Approval of Minutes - Meeting of August 25, 2009 - Mr. Cullum made a motion, seconded by Mr. Kinard to approve the August 25, 2009 minutes as submitted.

Ms. Summers opened the meeting for discussion; no discussion occurred.

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

Ordinances - Ordinance 09-07 - An Ordinance Authorizing Pursuant to Chapter 44 of Title 12, South Carolina Code of Laws, 1976, as Amended, the Execution and Delivery of a Fee Agreement between Lexington County, South Carolina and Harsco Corporation; and Matters Relating Thereto - 2nd Reading - Mr. Banning made a motion, seconded by Mr. Cullum to approve second reading of Ordinance 09-07.

Ms. Summers opened the meeting for discussion; no discussion occurred.

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

Ordinance 09-08 - An Ordinance to Amend Ordinance No. 95-12 as Amended by Subsequent Ordinances Relating to the Joint County Industrial Park of Lexington and Calhoun Counties so as to Enlarge the Park to Add Harsco - 2nd Reading - Mr. Jeffcoat made a motion, seconded by Mr. Cullum to approve second reading of Ordinance 09-08.

Ms. Summers opened the meeting for discussion; no discussion occurred.

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

Ordinance 09-09 - An Ordinance Adopting Supplemental Appropriation of One Hundred Sixty-Four Thousand (\$164,000) Dollars (Riverbanks Parks Commission) - 2nd Reading - Mr. Cullum made a motion, seconded by Mr. Kinard to approve second reading of Ordinance 09-09.

Ms. Summers opened the meeting for discussion; no discussion occurred.

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

Committee Reports - Planning and Administration, S. Davis, Chairman - HOME Investment Partnerships Program Amendment to 2008-09 Annual Action Plan - Mr. Davis reported during the Planning and Administration Committee meeting, the Committee reviewed staff's recommendation to amend the 2008-09 Annual Action Plan for the HOME Investment Partnerships Program. Staff recommended that the \$100,000 that was previously allocated for a New Home Construction project through Habitat for Humanity and the \$30,000 for Housing Counseling and Education classes to be reallocated due to Habitat Humanity not being able to meet the required timeline for use of the HOME funds and the Grant Programs staff securing an outside agency to provide Housing and Counseling Education classes at no cost to the County. Eighty-thousand dollars (\$80,000) will be reallocated to the Homeownership Assistance Program and \$50,000 to the Community Housing Development Organization (CHDO) project. The Committee voted in favor to recommend to full Council to approve the amendment to the 2008-09 Annual Action Plan for the HOME Investment Partnerships Program.

Mr. Davis made a motion, seconded by Mr. Derrick to approve the amendment to the 2008-09 Annual Action Plan for the HOME Investment Partnerships Program.

Ms. Summers opened the meeting for discussion; no discussion occurred.

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

Zoning Map Amendment M09-02 - Irmo Drive - 2nd Reading - Mr. Davis reported the Committee discussed Zoning Map Amendment M09-02. The Committee voted in favor to recommend to full Council to approve second reading.

Mr. Davis made a motion, seconded by Mr. Derrick to approve second reading of Zoning Map Amendment M09-02.

Ms. Summers opened the meeting for discussion; no discussion occurred.

In Favor:	Ms. Summers	Mr. Davis
	Mr. Derrick	Mr. Kinard
	Mr. Keisler	Mr. Jeffcoat

Mr. Banning

Mr. Cullum

Zoning Map Amendment M09-03 - Fox Trot Trail - 2nd Reading- Mr. Davis reported the Committee also discussed Zoning Map Amendment M09-03. The Committee voted in favor to recommend to full Council to approve second reading.

Mr. Davis made a motion, seconded by Mr. Jeffcoat to approve second reading of Zoning Map Amendment M09-03.

Ms. Summers opened the meeting for discussion; no discussion occurred.

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

Justice, J. Kinard, Chairman - Coroner's Request for Reorganization- Mr. Kinard reported the Justice Committee met to consider a request for reorganization from the Coroner's Office. The reorganization will result in a net (1) position decrease (part-time deputy coroner position POSN 001682) and would return the department to its originally budgeted (10) positions. The Committee voted in favor to recommend to full Council for approval.

Mr. Keisler made a motion, seconded by Mr. Jeffcoat to approve the reorganization request.

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

Highway Safety DUI Enforcement Grant Award - Mr. Kinard reported the Committee also considered the acceptance of the Highway Safety DUI Enforcement Grant award. The grant in the amount of \$229,378 requires no County match. This is the third and final year for the grant. The Sheriff's Department will absorb the positions in FY 2010-2011. The Committee voted in favor to recommend to full Council for approval.

Mr. Kinard made a motion, seconded by Mr. Derrick to approve acceptance of the grant award.

Ms. Summers opened the meeting for discussion; no discussion occurred.

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

Violence Against Women Act Grant Award - The Committee also considered the acceptance of the Violence Against Women Act Grant award in the amount of \$114,372. The grant requires a 25 percent cash/in-kind match of \$38,124. This is a grant that must be applied for yearly. The match will come from an existing employee's salary in the Sheriff's Department. The Committee voted in favor to recommend to full Council for approval.

Mr. Kinard made a motion, seconded by Mr. Keisler to approve the acceptance of the grant award.

Ms. Summers opened the meeting for discussion; no discussion occurred.

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

Health & Human Services, J. Jeffcoat, Chairman - DHEC EMS Grant-in-Aid Grant Award - Mr. Jeffcoat reported the Health & Human Services Committee met to consider the acceptance of the DHEC EMS Grant-in-Aid Grant award in the amount of \$33,027.47. The original grant award was for \$34,416.90 (letter dated 9-10-09). However, as a result of a Budget Reduction in FY2010 GIA Distribution (letter dated 9-14-09), an additional \$1,389.43 was cut resulting in the \$33,027.47 award. The grant requires a 5.5 percent match or \$1,922. The Committee voted in favor to recommend to full Council for approval.

Mr. Jeffcoat made a motion, seconded by Mr. Banning to approve the acceptance of the grant award.

Ms. Summers opened the meeting for discussion; no discussion occurred.

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

Airport, J. Carrigg, Jr., Chairman - Beacon Replacement at the Lexington County Airport at Pelion Project Grant Award - On behalf of Chairman Carrigg, Vice-Chairman Kinard reported the Airport Committee met to consider the acceptance of the \$11,250 grant award from the South Carolina Aeronautics Commission. The grant requires a 25 percent match. However, the actual cost to replace the beacon with a refurbished beacon is \$13,448 resulting in a 25 percent match of \$3,362. The County will be required to fund the entire cost upfront, but once completed, will submit a reimbursement request to the SCDOA for \$10,086. The Committee voted unanimously to recommend to full Council for approval.

Mr. Kinard made a motion, seconded by Mr. Cullum to approve the acceptance of the grant award.

Ms. Summers opened the meeting for discussion; no discussion occurred.

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

Opposed: Mr. Jeffcoat

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

10-011 - A supplemental appropriation increase in the amount of \$2,585 to appropriate carryover funds for the Sheriff's Department School Resource Officers' fund. Rifles were ordered in March 2009 but were not received until July.

10-053 - An appropriation transfer of \$278 and a supplemental appropriation decrease of \$7,251 to adjust the DHEC Grant-in-Aid budget to match the award amount.

10-054 - A supplemental appropriation increase of \$90,726 in library stabilization funds for Library Services as part of the president's American Recovery and Reinvestment Act.

10-055 - An appropriation transfer of \$12,248 to reallocate the budget from part-time to full-time to cover the reorganization request for the Coroner's Office. This is a net budget change of zero.

10-056 - A supplemental appropriation increase in the amount of a \$400,000 grant award received from the SC Coordinating Council for Economic Development for water and wastewater improvements to the Home Depot project.

10-057- A supplemental appropriation increase in the amount of a \$200,000 donation from Pond Branch Telephone (PBT) for infrastructure improvements to the Batesburg/Leesville Industrial Park.

10-058 - An appropriation transfer of \$3,750 and a supplemental appropriation increase of a \$11,250 grant award received from the South Carolina Department of Aeronautics for the refurbished beacon replacement.

10-059 - A supplemental appropriation decrease in the amount of \$36,761 to revise the Highway Safety DUI Enforcement budget to match the actual grant award.

10-060 - An appropriation transfer of \$19,040 and a supplemental appropriation increase of \$133,412 to establish a budget for the Violence Against Women Act Grant award received.

10-061 - An appropriation transfer of \$9,577 for position reclassification for the Animal Services Coordinator.

10-062 - A supplemental appropriation decrease of \$318,969 as the result of a calculation error used by the Office of Research & Statistics for the Local Government Fund for FY2009-10.

Old Business/New Business - Cable Franchise Fee Increase - As an item of new business, Mr. Jeffcoat made a motion, seconded by Mr. Davis to approve the cable franchise fee for all cable franchises in Lexington County to be 5 percent and authorize the County Administrator to inform the Secretary of State of this franchise fee request.

Ms. Summers opened the meeting for discussion; no discussion occurred.

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

Contract of Sale - Irmo-Chapin Recreation Commission - Mr. Kinard made a motion, seconded by Mr. Jeffcoat to approve the contract with the Irmo-Chapin Recreation Commission for the purchase of land for the hockey and events arena site and then approve that we assign the contract to purchase to Lexington Events Center.

Ms. Summers opened the meeting for discussion.

Mr. Davis replied, for clarification, that the contract reads closing by November 30, 2009.

Mr. Kinard replied, yes; by November 30th.

Mr. Davis replied, for clarification, that financing has to be confirmed ten days prior to closing.

Ms. Summers replied, that is on the second contract (**Agreement**).

Ms. Summers called for further discussion; none occurred.

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

Agreement - Lexington Events Center, LLC- Mr. Kinard made a motion, seconded by Mr. Jeffcoat to approve the contract (**Agreement**) with the Lexington Events Center for the construction of the hockey and events arena.

Ms. Summers opened the meeting for discussion.

Mr. Davis replied, for clarification, that the contract also has the November 30, 2009 closing deadline.

Ms. Summers replied, correct.

Ms. Summers called for further discussion; none occurred.

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

Executive Session/Legal Briefing - A motion was made by Mr. Jeffcoat, seconded by Mr. Kinard to move back into Executive Session to continue discussions of 2 personnel, 2 contractual, and 12 legal matters.

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

Matters Requiring a Vote as a Result of Executive Session - Ms. Summers reported after the public hearing Council will need to return to Executive Session to continue discussions.

6:00 P.M. - Public Hearing - Zoning Map Amendment M09-05 - North Lake Drive - Prior to opening the public hearings, Ms. Summers reviewed the guidelines for public hearings. She stated that the purpose of the hearing is to obtain comments from proponents and opponents regarding specific subject matter. She asked that each speaker provide their name and mailing address and that comments be limited to three (3) minutes. Ms. Summers asked that if there was anyone present who had signed up to speak but chose not to speak, but wanted to concur with what has been said, it was acceptable to indicate concurrence. Also, Ms. Summers said there will be no disruptions including cheering, clapping, head counts, etc.

Ms. Summers opened the public hearing for Zoning Map Amendment M09-05.

Mr. Bruce Hiller, Development Administrator with Community Development, presented the information for Zoning Map Amendment M09-05. He stated the applicant, Pennington Law Firm, who is representing through a Letter of Agency from the City of Columbia, the property owner and SCANA, Inc. who is requesting permission to install a cell tower. The location for the proposed cell tower is on North Lake Drive at the City of Columbia's water treatment facility. The request is to change a portion of the parcel (TMS# 001800-07-002) from Development (D) to Restrictive Development (RD). The reason for the

request, as presented by the applicant, is to allow for a SCANA communications tower to be constructed on a portion of the property. In addition, Mr. Hiller reviewed the maps and area by using a Power Point presentation as well as the type of allowable activities in a Development (D) and Restrictive Development (RD).

Mr. Hiller said the property owned by the City of Columbia is approximately 86 acres. The map amendment section is approximately 1 ½ acres.

Mr. Derrick asked for the current activity classification for the water plant.

Mr. Hiller replied, utilities.

Mr. Cullum asked, what is the zoning?

Mr. Hiller replied, it is not really a zoning classification, but more a tax assessor, what is referred to a land-use classification. But, the County does have a zoning activity classification of utilities and in the Zoning Ordinance it states that any water and sewer facility owned by a municipality is exempt from the ordinance, so they would be allowed.

Mr. Hiller stated staff asked SCANA and the City of Columbia to just include a more definable area, which they agreed to do; the reason for the area size. Mr. Hiller said if it is Council's wishes to approve the zoning map amendment, but not approve that large of an area, Council certainly has the right to approve less than what is requested.

Mr. Jeffcoat asked if the proposed tower site would be behind the shed and not on Hwy. 6 and if the parcel is more than 1 ½ acres.

Mr. Hiller replied that the proposed tower site is behind the shed but the amendment area is about 1 ½ acres.

Mr. Jeffcoat replied, then the proposed tower site will be real close to Hwy. 6, correct?

Mr. Hiller replied, yes.

Mr. Jeffcoat asked if SCANA is asking for the entire parcel.

Mr. Hiller replied, yes, but at my request to simply not create all the "zigzag puzzles" with zoning. But, if Council feels there is a valid reason to limit it to that "red line" area, then Council certainly has the right to do so.

Mr. Cullum asked if SCANA could place the tower anywhere in the parameter of the "large rectangle" shown on the map.

Mr. Hiller replied, they could from a zoning standpoint but from the legal description, the agreement between the City of Columbia and SCANA Communications, their lease agreement for that tower site is limited to this 80x80 lease area. Then there is a separate legal access description of a 20-foot wide access easement, which is that section there (pointing to the map). Two separate lease agreement documents. Mr. Hiller said SCANA is going to expand the chain link fence to encompass the entire 1 ½ acres map amendment site. Mr. Hiller said according to the documents his office received, there will be up to four cellular firms that could co-locate on this and would also be an antenna for SCANA or the City of Columbia for radio frequencies to their trucks, etc. But, the main purpose is for a cellular communications tower.

Ms. Summers opened the public hearing for those in favor.

In Favor:

Gary Pennington, Pennington Law Firm, 1501 Main Street, Suite 600, Columbia, SC 29201 - With me tonight is Mr. Tom Chambers, Tower Manager of SCANA Communications, Inc. and Mr. Rich Fletcher who serves SCANA in this community. The particular applicant here tonight is, in essence, the City of Columbia. SCANA Communications is a subsidiary of SCANA Corporation that provides telecommunications services in the Carolinas. But, in addition to that, they also build, maintain, and lease space on communications towers to wireless telecommunications companies. And, that is something we have been doing for several years now and quite successfully. And most of the times, we have the hard ones. We don't do the easy ones. We are the people that the carriers come to when they have a niche they need to fill and most often we are able to provide that service by going to existing utility sites. For example, you heard an application a year or so ago of a site that had an existing substation where we were going to build a communications tower. Well, we have done that all through South Carolina. In this case, it is not a substation, but it is a utility type property that is utilized by the City of Columbia. The property is owned by the City of Columbia. Through a lot of effort and great lengths, we actually have a signed lease with the City of Columbia and that's not an easy feat. It took a while to get to that process, but we have leased, what was demonstrated as that "small square" behind the building, which is basically an 80x80 area, which is what we initially had requested to be rezoned. And the request for the rezone is that this is the least of the zoning classifications that you have in your zoning ordinance that actually allowed the telecommunications tower to be built. So that is the reason we are asking for the restrictive development zone. I don't know how familiar you are with this property; I wasn't until I drove it. But, this particular property serves as the primary source of water for the City of Columbia water system. It is the intake of the water from the lake that is then transported through the system for a lot of people in the two counties for drinking water. I think that is important to note, because (1) it denotes the utility nature and the industrial nature of the property's use, but it also demonstrates to us, that more likely than not, that use is not going to change any time in our lifetime or any time in the near future. And, I know that is always a concern of citizens when you start talking about where you are rezoning property that gives a more exhaustive potential use of the property that we may not like. But, in this case, I think you are safe because what we are proposing to do is build a telecommunications tower. We have a 25-year lease for that tower. Certainly, it could be extended to some point in the future. But, I don't think we are opening the door for something that would be objectionable in the future in proximity to North Lake Drive. So, I think that is worth noting. As the aerial photograph demonstrated, we tried to position the tower at the best place possible. Of course, that property is not all vacant. There are other uses there and other planned uses by the City of Columbia, but this is the location where the City of Columbia said, if you want to lease property from us, this is where its got to be. So we did not have a lot of latitude in where we might place the tower. And from a view point, standpoint, I think this is the best position for the tower. It is more than 200 feet from the public right-of-way, probably a bit more than that. But, as you look at the topography of the property, this is the best potential sighting on the property, I think, to minimize the esthetic impact of the tower to the extent that it may have any. Minimal ground disturbance there. Most of the roads are already there. So, there's very little trees that will be cut. This is a forested property. Behind the building there is that existing shed where the maintenance people are. So, there is a natural buffer that will exist around the tower. And, if I could at this point and time, I would like to show you the layout of what the tower will be. Referring to a power point, Mr. Pennington said, this will be a monopole type structure. This is a little misleading now; it demonstrates four sets of antennas on the top and then in the midpoint another set of antennas. And, what that means, is that tower is going to be built to accommodate up to four wireless carriers. But, initially there will only be one carrier and that is going to be AT&T. The anchor tenant of this particular tower will be AT&T. I am going to show you some other color slides in a minute to show you why they need a tower in this particular location. The antenna at the midpoint, there is a proposed antenna that the City of Columbia may at some point in the future utilize for the management of its water system wirelessly. They have that system in place now, but they reserved a spot on the tower for their own use. Just looking at your ordinance very briefly, I would suggest to you and have to say this, the lawyer in me requires me to say this, but this particular rezoning

will serve to promote the public health, safety, morals, convenience, water prosperity, and general welfare of the present and future inhabitants of Lexington County in permitting the construction of this communications tower. Let me talk to you about why that is so. We are becoming a wireless society. You read the newspapers, you hear it on TV - the number of land lines, that is traditional telephone lines that we all grew up with, those are dissipating over time and we are moving very steadily to a wireless society. I just went to a wireless conference in Nashville about three weeks ago and some of the things I learned are just amazing. Right now most of the carriers have what we call is a third-generation network. Well, everything is being done now to take us to a four-g (fourth generation) network. And, it is just going to be amazing at what this technology is going to do for us in the future. And, we are not just talking about voice calls. We are talking about wireless broadband, internet access. We are talking about machines talking to machines. It is just amazing, and I won't go into that too much. But, in order for all that to happen, we have to have the infrastructure. And, believe it or not, I do this every week of my life pretty much. People are becoming more accepting of this type of infrastructure being located more in close proximity to their homes. Now, obviously, we have to use good judgment. We can't build huge towers with guide wires and lights and all those kind of things. We try to minimize the height, we try to minimize the esthetics in using the monopoles, and we try to find good properties like this to build these towers where it is far away from the houses as it is possible. We can't build them to be invisible. But, from an esthetics standpoint, this is the best tower that we could potentially put in this area. And, there's a lot of residential use. Not that close because the property is so big, we've separated our self away from that. From the tower ordinance, which is not what you are here to consider. But, what we are talking about here is the rezoning. Two issues - basically, we build communications sites for two reasons; coverage and capacity. Two very distinct reasons. Obviously, coverage means you look at the number of bars you have on your phone and either you have some or you don't and to the extent you've got few bars or no coverage you don't have the connectivity, you can't make the call or the call will be dropped. And, people want to use phones in their houses, in their cars, wherever they are. But more so than ever now, people want to be able to use their phones in their homes. Because it is their primary means of communication. Not only do they want to be able to talk, but they want to get access to the internet and all those kinds of things. But, those kinds of things take capacity. That is - it takes more bandwidth, if you will, in order to have that type of broadband connectivity in a building such as this. Because what we are talking about here are radio waves and radio waves are interfered with when they pass through hardened structure such as this or brick homes and those kinds of things. So in order to increase the strength level, if you will, of the RF signal, it requires in some instances that additional communications facilities be built in closer proximity to the people that are using the phones. And one thing that people don't understand sometimes, is that every communications tower has a limited capacity of users that can access that site at any given time. And as the number of users increase, it becomes necessary to do what we call "split the cell." Another words - we take the same RF that was being used at a single site and multiple its capacity by building closer sites nearer to the existing sites. If I am not explaining this clear, please slow me down because I am talking pretty fast to get through this, but I want to be that we all understand the need. What we are looking at here (pointing at the map) is the proposed site. These are the existing sites here and here and what we are really looking for is this green area. That's the best level of coverage possible. That means we've got outdoor coverage and indoor coverage. And see where we are lacking back here of what I see is a yellow area here on North Lake Drive and Irmo Drive. We just don't have the level of coverage that we need or the capacity. After the site is constructed, what you are looking at there, for the most part, we have gotten the major roadways covered and the residential areas covered as well. This means that people will be able to utilize their phones in their homes and it also means that they will have the capacity as the number of users increase. So, we think this is a win-win situation for the citizens of Lexington County, and we respectfully request that at the given time that you approve the application. Thank you.

Mr. Davis asked, how tall is the tower?

Mr. Pennington replied, the proposed tower height is 195 feet and the tower will not be lighted.

Mr. Davis asked, what color is the tower?

Mr. Pennington replied, it is a natural galvanized steel. History has proven that it's not wise to paint these.

Mr. Derrick asked, how is it not lighted? FAA allows you not to light the tower?

Mr. Pennington replied, one of the things that we have to do when we construct a communications tower is to file, what is called a Notice of Proposed Construction or Alteration with the FAA, and you have an airspace study as well that accompanies that through an outside independent expert and then the FAA will send you back an acknowledgement, and we've gotten that from the FAA. They have indicated to us that it will not obstruct air safety and that the tower will not be required to be lighted.

Ms. Summers stated no one else signed up to speak in favor and closed that portion of the public hearing.

Ms. Summers opened the public hearing for those in opposition.

Robyn King, 228 Rocky Point Dr., Columbia, SC 29212 - I am a resident of Rocky Point Drive. I will be glad to defer to anyone who lives in the Rocky Point area who would like to speak.

Bill Davis, 239 Rocky Point Road, Columbia, SC 29212 - I live on the road that goes right along the water plant to the lake. I hadn't really planned to speak today, but I am happy to do it. I live in the area, and I just learned about this and haven't researched the law. But, just a few points that I jotted down as I was listening to the presentation, I think are worth noting. First of all, we are not talking about a small tower here. One hundred and ninety-five feet is a very tall tower. It's right at the lake. This is the area where you can't be any closer to Columbia and still be on the lake. It is a mixture of commercial development and residential. It is a beautiful area. And, the state, the county, and the Chamber of Commerce is promoting Lake Murray as a tourist destination and an area for development. And, I would submit that this is exactly the kind of thing that will hurt those efforts. It will be unsightly. The people who live in the area relied on the current zoning law when they purchased their property in this area, often at great expense. And, now they are being asked to put up with this variance and to have this eyesore in their community. We are not talking about something that is commercial here. I would submit that this is going to look industrial. It will be unsightly. It will hurt development in the area; it will hurt efforts at promoting tourism and additional development. This is one of the most beautiful areas in the state, and I submit that this should not be here. I haven't heard what other options there may be. We have only heard about this one area. SCE&G is a big company and they have the power of eminent domain. And, I would submit that there are undoubtedly many other areas rather than within a few hundred feet of the shore of one of the most beautiful lakes in the country to put this tower. I mentioned that this is a mixture of residential and commercial. What they are proposing to do is put this thing directly across the street from a relatively new Publix shopping center. Immediately behind this Publix shopping center, just within the last year or two, is a new residential development full of condominiums, townhouses, and homes. Wexford Community is right nearby. So there are many residences. It is a mixture of residential and shopping and this would be out of place. Again, I wish I had realized before a few minutes before this meeting that this would be the only opportunity to speak, but I think it is apparent from the number of people who are here that there is plenty of opposition to this. Thank you.

Ms. Summers stated no one else had signed up to speak in opposition and closed the public hearing.

Ms. Summers said if anyone in the audience would like to submit written comments to have them in by Friday, October 16 and they will be forwarded to all members of Council.

Executive Session/Legal Briefing - A motion was made by Mr. Davis, seconded by Mr. Kinard to move back into Executive Session to continue discussions of 1 personnel, 1 contractual, and 12 legal matters.

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

Matters Requiring a Vote as a Result of Executive Session - Ms. Summers reported as a result of Executive Session there were no motions to be considered.

Motion to Adjourn - Mr. Jeffcoat made a motion, seconded by Mr. Kinard to adjourn.

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

There being no further business, the meeting was adjourned.

Respectfully submitted,

Diana W. Burnett
Clerk

Debra B. Summers
Chairman