

**MINUTES**  
***Town of Lexington***  
***Executive Session and***  
**REGULAR COUNCIL MEETING**  
**August 6, 2007**

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Town Council met in a Regular Council Meeting on August 6, 2007 at 7:00 p.m. in Council Chambers following an Executive Session attended by Mayor Randy Halfacre, Mayor Pro-Tem Hazel Tyndall, Council Members Richard Thompson, Kathy Maness, Ted Stambolitis, Danny Frazier and Todd Shevchik. The Executive Session was also attended by Town Administrator Jim Duckett, Municipal Attorney Brad Cunningham, Assistant Town Administrator Britt Poole and Municipal Clerk Becky Hildebrand. Attending the Regular Council meeting was: Finance Director Kathy Roberts, Police Chief Terrence Green, Director of Utilities and Engineering Allen Lutz, and, Parks, Streets and Sanitation Director Dan Walker.

Two (2) reporters were present from the news media. Approximately eight (8) citizens and two Boy Scouts were present.

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**INVOCATION AND PLEDGE**

Councilmember Stambolitis gave the invocation and Councilmember Frazier led in the pledge of allegiance.

**CALL TO ORDER AND EXECUTIVE SESSION REPORT:** Mayor Halfacre called the Regular Council meeting to order at 7:05 p.m. He acknowledged Boy Scouts from Troop 309, St. Peters Lutheran Church, and Troop 307 from Saxe Gotha Presbyterian Church. He also introduced Tom Ledbetter, Chairman of the Chamber's Government Relations Committee and former Councilmember Constance Flemming. Mayor Halfacre thanked the I.T. staff for the installation of the new plasma television screens and additional equipment in the Council Chambers which will be especially helpful during Planning Commission meetings.

Mayor Halfacre reported that the *Executive Session* was called to order at 5:50 p.m. after a motion was made by Councilmember Thompson and seconded by Councilmember Maness to go into *Executive Session*. The motion was unanimously carried. Council adjourned from *Executive Session* at 6:55 p.m. after a motion was made by Mayor Pro-Tem Tyndall and seconded by Councilmember Maness. The motion was unanimously carried. Mayor Halfacre reported that Council met in *Executive Session* to discuss: one personnel matter regarding Boards and Commissions; several pending legal issues; and, one contractual matter regarding an economic development project. No action was taken. A motion was made by Councilmember Maness and seconded by Councilmember Shevchik to ratify the Mayor's *Executive Session* report. The motion was unanimously carried.

**ADDITIONS/DELETIONS TO AGENDA:**

Mayor Halfacre explained that two items were presented after the last Council Work Session and he requested that New Business items #7 (Memorandum of Agreement with the Department of Juvenile Justice) and #8 (Request for Room Rental Fee Waiver of Virginia Hylton Park and Stage) be added to the agenda. There being no objections, the items were added.

**APPROVAL OF MINUTES:** Councilmember Maness made a motion to approve the Special Council Meeting and Council Work Session Minutes from July 16, 2007, Councilmember Thompson seconded the motion which was unanimously carried.

**PRESENTATIONS:** None.

**PUBLIC HEARINGS**

Mayor Halfacre called the following Public Hearings to order:

1. An Ordinance Adopting Storm Water/Land Disturbance Regulations.

There being no comments, Mayor Halfacre declared the Public Hearings closed.

**TRAFFIC UPDATE**

Mayor Pro-Tem Tyndall provided an update on the Town of Lexington's continuing efforts to improve traffic. (1) The Town is in discussions with the owner's of Publix Shopping Center regarding intersection modifications. Accident reports for neighboring intersections have been requested. (2) The Traffic Committee discussed the feasibility of widening Highway 378 at the Wal-Mart intersection by adding an additional turn lane. (3) The Traffic Committee has discussed ways to educate the public on how the traffic process works and why it takes so long to start projects. The use of Channel 2, Town Topics newsletter and the web site was discussed to help describe each process including purchase of easements and developing plans. Mayor Pro-Tem Tyndall would also like to have a brochure developed similar to the new Annexation brochure to help with traffic education. She added that the first SCDOT public hearing on the intersection at Eckerds should be in October. Councilmember Stambolitis commented that the Traffic Committee has done a wonderful job and the public education should include how important it is to let State and Federal officials hear from the Town and from citizens to request assistance in road projects. He added that we are at the mercy of our local Senators and Congressmen to help with the traffic problem. He also challenged the County Council to step up to the plate and help resolve this big issue. Councilmember Stambolitis stated now is the time for all the entities to come together. Mayor Halfacre agreed and added that the Traffic Committee and the Council has worked very hard on the issue for the past 14 months which resulted in the one-way pair plan. He recently received an email from a citizen that stated that the Mayor ran on a campaign platform to improve traffic. Mayor Halfacre stated that he did and the Council has done everything they can to start the process to improve traffic in the Town.

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He stated that the Town received some of the funding only because a plan was in place, but the Town does not have the authority to fix traffic in the entire county. The Town's plan has the best financial feasibility by using existing roadways. Mayor Halfacre stated that it is frustrating to accomplish something in such a short period of time and then have people in a denial mode who have not pushed it forward and now we are in the midnight hour. The Town has worked with the owners of Publix for eight months and they are not as enthusiastic about fixing traffic as the Council. He hopes they will come around because the Council does not have the total "say-so" or eminent domain could be considered for public safety. Mayor Halfacre gave Russell-Jeffcoat Realty as another example of the Council trying to improve traffic with a curb cut, which was opposed by Coventry Woods neighborhood. He knows the Town Council is totally committed and they will continue to push for improvements. Mayor Halfacre stated that there is also a plan in place to work with the Lexington County Delegation, Lexington County Council and the Chamber to discuss the traffic issues and possible solutions including funding. (4) The next Traffic Committee meeting will be on September 19, 2007.

**OLD BUSINESS**

1. A motion was made by Mayor Pro-Tem Tyndall and seconded by Councilmember Frazier to **approve Final Reading of an Ordinance Adopting Storm Water/Land Disturbance Regulations**. The motion was unanimously carried.

**NEW BUSINESS**

1. **First Reading of an Ordinance Revising the Wrecker Rotation Fees:** The current Town Ordinance concerning Wrecker and Towing Services, which was revised in 1999, states that the maximum charge for normal tows is \$65.00, maximum for towing of police vehicles is \$40.00, and the daily storage fee on stored or impounded vehicles is \$12.00. After researching towing rates and policies of other local municipalities and the South Carolina Highway Patrol, the Police Department found that the Town's current rates are below average. Due to the increase in fuel cost and insurance requirements for towing companies, it is proposed to increase the maximum allowed charges as follows:

Normal Tows	\$120.00
Police Vehicle Tows	\$ 60.00
Daily Storage	\$ 20.00

The increase will ensure that the Town is in line with charges allowed by other municipalities and that the tow companies on the rotation list give quality service to those needing towing services within the Town of Lexington. An ordinance will be prepared for Second Reading.

A motion was made by Councilmember Thompson and seconded by Councilmember Stambolitis to approve First Reading of the ordinance. The motion was unanimously carried.

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- 2. First Reading of an Ordinance Rezoning Two Parcels near Caughman Farm Lane:** Mark Stewart of Contour 360, LLC, applied for a rezoning of two parcels near Caughman Farm Lane (TMS #'s 4300-04-167 and 4300-01-064). The parcels are currently both split zoned into RDD (Restricted Development District) and IDD (Intense Development District). Mr. Stewart would like for both parcels to be rezoned to all IDD (Intense Development District). The Planning Commission will make a recommendation about the request on August 22, 2007.

Mayor Halfacre recommended that the item be removed from the agenda. He stated that the Zoning staff have been going through a comprehensive review of all of the Town's land use and zoning plans. He hopes to have the recommendations from staff for Council's review by the August work session, then the Planning Commission's review. Mayor Halfacre recommended that Council not move forward on any first readings regarding zoning until the revised zoning ordinances and land use plans are in place. There being no objections, the item was removed.

- 3. Council Rules of Procedure:** The Town's "Rules of Procedure" were updated and require Council's approval. (Copy attached.)

A motion was made by Councilmember Stambolitis and seconded by Councilmember Shevchik to approve the "Rules of Procedures" as submitted. The motion was unanimously carried.

- 4. Hydraulic Model for Highway #378:** The Town just completed the hydraulic model for the Highway 378 sewer system. In order to keep the model current, the Town needs to have each new pump station plugged into the model. BP Barber is willing to add new stations to the model. The cost could run \$1,000 for each review. Council's approval was requested to allow BP Barber to evaluate all new pump stations on the Highway #378 system and add a pump station review cost for new projects for \$1,000.00. The Town's new Review Fee will cover the fees to BP Barber.

A motion was made by Councilmember Frazier and seconded by Councilmember Thompson to approve the request as stated. Mayor Halfacre stated that this would be vital to the growth of western Lexington based on the information presented to Council by BP Barber. Councilmember Frazier stated that it was beneficial to developers since BP Barber knows the system, the developers would not have to spend extra funds to oversize their pumps, which can ultimately be passed on to the citizens. The motion was unanimously carried.

- 5. Reclassification of Finance Department Position:** Within the Finance Department, there are currently two Accounting Clerk/Customer Service positions at Grade 9. One of these positions is being required to perform additional duties of a more responsible nature. Staff recommended to upgrade this position to a

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grade 10. With recent internal promotions, the second position is vacant and is currently being advertised to fill it. The previous clerk was compensated above entry level while the new hire will be paid at entry level; therefore, sufficient funds are available in the current budget to apply the new grade.

A motion was made by Councilmember Shevchik and seconded by Councilmember Maness to approve the request as stated. The motion was unanimously carried.

6. **Main Street Crosswalk Repairs:** Council requested that Chao and Associates perform the engineering design and construction services for the repairs needed on the crosswalks on Main Street. The cost for the services totals \$12,585.00 plus reimbursable costs. Council's approval was required to hire Chao and Associates to perform these duties.

A motion was made by Mayor Pro-Tem Tyndall and seconded by Councilmember Frazier to approve the request as stated. The motion was unanimously carried.

7. **Memorandum of Agreement with the Department of Juvenile Justice:** In the past, the Town has participated in an agreement with the Department of Juvenile Justice (DJJ) for the detention of juveniles who have committed offenses wherein they were sentenced to prison. The current agreement is up for renewal. Attached is a new agreement which does not materially alter the terms of the previous agreement. The new agreement does not require any new expenditure of funds.

A motion was made by Councilmember Thompson and seconded by Councilmember Shevchik to approve the new agreement as submitted. Councilmember Maness confirmed that two juveniles were sent to DJJ from the Town. Chief Green also clarified that a juvenile has to appear in front of the judge within 72 hours. If a Felony offense has been committed, they must appear before a Circuit Judge which may require more time and during that time they are moved to DJJ. Chief Green estimated the cost to be under \$1,000 and it may vary from year to year. The motion was unanimously carried.

8. **Request for Rental Fee Waiver of Virginia Hylton Park and Stage:** The Rotary Club requested a waiver of the rental fee for use of the Virginia Hylton Park and stage on the evening of Saturday, November 3, 2007 for their Oyster Roast fundraiser. They do not need indoor facilities and the stage is available. The Rotary Club is a civic group; therefore the hourly stage rental fee is \$10.00. The Rotary Club also plans to make a contribution to the KEYS program which they also did last year.

A motion was made by Councilmember Maness and seconded by Councilmember Frazier to approve the rental fee waiver request for the Rotary

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Club. The motion was approved with six (6) in favor and one (1) recused (Shevchik who is a member of the Rotary Club).

**COMMENTS**

**Mayor Randy Halfacre** congratulated Park Department employee Scott Senn and his wife on the arrival of their new baby girl, Savannah Ashley. He wished Judy Flack a speedy recovery from her recent accident. Mayor Halfacre acknowledged thank you notes from Judy Flack and the family of Laura McMickens' father-in-law. Mayor Halfacre wished a Happy Birthday to all employees celebrating birthdays in August. He invited everyone to attend the next concert on Sunday, August 12, 2007 from 2:00 to 6:00 in Virginia Hylton Park featuring a Garage Band Contest with cash prizes. Mayor Halfacre thanked everyone for attending the grand re-opening of Gibson Pond Park and he thanked the entire Town Council for serving hotdogs and the staff for all their work on the project. He apologized to former Councilmembers who were not formally invited to the grand opening, however, a formal list or personal invitations were not sent for the event since the Town advertised the opening in several venues. Mayor Halfacre announced that Congressman Joe Wilson will hold a Town Hall Constituents Meeting in the Town's Conference Center on August 13, 2007 from 6:00 to 7:30. He will also return on August 28, 2007 for his annual bus tour. Mayor Halfacre announced a public meeting to be held on August 28, 2007 to discuss the Town's Comprehensive Plan with Wayne Shuler from Central Midlands. Mayor Halfacre announced that Town Hall will be a drop off point for the collection of books and magazines being collected for the troops in Iraq. Senator Jake Knotts and Ms. Diane Bradley spearheaded the project which has already been a success. He thanked Tim Flach of The State newspaper for his positive article on growth in Lexington. Mayor Halfacre received complaints about the 35 mph speed limit on Highway 6 near the recent road construction. After contacting the SC Highway Patrol and SCDOT the limit was changed back to 45 mph. The speed was originally set by Public Safety for the safety of the construction workers. He thanked Chief Green for his help to get the problem resolved so fast. Mayor Halfacre complimented the Planning Commission. They have been working very hard and attending work shops to help in their role. He thanked Keith Frost for his leadership and focus. Mayor Halfacre stated that school would soon start and the security cameras would soon be installed thanks to Councilmember Frazier, the Town and many sponsors. He wished everyone a Happy Labor Day. Mayor Halfacre later reminded everyone of the Lexington County Municipal Association bi-monthly meeting on August 27, 2007 and U.S. Senator Lindsay Graham will be the speaker. He encouraged everyone to come out for the meeting hosted by Mayor Pat Smith at Springdale. He added that it may be another opportunity to "bend an ear" for our traffic funding issues. Mayor Halfacre announced that FunFest, through the Town and Senator Jake Knotts, received a \$10,000 grant.

**Mayor Pro-Tem Hazel Tyndall** encouraged everyone to observe National Night Out by turning on their porch lights tomorrow night and get out and meet your neighbors. National Night Out is held to show that citizens are taking a stand against crime in their town. She added that Woodcreek is planning several events including a "flashlight

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walk”. Mayor Pro-Tem Tyndall stated that she was impressed with the re-opening of Gibson Pond Park. She added that God gave us a beautiful day and staff did a top notch job.

**Councilmember Richard Thompson** encouraged everyone to take time and visit Gibson Pond Park. He added that it is a beautiful new facility that Council worked hard to get for the citizens and he thinks the fishing may also be good. He wished to especially thank Dan Walker and other staff members for all their work to get the park open. Councilmember Thompson cautioned citizens with the recent heat wave and he asked people to check on senior citizens and maybe take them a fan.

**Councilmember Kathy Maness** thanked Dan Walker and other staff members for all the work done at Gibson Pond Park and the citizens will be able to enjoy it for a long time. She encouraged everyone to enjoy the rest of their summer because school would start back soon.

**Councilmember Ted Stambolitis** expressed that it is a pleasure to work on this very talented Town Council. He added that with all the discussions that they have from time to time, they still remain friends. Councilmember Stambolitis applauded all the staff members who are very professional and take their jobs seriously.

**Councilmember Danny Frazier** thanked Dan Walker, Britt Poole, Sheriff Metts and the staff members for all the help and hard work at Gibson Pond Park. He thanked Richard Jackson, N.W. White, Carson Corley, and Mike Sturkie for all the help they provided to the Gibson Pond Park project. Councilmember Frazier wished Bubba Easler a speedy recovery. He stated that the cameras at the Middle School should be installed before school starts and the process will begin soon at Lexington Elementary School.

**Councilmember Todd Shevchik** stated that during his recent trip with his son to see the football hall of fame, he noticed signs in West Virginia that separated the State matching money with Federal money. He stated that this is how the Town needs to pursue traffic money, much like Councilmember Frazier did with obtaining State money for cameras after some initial money had been raised. He added that the Town will have to take the initiative to make that happen. He stated that from a local level the Traffic Committee has already done a lot and with the changes at SCDOT and the new Commissioner, Henry Taylor, it seems to be a good time to keep the momentum. Councilmember Shevchik questioned where the Town may obtain the “seed” money. He added that he is an advocate of the 2% Hospitality Tax which now includes ways to use 20% of the funds to help the Town with capital improvements and help with the infrastructure of the Town. He stated that neighborhoods such as Whiteford and Governors Grant receive Town services for free because they are not within the Town limit and therefore do not participate in the Town’s tax base. Councilmember Shevchik thanked Mayor Halfacre and Chief Green for getting the speed limit raised on Highway 6. He pointed out that Chief Green and Sheriff Metts are on this month’s cover of Lexington Life magazine. They are in the process of working together on a spousal program and are collecting school supplies for students at the Nancy K. Perry Shelter and Sistercare. Those items

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can be dropped off at the Police Department. Councilmember Shevchik congratulated his daughter for receiving the “Best Smile” award at the Pelion Peanut Beauty Pageant.

**STAFF COMMENTS:**

**Town Administrator Duckett** congratulated Councilmember Shevchik’s daughter on receiving the “Best Smile” award.

**QUESTIONS FROM THE MEDIA**

Mr. Tim Flach, The State newspaper, asked if all rezoning requests would be held up. Mayor Halfacre responded that no one was being singled out and all requests would be held up until the revised plans can be approved. Mayor Halfacre stated that Council has to do their due diligence and plan to accommodate the community growth. Assistant Town Administrator Poole stated that the plans should be submitted in the next couple weeks with approvals within the next couple months. Mr. Flach asked what the Mayor thought was the best source of funding to receive assistance with road or other projects. Mayor Halfacre responded that other counties have implemented a one cent capital improvement tax where you have to identify projects and a price tag is set followed by a vote by the citizens. The Town may be able to add something else to that mix, but he thinks that is the best source. He added that funding for roads is a county wide problem.

**PUBLIC COMMENTS:** None.

**ADJOURNMENT:** There being no other business, a motion was made by Mayor Pro-Tem Tyndall and seconded by Councilmember Maness to adjourn the Council Meeting. The motion was unanimously carried.

The Regular Council meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Becky P. Hildebrand  
Municipal Clerk

APPROVED:

T. Randall Halfacre  
Mayor