

MINUTES
Town of Lexington
Executive Session and
REGULAR COUNCIL MEETING
May 5, 2008

Town Council met in a Regular Council Meeting on April 7, 2008 at 7:15 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, Finance Director Kathy Roberts and Municipal Clerk Becky Hildebrand. Attending the Regular Council meeting was: Police Chief Terrence Green, Director of Utilities and Engineering Allen Lutz, and Events and Media Coordinator Laura McMickens.

Two reporters from the news media were present and approximately forty (40) citizens and thirty (30) students.

EXECUTIVE SESSION REPORT

Mayor Halfacre reported that the *Executive Session* was called to order at 6:30 p.m. after a motion was made by Councilmember Frazier and seconded by Councilmember Shevchik 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 Frazier. The motion was unanimously carried. Mayor Halfacre reported that Council met in *Executive Session* to discuss two contractual issues regarding two Town contracts, one legal issue regarding pending lawsuit and one personnel issue regarding a department head review. No vote 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.

INVOCATION AND PLEDGE: Councilmember Thompson gave the invocation and Councilmember Frazier led in the Pledge of Allegiance.

Mayor Halfacre called the Regular Council meeting to order at 7:06 p.m.

ADDITIONS/DELETIONS

Mayor Halfacre recommended that New Business Item #5 be deleted. There being no objections, the item was deleted.

APPROVAL OF MINUTES: Councilmember Shevchik made a motion to approve the minutes from the Council's Work Session on April 21, 2008. Mayor Pro-Tem Tyndall seconded the motion which was unanimously carried.

PRESENTATIONS

1. **Proclamation for Lauren Cunningham – Mayor Pro-Tem Hazel Tyndall:** Mayor Pro-Tem Tyndall read a proclamation honoring Lauren Cunningham for her accomplishments in being responsible for asking for a bill to be introduced designating indigo blue as the official State color. (Copy attached.) Mayor Pro-Tem Tyndall also congratulated Lauren’s parents, Brad and Marcella Cunningham. She welcomed Senator Ronnie Cromer and Lauren’s third grade teacher, Ms. Mandy Derrick.
2. **Municipal Clerks Week Proclamation – Councilmember Kathy Maness:** Councilmember Maness read a proclamation declaring May 4, 2008 through May 10, 2008 as Municipal Clerk’s Week. (Copy attached.)

PUBLIC HEARINGS

Mayor Halfacre called the following Public Hearings to order:

1. An Ordinance Amending the Landscaping and Tree Ordinance. No public comment.
2. An Ordinance Annexing Carolina Physical Therapy. No public comment.
3. An Ordinance Reclassifying Park Road.

Ms. Pat Tondini, 107 Park Meadow Road, stated that she saw the Public Hearing notice and did not understand exactly what was being proposed. Mayor Halfacre asked Assistant Town Administrator Poole to clarify. Mr. Poole stated that with the recent proposition of a development off Park Road, the Town looked at Park Road, after the curve, and determined that the road classification of Collector is all too high of density. He stated that the Town proposed a lower density classification whereby zoning would allow fewer homes per acre in a residential area. Portions of Park Road would remain as a Collector status, but this particular portion would lower the density allowed. Ms. Tondini stated that she appreciated the Town looking out for the residents.

Mr. Marc Metzger, 613 Park Road, stated that according to what he has seen the proposal is from Fox Glen Road to Park Side not the dirt road on the other side of Park Side. Mr. Metzger stated that from Fox Glen to Park Side is not a dirt road. Assistant Town Administrator Poole clarified that the proposal is only that portion of the road that is in Town and it is a template for parts of the road that may be annexed later. Mr. Poole stated that the road does turn into a dirt road, even though the entire road is not dirt and no part of the dirt road is in Town at this time. Later Mr. Metzger stated that Park Road (Park Side and patio homes) are already developed and at full capacity.

Mr. Wayne Coats, President of the Homeowners Association at Park Side, stated that the letter they received indicated that from Fox Glen West would be made a Collector road. He added that the road becomes “city property” at the Park Side

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neighborhood. He asked why change the designation on a non-state maintained road and is not in the city unless the Town was planning to build more houses in that area. He further stated that the city limits starts at his neighborhood. Town Administrator Poole confirmed that the change only affects those portions that are in Town. After a brief discussion regarding the Town limits, Mr. Poole used a map to demonstrate the locations in question that do apply to the request and the long portion of Park Road that do not apply and is not in the Town. Mr. Poole explained the difference of the road classifications in that Local classification allows a reduction in density and it depends on the type of residential structure. He provided as an example that single family development may be allowed five houses per acre with a Collector road and you may only be allowed three with a Local road. He would have to refer to the zoning manual to state the exact numbers. Councilmember Stambolitis stated that it would reduce the number of houses allowed to be built in the area which would help the citizens. He added that if lower density is the desire, this change would reduce traffic and development in the surrounding area. He further explained the Town is trying to have controlled growth, particularly in areas that cannot handle it, such as Park Road and Old Cherokee Road. Councilmember Stambolitis stated that the change is also planned for those areas that are not yet in Town and for anticipated conservative growth. He responded to a question that developers would be restricted to the new ordinance that applied to a particular road classification and it would reduce the number of homes from approximately five to three homes per acre. Mayor Halfacre concluded that that areas not yet annexed would probably have to do so in order to obtain water and sewer.

4. An Ordinance Protecting Residential Amenities.

Mr. Lyle Pressley, 137 Heather Glen, wished to speak in favor of the ordinance and stated that he bought property in Golden Hills and paid a higher price in order to be part of the golf course community. He commended Diane Berry for the work she has done at Golden Hills yet he believed very strongly that commercial development along Highway 378 would be bad for all of Golden Hills and would be devastating for the families. He requested that Council protect the homeowners.

Ms. Carolyn Brooks, lives on #1 green at Golden Hills, and wished to speak in favor of the ordinance. She stated that they purchased a home in Golden Hills and paid more to live on the golf course. They entertain, have enlarged their deck and enjoy the view of the course. She commended Diane and Jeff for doing a great job running the golf course. She was concerned that any change would devalue their homes and would be devastating and a cultural change for the entire area.

Ms. Cathy Dolan, 100 Scotland Court and Board Member of the Golden Hills Homeowners Association, wished to speak in favor of the ordinance. She thanked the Mayor and Council for recognizing the need for the change that also had an impact on other golf courses in the state. She stated that Golden Hills is a community of approximately 180 homes and the majority of the homes are on the golf course. She agreed with the others that spoke about what it means to live on the golf course and to have the amenities available. She stated that they recognize the various interests and having the opportunity to maximize their profit on their

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property; however the residential lots at Golden Hills were and are marketed and sold as golf course community lots. She stated that their covenants convey special restrictions on golf course fairway and residential areas. The homeowners have a reasonable expectation that they would continue to enjoy the amenities of residing on a golf course. She concluded by stating that if future use changed, it is appropriate that the residents have some protection from any new use or activity on the golf course.

Mr. L. H. Fallaw, 144 Heather Glen, stated that he bought a house on the golf course a year ago for peace and quiet and if he had wanted to live behind a shopping center he would have purchased in another area.

Mr. Don Christian, 105 Scotland Drive, wished to speak in favor of the ordinance. He purchased his home less than a year ago and he would be significantly affected by any change. He has the golf course on one side of his home and Highway 378 on the other side as he lives in the first house on the left as you enter the community.

Mr. Richard Witt, Attorney for Diane and Chad Berry, stated that his clients stand by their letter previously sent to Council, Town Administrator and Town Attorney last Thursday. He stated for the record that the Berry's oppose the ordinance. He stated that the Berry's have not proposed any changes and if Council had not made the proposal of change that would restrict the use of their land, the Berry's would not even be present. He added that the Berry's have no plans to develop nor have they proposed any development and they do not plan to change anything.

There being no additional 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 including: (1) The Town received notification that SCDOT intends to make repairs to the bridge over 14 Mile Creek on Cherokee Trail starting May 12th. The bridge will be closed for two weeks. (2) The cost estimates for the Publix's improvements came in and the paperwork is pending from SCDOT, with construction anticipated in to start in mid June. (3) The section of Old Cherokee between Highway 378 and SC 6 is scheduled to begin midsummer. (4) Coventry Drive curb cuts have been completed. The "no through truck" signs have been installed. The Town and Lexington County hope that Home Depot will comply and replace the sign. (5) Forms have been submitted for \$5.5 million for Phase I of the Unified Traffic Plan from Senator Lindsay Graham's office. (6) The Town requested that the County use \$92,451.00 of County "C" funds to provide a match of a previously received earmark. It would release \$369,804, totaling the funds available for use for that earmark to \$462,255. The funds would be used for right-of-way acquisition on Phase I of the Unified Traffic Plan.

OLD BUSINESS

1. A motion was made by Mayor Pro-Tem Tyndall and seconded by Councilmember Frazier to **approve Final Reading of an Ordinance Amending the Landscaping and Tree Ordinance**. Councilmember Stambolitis commended the Council for passing the ordinance because all the trees are getting cut down when developers come in and this will save some of the beauty of Lexington. Mayor Halfacre stated that he liked the portion of the ordinance that requires the applicant to produce a copy of the timber sale agreement. The motion was unanimously carried.
2. A motion was made by Councilmember Thompson and seconded by Councilmember Shevchik to **approve Final Reading of an Ordinance Annexing Carolina Physical Therapy**. The motion was unanimously carried.
3. A motion was made by Councilmember Maness and seconded by Councilmember Shevchik to **approve Final Reading of an Ordinance Reclassifying Park Road**. The motion was unanimously carried.
4. A motion was made by Councilmember Frazer to change the Ordinance to First Reading due to the change from 110-foot buffer to 125-foot-buffer. The motion was seconded by Councilmember Shevchik and the motion was carried with a vote of five (5) in favor and two (2) recused (Halfacre, Stambolitis).

A second motion was made by Councilmember Frazier and seconded by Councilmember Shevchik to **approve First Reading of an Ordinance Protecting Residential Amenities to include a 125-foot-buffer**. The motion was carried with a vote of five (5) in favor and two (2) recused (Halfacre, Stambolitis).

NEW BUSINESS

1. **First Reading of an Ordinance Amending Building Codes Modification:** In July of 2008 the State of South Carolina will begin requiring the use of the 2006 International Building Codes. Staff will prepare an update to Chapter 150, Building Codes Administration and Fees of the Town of Lexington's Code of Ordinances in order to reflect the change in the Building Codes for Final Reading.

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

2. **First Reading of an Ordinance Accepting Ownership of Drafts Cemetery:** At the January Work Session Town Council discussed taking over ownership of the Drafts Cemetery as Trustee. During the Work Session, Council directed an investigation into costs and funding sources to assist with maintenance of the project. Parks Director Dan Walker had estimated that \$1,000 annually would help the Town cover the cost associated with maintaining the cemetery. Discussions with the attorney for the Drafts family resulted in a scenario where the \$1,000 annual contribution can be

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met by a combination of contributions from the family and the developer. The developer has agreed to donate a portion of the land, including the necessary easements to the Town to enable the maintenance. The donated funds can be put in a trust fund, and used by the Town to cover costs. There will be a reverter clause in the deed, meaning that if the Town fails to take care of the cemetery or finds it cannot continue the upkeep of the cemetery, then the title will revert to a 501(c)(3) organization to be established or selected by the family. It is the Town's intention to do general landscaping maintenance only, and not to assume responsibility for the maintenance of the headstones or fence surrounding the property.

A motion was made by Councilmember Shevchik and seconded by Councilmember Frazier to vote on the First Reading. The motion was carried with a vote of five (5) in favor and two (2) opposed (Shevchik, Thompson).

- 3. First Reading of an Ordinance Creating a Right-of-Way Preservation Corridor:** In order to preserve right-of-way in areas that either are or may be impacted with growth, it was proposed to create a new overlay corridor with additional setbacks that apply only to new construction. The corridor would be called the Preservation Corridor Special Overlay District. In this corridor, where the other Zoning Ordinance requirements associated with a particular use are less, the first 20 feet from the road right-of-way would be preserved as a buffer and the building setback would be 30 feet. The buffer section would be allowed to have passive activities as well as driveways, but not parking. Reginald Simmons, Director of Transportation for the Central Midlands Council of Governments, has stated that this plan would allow the Town to receive full points for right-of-way preservation in the new COATS ranking system for any road projects located in the corridor. The corridor could lessen future right-of-way acquisition costs.

A motion was made by Mayor Pro-Tem Tyndall and seconded by Councilmember Maness to approve First Reading of the ordinance to create a right-of-way preservation corridor. The motion was unanimously carried.

- 4. First Reading of an Ordinance Annexing a Proposed Walgreen Drug Store at the Corner of Hope Ferry Road and Sunset Boulevard:** Cromer/Sale Family Limited partnership, which owns 29 acres at the corner of Sunset Boulevard and Hope Ferry Road, would like to annex a portion of the property. A Walgreen Drug Store is planned for the site. The proposed site plan meets all zoning requirements. The Planning Commission recommended a zoning district of General Commercial with a Commercial Corridors Special Overlay District and road classifications of arterial for Sunset Boulevard and Collector for Hope Ferry Road.

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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5. (deleted) **First Reading of an Ordinance Rezoning Two Parcels for the Proposed Sunset Crest Apartment Project.**

6. **Youth Leadership Lexington County Fee Waiver Request:** Scott Wilhide, Chairman for Youth Leadership Lexington County, requested Council's approval to waive the rental fee for the Municipal Conference Center, Suite B on the evening of Tuesday, May 27, 2008 for the annual kickoff of the one week summer YLLC program. The program offers a leadership opportunity to rising juniors and seniors who attend high schools in Lexington County. The program is similar to the adult Leadership Lexington County in that students visit many sites in Lexington. The waived rental fee total is \$600.00 not including a deposit.

A motion was made by Councilmember Stambolitis and seconded by Councilmember Thompson to approve the rental fee waiver request. The motion was carried with a vote of six (6) in favor and one (1) opposed (Shevchik).

7. **Capital City/Lake Murray Country Rental Fee Waiver Request:** The Capital City/Lake Murray Country Regional Tourism Board will be hosting the Bassmasters Elite Series Tournament May 15 – 18, 2008. The event will bring in 200 anglers for a 4-day tournament that includes a 2-day Outdoor Expo that will draw thousands of families to Lake Murray Marina and Yacht Club. The tournament and the region will receive national exposure when aired on ESPN. As part of the tournament events and to showcase different areas in the region, the group plans to hold the tournament's opening meeting, dinner, and participant registration in the Conference Center on Wednesday, May 14, 2008. In addition, tournament pros will showcase their boats outside Town Hall for "Anglers Alley", a meet and greet session which will be open to the public and create exposure for the Town of Lexington. Capital City/Lake Murray Country requested Council's consideration of a rental fee waiver for use of the Conference Center for the event: refundable deposit \$250, rental fee \$1,000 and technical package \$100.

A motion was made by Councilmember Frazier and seconded by Councilmember Stambolitis to approve the fee waiver request. The motion was carried with a vote of six (6) in favor and one (1) opposed (Shevchik).

8. **Appointment to the Traffic Committee:** Shannon C. Woovis submitted a Talent Bank application to serve on the Town's Traffic Committee. There are three vacancies on the committee. (Talent Bank application attached.) .

A motion was made by Councilmember Shevchik and seconded by Councilmember Maness appoint Shannon C. Woovis to the Traffic Committee. The motion was unanimously carried.

COMMENTS

Mayor Randy Halfacre extended Happy Birthday to all Town employees celebrating birthdays in May, including Mayor Pro-Tem Tyndall and Councilmember Frazier. He wished a Happy Mother's Day to all the Moms including his wife and daughter. He congratulated his daughter, Hope, on her graduation from USC. He also wished everyone a happy and safe Memorial Day. He thanked Susan Ruinen for the thank you note for flowers sent during the recent death of her father. He announced the birth of Tyler McKinney, born to Brandon (Parks Department) and Stacy McKinney on April 16, 2008. He invited everyone to a press conference at Caractor Park on May 7th at 10:00 to announce a private sector gift to the park. He reminded everyone of NEAT Neighborhood this Friday from 1:00 to 4:00 in Golden Hills. He congratulated the recent graduates of the Town's Citizens' Academy on May 13th. He wished Leah Davis best wishes on her wedding on May 17th.

Mayor Pro-Tem Hazel Tyndall wished a Happy Mother's Day to her daughter, the mother of her granddaughter. She also extended congratulations to her other daughter on her graduation from law school. She invited everyone to the long awaited grand opening of the Palmetto Collegiate Institute on May 15, 2008 from 4:00 to 6:00. She added that the grounds and the building are beautiful and she is glad it was not turned into a parking lot. Mayor Pro-Tem Tyndall wished Councilmember Frazier a Happy 40th Birthday on May 31st. She recognized Mr. Neil Dolan who is now second in charge at SLED.

Councilmember Richard Thompson wished Town Administrator Duckett a Happy Birthday today. He extended a Happy Mother's Day to everyone and encouraged the citizens to visit their mom or go see someone's mom. He recognized Ms. Louise Stokes from the West Lexington area who is on the KEYS Board and other community efforts.

Councilmember Kathy Maness wished a Happy Birthday to Mayor Pro-Tem Tyndall, Councilmember Frazier and Town Administrator Duckett. She stated that she recently attended a retirement dinner for Ms. Judy Horton who served 39 years with the FAA and she also works with saving greyhound dogs. She congratulated Lauren Cunningham for her accomplishment of having indigo blue named as the official State color. She stated that she was glad her mother is close by and wished her a Happy Mother's Day.

Councilmember Ted Stambolitis wished his mom a Happy Birthday and a Happy Mother's Day to his wife and mom. He also wished a Happy Birthday to Mayor Pro-Tem Tyndall, Councilmember Frazier and Town Administrator Duckett and said that it was a pleasure to work with all of them.

Councilmember Danny Frazier wished a Happy Mother's Day to his mom. He stated that he was very proud of his beautiful daughter during the recent prom.

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Councilmember Todd Shevchik stated that there is a balance to the rights of the landowner versus the homeowner. He stated that they previously discussed the Berry's rights to develop the land and the home owners' rights to enjoy the lifestyle they paid for to live on a golf course. He encouraged everyone who buys a home to pay attention to the covenants and by-laws. He wanted citizens to know that in Golden Hills, the homeowners association is responsible for the maintenance of the roads in the community. In 2009 there will be a \$300,000 shortfall for road maintenance in Golden Hills. He did not state this to shock anyone, but to encourage the residents to "grab the bull by the horns" and handle the issue while there is time. He concluded that we are here for citizens and the Town enjoys taking care of the roads, but we have to make sure there is funding. Councilmember Shevchik stated that he had made a point to not give away the Town's facilities for free, which is why he has voted against several items for worthwhile causes. He stated that he does that because he values the taxpayers' dollars and he handles the funds as if they were his own. He wished his son a Happy 1st Birthday on May 18th. He also wished Councilmember Frazier and Town Administrator Duckett and Happy Birthday and all the other "old guys".

STAFF COMMENTS: None.

QUESTIONS FROM THE MEDIA

Ms. Vicki Shealy, The Lexington County Chronicle, asked if other cemeteries would be taken over by the Town. Mayor Halfacre responded that we do not have any other requests at this time and they would be addressed individually.

PUBLIC COMMENTS: None

ADJOURNMENT: Mayor Halfacre wished everyone a Happy Cinco De Myo Day and thanked the citizens for watching the Council meeting on Channel 2. 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 8:40 p.m.

Respectfully submitted,

Becky P. Hildebrand
Municipal Clerk

APPROVED:

T. Randall Halfacre
Mayor