

MINUTES
Town of Lexington
Executive Sessions and
REGULAR COUNCIL MEETING
February 1, 2010

Town Council met in a Regular Council Meeting on February 1, 2010 at 6:30 following an Executive Session attended by Mayor Randy Halfacre, Council Members Richard Thompson, Kathy Maness, Ted Stambolitis, Danny Frazier and Todd Shevchik. Mayor Pro-Tem Tyndall was not present for the Executive Session and attended the Regular Council Meeting. The Executive Session was also attended by Municipal Attorney Brad Cunningham, Assistant Town Administrator Britt Poole, Assistant Town Administrator Stuart Ford and Municipal Clerk Becky Hildebrand. Also attending the Regular Council meeting was: Police Chief Terrence Green, Director of Utilities and Engineering Allen Lutz, Finance Director Kathy Roberts, Parks, Streets and Sanitation Director Dan Walker, Community and Economic Catalyst Johnny Jeffcoat, and Events and Media Coordinator Laura McMickens.

One member of the news media was present and approximately thirty (30) citizens and students were present.

EXECUTIVE SESSION REPORT

Mayor Halfacre reported that the *Executive Session* was called to order at 5:30 p.m. after a motion was made by Councilmember Stambolitis and seconded by Councilmember Thompson to go into *Executive Session*. The motion was unanimously carried by all those present. Mayor Pro-Tem Tyndall and Councilmember Shevchik were not present for the vote. A motion was made by Councilmember Stambolitis and seconded by Councilmember Frazier to adjourn the *Executive Session* at 6:22 p.m. The motion was unanimously carried by all those present. Municipal Attorney Cunningham requested to return to Executive Session regarding an agenda item. A motion was made by Councilmember Stambolitis and seconded by Councilmember Shevchik to go back into Executive Session at 6:25 p.m. The motion was unanimously carried by all those present. A motion was made by Councilmember Stambolitis and seconded by Councilmember Frazier to adjourn the *Executive Session* at 6:30 p.m. The motion was unanimously carried by all those present. Mayor Halfacre reported at the Regular Council meeting that Council had met in *Executive Session* to discuss: a pending contractual issue related to business licenses; a pending legal issue related to sewer reimbursement, a pending legal matter regarding a condemnation issue, and a legal issue regarding an agenda item. No vote was taken. A motion was made by Councilmember Stambolitis and seconded by Councilmember Maness to ratify the Mayor's *Executive Session* report. The motion was unanimously carried by all those present.

STATE OF THE TOWN ADDRESS

Mayor Halfacre delivered the State of Town address. He highlighted the events of the year and thanked the Council members for their various contributions. He also thanked the Council members' families and his family for their continued sacrifices and support. Mayor Halfacre stated that the Town is strong and business licenses have increased 81% in the past five years which is \$3.5 million annually. He stated that the Town has planned ahead for infrastructure needed for future growth and partnered with the City of Cayce and the Joint Municipal Water and Sewer Commission to construct a 25 million-gallon-per-day wastewater treatment facility to be operational in 2012. The Town secured complete funding totaling \$14 million for Phase I of the Unified Traffic Improvement Plan. SCDHEC approved use of the former Town Landfill for development after a decade of effort which the Town hopes to use for recreational activity. The Town secured property to construct a public parking facility near Main Street to support the proposed Conference Center. The Town restructured internally to enable the hiring of an Economic Catalyst to help with the Town's development. The Town partnered with: (1) Lexington FunFest to bring the festival back to the heart of downtown. (2) Golden State Foods, along with other donors, to build Willie B. Caractor Park. (3) Lowe's to improve the facilities at Corley Street Park. (4) Sertoma to fund a new feature at Gibson Pond Park. The Town hired a leading Washington law firm to help secure Federal funding for various projects. The Town set an example by passing the first smoking ban. Mayor Halfacre stated that a lot has been done and there is more to focus on in 2010 including: long range comprehensive urban plan; Main Street Conference Center; redevelopment of property at Main and Church Streets; intersection improvements on Columbia Avenue; property acquisition for the proposed performing arts center; successful completion of the 2010 Census; and the completion of the Town's administration succession plan. He took a moment to commend Jim Duckett, who retires in May, for doing a very good job as the Town Administrator. He added that he runs a very tight ship and it seems every time he turns around the Town is receiving another award. Mayor Halfacre commended the Town for many great accomplishments which have been without any tax increases. He concluded by reminding citizens that homeland security starts at home and he encouraged everyone to ask their national leaders to keep our military and homeland security strong. (State of the Town copy attached.)

INVOCATION, PLEDGE OF ALLEGIANCE AND CALL TO ORDER: Mayor Halfacre welcomed all the students from Lexington High School and the citizens to the Council meeting and introduced the Council Members. He added that Mayor Pro-Tem Tyndall would be at the meeting later in that her daughter was taken to the hospital with pneumonia. Councilmember Stambolitis gave the invocation. Councilmember Frazier led in the Pledge of Allegiance. Mayor Halfacre called the meeting to order at 6:57 p.m.

ADDITIONS/DELETIONS

Mayor Halfacre requested the following items be added/deleted from Council's agenda:

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- (1) Add an Ordinance Annexing Tidewater Boats on Glassmaster Road.
- (2) Add an Ordinance Annexing 126 Glassmaster Road.
- (3) Add Sewer Reimbursement.

There being no objections from Council, the items were added/deleted as requested.

PRESENTATIONS

1. **2010 Census - Zoning Administrator Leah Youngblood:** Ms. Youngblood gave a brief overview of the importance of the 2010 Census. South Carolina was ranked 49th in Census forms returned during the last Census and everyone's help is needed to improve that number. She stated that the Census means money to the Town. Every year \$400 billion in Federal Aid is distributed based on Census data which is based on the population of a town or city. In 2000 the population of the Town of Lexington was 9,793 and in 2005 that number had increased to 14,547. The average dollar amount received by the Town over the last 10 years is \$30 per resident which equaled \$3,150,766 since 2000. The expected population in 2010 is 20,000. Using the same formula, that increase in population would equal \$6 million to the Town over the next 10 years (20,000 x \$30 x 10 = \$6.0 m). Federal funding helps keep taxes low. Town Council has not raised taxes in nearly two decades and has even lowered taxes twice during that time. Federal dollars help pay for police officers, parks, transportation projects and more. This year the Census can mean political power in South Carolina. Seats in Congress are based on population and South Carolina could increase their seats from 6 to 7 in the U.S. House of Representatives. Within the state, Census counts are used to draw state House and Senate seats and to draw voting districts for municipal and county governments. Many decisions are based on Census data including where to locate businesses, identify fast growing areas in need of schools and/or roads, identify hospital needs, and where to build neighborhoods. All citizens have to do is complete their confidential Census questionnaire which consists of 10 short questions. Questionnaires are to be mailed by mid-March and must be returned by April 1, 2010. If you do not receive one in the mail, there will be locations announced to pick up a questionnaire. Census workers may visit a home up to six times trying to obtain the Census data. For more information, citizens can contact Zoning Administrator Youngblood or go to web site <http://2010.census.gov/2010census/>.
2. **2010 Miss Lexington and 2010 Miss Lexington Teen Proclamations – Councilmember Todd Shevchik:** Councilmember Shevchik read proclamations to Miss Terrilyn Stephens, Miss Lexington 2010 and Miss Hannah Jordan, Miss Lexington Teen 2010. He congratulated them on their recent wins and presented them with a proclamation from the Mayor and Council. (Copies attached.)

PUBLIC HEARINGS

Mayor Halfacre called the Public Hearing to order and requested that those wishing to speak limit their comments to five minutes.

1. An Ordinance Annexing 201 Pilgrim Point Drive.
2. An Ordinance Annexing 1310 Augusta Highway.
3. An Ordinance Annexing 5225 Sunset Boulevard.
4. An Ordinance Annexing 300 Industrial Drive.
5. An Ordinance Annexing 307 Industrial Drive.
6. An Ordinance Annexing 557 Whiteford Way.
7. An Ordinance Annexing 1120 West Main Street.
8. An Ordinance Annexing Tidewater Boats on Glassmaster Road.
9. An Ordinance Annexing 126 Glassmaster Road.

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 including: (1) The Town is working with the owners and businesses at CVS and Verizon shopping center to replace signage indicating no left turns into these locations. Citizens were asked to use the traffic signal at Home Depot if you need to turn left into those businesses. (2) The 10th annual Lexington Race Against Hunger will be held on Saturday February 27, 2010. There will be a number of road closings in Town from 7:00 a.m. to 11:00 a.m. Roads affected include US 378 (between Mallard Lakes and North Lake Drive), US 1 (between Harmon Street and South Lake Drive), SC 6 and other side roads in this area. Please check cable channel 2 or the Town's website (lexsc.com) for the full list of roads. (3) On February 18, 2010, between 5:00 p.m. and 7:00 p.m., SCDOT will hold a drop-in style public information meeting about Phase I of the Unified Traffic Plan. The meeting will be held in the Conference Center at Town Hall (111 Maiden Lane). Mayor Pro-Tem Tyndall stated that as the Mayor had mentioned in his State of the Town Address, Phase I of the plan is fully funded. She encouraged everyone who has a question about the project to stop by and discuss it with the DOT Engineers. (4) Mayor Pro-Tem Tyndall asked that if you are aware of specific traffic problems, unsafe situations, or even a pot hole that needs to be repaired, to please call the Town at 359-1027 to report the problem. The next Traffic Committee meeting will be February 23, 2010 at 8:00 a.m. in the Eli Mack, Sr. Room.

OLD BUSINESS

1. A motion was made by Mayor Pro-Tem Tyndall and seconded by Councilmember Frazier to approve **Final Reading of an Ordinance Annexing 201 Pilgrim Point Drive**. The motion was unanimously carried.

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2. A motion was made by Councilmember Thompson and seconded by Mayor Pro-Tem Tyndall to approve **Final Reading of an Ordinance Annexing 1310 Augusta Highway**. The motion was unanimously carried.
3. A motion was made by Councilmember Maness and seconded by Councilmember Stambolitis to approve **Final Reading of an Ordinance Annexing 5225 Sunset Boulevard**. The motion was unanimously carried.
4. A motion was made by Councilmember Stambolitis and seconded by Councilmember Shevchik to approve **Final Reading of an Ordinance Annexing 300 Industrial Drive**. The motion was unanimously carried.
5. A motion was made by Councilmember Frazier and seconded by Councilmember Shevchik to approve **Final Reading of an Ordinance Annexing 307 Industrial Drive**. The motion was unanimously carried.
6. A motion was made by Councilmember Shevchik and seconded by Councilmember Stambolitis to approve **Final Reading of an Ordinance Annexing 557 Whiteford Way**. The motion was unanimously carried.
7. A motion was made by Mayor Pro-Tem Tyndall and seconded by Councilmember Stambolitis to approve **Final Reading of an Ordinance Annexing 1120 West Main Street**. The motion was unanimously carried.
8. A motion was made by Councilmember Frazier and seconded by Councilmember Thompson to approve **Final Reading of an Ordinance Annexing Tidewater Boats on Glassmaster Road**. The motion was unanimously carried.
9. A motion was made by Councilmember Shevchik and seconded by Councilmember Stambolitis to approve **Final Reading of an Ordinance Annexing 126 Glassmaster Road**. The motion was unanimously carried.

NEW BUSINESS

1. **Long Range Master Plan for the Town of Lexington:** At the January Council Work Session a motion was made to consider the approval of an RFQ (Request for Qualifications) with a 30 day response time to hire a company to develop a Long Range Master Plan for the Town of Lexington. The plan would be an effort to consolidate strategies for how the Town should look in the future. (Draft of RFQ attached.)

A motion was made by Councilmember Thompson and seconded by Councilmember Frazier to approve the RFQ for development of a Long Range Master Plan as stated. The motion was unanimously carried.

2. **Appointments to the Landfill Development Committee:** Ms. Shannon Hicks and Ms. Kelly Hawsey submitted Talent Bank Applications to serve on the Landfill Development Committee. (Copies attached.) Currently the committee has six out-of-town members and four in-town members. Both Ms. Hicks and Ms. Hawsey are

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residents of the Town. The committee is allowed up to fifteen members with no less than eight being residents of the Town of Lexington. There are currently five vacancies.

A motion was made by Councilmember Maness and seconded by Councilmember Stambolitis to approve the appointments as stated. Councilmember Stambolitis confirmed that the committee could proceed prior to appointing the remaining three members. The motion was unanimously carried.

3. **Police Towing Rotation Qualifications:** Town Council was asked to consider making the following changes to its towing rotation policy currently in place within the Police Department:

- (1) Where possible, give preference for a space in the rotation to a business located within the Town of Lexington. (This would only be for a position on the list. Once on the list, the in-town business would be subject to the same regular rotation as all others on the list.)
- (2) Limit participants to one entry on the rotation per physical location.
- (3) Limit the number on the rotation list to no more than six.

A motion was made by Councilmember Stambolitis and seconded by Councilmember Frazier to approve the towing rotation policy change as stated. Councilmember Stambolitis asked Chief Green to answer questions regarding the policy change. Chief Green stated that the Town currently has eight towing services on rotation of which only one (Carolina Paint and Body) is located within the Town limits. He stated that instead of the recommended four towing companies, he requested six companies be on the rotation list in case of a major event. He added that wreckers are called off the top of the list during certain traffic violations and/or wreck scenes. He added that four of the towing companies are owned by two families and have locations at the same physical addresses outside Town limits (Mitchem's/City Towing and K&B/Pee Wee's Towing). All four have been allowed to be on the rotation list. He stated that with the new policy, Mitchem's and Pee Wee's would be eliminated. He confirmed that all the towing companies have business licenses in order to operate within the Town limits and he has not had any problems with any of the towing companies. Councilmember Frazier stated that the two towing companies that own two different businesses each appear to be "double dipping", therefore one towing service each should be eliminated. He added that we should look out for those companies that pay property taxes within the Town. Councilmember Maness confirmed that a citizen can request any towing company following an accident or a break down even if that company is not on the list. She later confirmed that all the towing businesses pay a business license fee, but they only pay Town property taxes if they are located in the Town limits. Chief Green stated that he could not state the details of how the SC Highway Patrol handles towing companies, but they do have a rotation policy. Councilmember Stambolitis stated that he understands the intent of the policy

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change; however, there are times when a husband and wife own similar businesses and it seems to be improper to penalize them for that reason. He would like to find a way to handle such a situation. Councilmember Stambolitis added that it would be taking away 50% of their income by eliminating one of the businesses. He would like to return the item to Work Session for further discussion. Mayor Halfacre stated that the issue could go back to Work Session if it was the desire of the Council. He added that he did not think this was "double dipping". Councilmember Frazier called for the vote. The motion carried with a vote of five (5) in favor and two (2) opposed (Stambolitis, Thompson).

4. (Added.) **Sewer Reimbursement:** Council heard Mr. Garrett Hope at their January Work Session regarding a request for reimbursement from expenses incurred following a sewer back up on December 23, 2009 at his property located at 208 Dreher Street.

A motion was made by Councilmember Shevchik and seconded by Councilmember Frazier to reimburse Mr. and Mrs. Garrett Hope a total of \$4,299.76 contingent upon Mr. and Mrs. Hope signing a release agreement. Councilmember Shevchik stated that the Town's Utilities staff was working at the intersection of Dreher and Harmon Streets just before Christmas where they flushed out a fire hydrant. Shortly thereafter, Mr. Hope's septic tank backed up into his home. Councilmember Shevchik recommended the reimbursement as a goodwill gesture to help make this gentleman whole. The motion was unanimously carried.

COMMENTS

Mayor Randy Halfacre wished a Happy Birthday to all Town employees celebrating birthdays in February, including Councilmember Stambolitis' birthday tomorrow. Mayor Halfacre wished his wife a Happy 40th Anniversary on Sunday. He expressed his heartfelt sympathy to former Councilmember Jim Lowman in the recent loss of his wife, Dot. Mayor Halfacre stated that Dot was truly a southern gentle lady and will be missed by everyone. He also expressed condolences to Springdale Mayor Pat Smith in the loss of his mother yesterday. Mayor Halfacre expressed a speedy recovery to "Mama Frazier" from her recent knee surgery. He announced that SCDOT would hold a public information drop-in here at Town Hall on February 18th from 5:00 to 7:00 p.m. to answer questions about road improvements on Columbia Avenue. He later welcomed the Mayor of Chapin, Stan Shealy, to the meeting.

Mayor Pro-Tem Hazel Tyndall apologized for missing the Mayor's State of the Town Address in that she was at the hospital with her daughter. She stated that she read a copy of the State of Town and congratulated Mayor Halfacre on doing a good job and he has been a great Mayor and has done a lot for the Town.

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Councilmember Richard Thompson congratulated Mayor Halfacre on doing a great job with the State of the Town and he added that everything in it was true. He wished all the citizens a Happy Valentine's Day. Councilmember Thompson wished to express a special thank you to the Fellowship Baptist Church, Pastor Nate Brown and staff who took time to come to the West Lexington and Two Notch Road areas to repair many homes at no cost to the citizens. He thanked them for being merciful and for looking out for the needy.

Councilmember Kathy Maness wished Happy Birthday to Councilmember Stambolitis. She wished Happy 40th Anniversary to Mayor Halfacre and his wife, Angela and they could also be very proud of their three daughters. Councilmember Maness expressed sympathy to the family of Loretta Simpkins who recently passed away. She added that she was a fine lady and had fought a hard battle against cancer.

Councilmember Ted Stambolitis wished a speedy recovery to Mayor Pro-Tem Tyndall's daughter. He congratulated Zoning Administrator Youngblood on the upcoming birth of her baby and wished her a happy and healthy delivery. He congratulated Mayor Halfacre and his wife on their anniversary and thanked them for doing so much for the community. Councilmember Stambolitis reminded everyone of the next Landfill Development Committee meeting on February 8, 2010 at 6:00.

Councilmember Danny Frazier congratulated Mayor Halfacre on doing a fine job for the Town and for putting up with the Council. He added that the Council also does a great job and even though they don't always agree, they always work together and move on. He congratulated Mayor Halfacre and his wife on celebrating 40 years of marriage. Councilmember Frazier congratulated Community and Economic Catalyst Jeffcoat on doing a great job. They recently worked together to help bring a new Sears store to Lexington across from Frank's Car Wash. He wished a speedy get well to Mayor Pro-Tem Tyndall's daughter and told his mama that he would be up to see her very shortly.

Councilmember Todd Shevchik thanked Zoning Administrator Youngblood on her presentation regarding the 2010 Census and for the "eye-popping" numbers. He added that it shows that the Town has doubled in size during the past ten years which puts a lot of stress on the infrastructure, sewer, finances and trash. He stated that the Council has done a good job keeping up with the growth and pacing ourselves for the future. Councilmember Shevchik stated that the transition between Town Administrator Duckett and "doctor" Poole will be a good one and all the staff works hard to make sure the Town functions appropriately. He wished everyone a Happy Valentine's Day, a Happy Birthday to Councilmember Stambolitis, and thanked the citizens for watching the Council meeting on Channel 2.

Assistant Town Administrator Britt Poole: No comment.

QUESTIONS FROM THE MEDIA: None.

PUBLIC COMMENTS

Mr. Charles Baughman, owner K&B Towing, stated that the SC Highway Patrol require all towing companies to go through an inspection which includes each truck, insurance policies, fencing, and each office. He added that his businesses are 100% separated. Mr. Baughman referred to Council's comments regarding growth and stated that the Town already has problems with eight towing companies on rotation. He stated that he has seen as many as five trucks at one wreck. He reconfirmed that K&B and Pee Wee's Towing companies are two separate companies. They have individual business licenses; separate checking accounts; different phone numbers; separate private fences; two offices; and, separate insurance policies. He stated that he does not own both companies and the only difference is that he goes to bed with the owner of the other company every night. Mr. Baughman added that if Lexington had experienced a snow storm this past weekend, the Town would have had eight rotations running as hard as possible. He wanted to make sure that Council had a clear understanding of his business and his wife's business. He added that Pee Wee's Towing was the first wrecker service to go on rotation for the Town. K&B has been on the Town's rotation and paying a business license for 17 years and if the Council wanted to take them off rotation then it was their decision. He stated that it did not cost the Town anything to have them on rotation in fact they were making money on the business licenses. He wanted to make sure all the information was not misrepresented.

Mayor Halfacre thanked Mr. Baughman for pointing out the information. He added that Council had made a decision on the policy, but policies could be reviewed and changed. He stated that Councilmember Stambolitis had concerns and they could discuss the decision at the next work session in order to determine that their decision is the right one.

Councilmember Frazier stated that information from the Secretary of State's office list K&B and Pee Wee's Towing at the same post office box address. He added that the reason for the change is to make sure that the businesses in the Town are not cheated in that they pay Town taxes and pay a business license.

Mr. Baughman responded that the reason they had to get a post office box address was because they had some of their mail stolen.

ADJOURNMENT: Mayor Halfacre thanked the Council members and citizens for attending the meeting and for those at home for watching the Council meeting on Channel 2.

A motion was made by Councilmember Maness and seconded by Councilmember Frazier to adjourn the Council Meeting. The motion was unanimously carried.

The Regular Council meeting was adjourned at 7:48 p.m.

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Respectfully submitted,

Becky P. Hildebrand, CMC
Municipal Clerk

APPROVED:

T. Randall Halfacre
Mayor