

MINUTES
Town of Lexington

REGULAR COUNCIL MEETING
November 1, 2010

Town Council held an Executive Session followed by a Regular Council Meeting on November 1, 2010 at 6:30 which was 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 Britt Poole, Assistant Town Administrator Stuart Ford, Municipal Attorney Brad Cunningham, and Municipal Clerk Becky Hildebrand. Also attending the Regular Council meeting was: Police Chief Terrence Green, Community and Economic Catalyst Johnny Jeffcoat, Director of Utilities and Engineering Allen Lutz, Finance Director Kathy Roberts, Parks, Streets and Sanitation Director Dan Walker, Director of Planning, Building and Technology Leah Youngblood and Events and Media Coordinator Jennifer Dowden.

One member of the news media was present and approximately fifty (50) citizens and students were present.

EXECUTIVE SESSION REPORT

Mayor Halfacre reported that the *Executive Session* was called to order at 5:36 p.m. after a motion was made by Councilmember Shevchik and seconded by Councilmember Frazier to go into *Executive Session* to discuss one legal update and one personnel matter. The motion was unanimously carried. A motion was made by Councilmember Maness and seconded by Councilmember Shevchik to adjourn the *Executive Session* at 6:21 p.m. The motion was unanimously carried. Mayor Halfacre reported at the Regular Council meeting that Council had met in *Executive Session* to discuss one litigation update and one personnel matter. 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.

INVOCATION, PLEDGE OF ALLEGIANCE AND CALL TO ORDER: Mayor Halfacre introduced the Council Members and welcomed everyone to the Council meeting including his wife and daughter and Lt. Governor Andre' Bauer. Councilmember Thompson gave the invocation. Councilmember Frazier led in the Pledge of Allegiance. Mayor Halfacre called the meeting to order at 6:32 p.m.

ADDITIONS/DELETIONS

Mayor Halfacre requested that four (4) items be added to the agenda as follows:

(Add) Presentation – Palmetto Patriot Award - Lt. Governor Andre' Bauer.

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(Add) Item #10 – First Reading of an Ordinance Amending the Lexington County Recreation Commission Lease.

(Add) Item #11 – First Reading of an Ordinance Accepting a Property Donation.

(Add) Item #12 – Extend Temporary Capital Contribution Fee Policy.

There being no objections, the items were added as requested.

PRESENTATIONS

1. **Palmetto Patriot Award to Mayor Randy Halfacre - Lt. Governor Andre' Bauer:** Lt. Governor Bauer presented the Palmetto Patriot Award to Mayor Halfacre, the highest honor that can be presented by the Lt. Governor. He stated that he was presenting the award to the Mayor, but he wished to also thank all other Council members for their service to the Town of Lexington, which is one of the fastest growing municipalities in South Carolina. He added that he got started in public office 14 years ago in Lexington and he understands that it is getting tougher and tougher to serve in public office. He presented the Palmetto Patriot Award to Mayor Halfacre for his service to the citizens of Lexington.
2. **Lexington High School Girls Golf Team State Champions Proclamation – Mayor Randy Halfacre:** Mayor Halfacre read the proclamation honoring the Lexington High School Girls Golf Team for winning the 2010 SC 4A State Champion for the seventh consecutive year. Mayor Halfacre presented the proclamation to the Coaches and members of the golf team. He also commended the team for winning seven consecutive years and for being ranked seventh in the nation.
3. **National Pulmonary Hypertension Awareness Proclamation – Mayor Pro-Tem Hazel Tyndall:** Mayor Pro-Tem Tyndall read a proclamation proclaiming November as Pulmonary Hypertension Awareness Month. (Copy attached.)

TRAFFIC UPDATE

Mayor Pro-Tem Tyndall provided an update on the Town of Lexington's continuing efforts to improve traffic. (1) The majority of work on U.S. Highway 1 and U.S. Highway 378 sidewalk projects is complete. Contractors will be painting crosswalks over the next 30 days. (2) Work has begun on the Gibson Road sidewalk project. The project will run from U.S. Highway 1 to S.C. Highway 6. The project should be complete by mid February. (3) The annual Veteran's Day Parade will be held on Sunday, November 7, 2010. The parade route will be closed from 2:30 p.m. to 4:00 p.m. The route will begin on U.S. Highway 1 from Haygood Street to South Lake Drive and S.C. Highway #6 to Fort Street where the parade will disband at the Lexington County Administration Building parking lot. (4) The Traffic Committee requested that the Lexington Police Department study the crossing at U.S. Highway 378 and Northwood road during drop off and pick up times for Lexington Middle School. Additionally, the Town is working with Lexington Middle School to help with traffic flows. Any traffic problems can be reported by calling 359-1027 and can include an

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unsafe situation or just a pot hole that needs repair. The next Traffic Committee meeting will be November 16, 2010 at 8:00 a.m. in the Eli Mack, Sr. Room.

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 Amending §133.09 “Restrictions on Residency and Loitering of Sex Offenders”.
2. An Ordinance Annexing 1314 West Main Street.
3. An Ordinance Annexing 869 South Lake Drive.

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

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 §133.09 “Restrictions on Residency and Loitering of Sex Offenders”**. Mayor Pro-Tem Tyndall and others expressed that they were not happy about the amendment, but confirmed that since the State had passed a more lenient law they had no choice. 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 1314 West Main Street**. The motion was unanimously carried.
3. A motion was made by Councilmember Maness and seconded by Councilmember Frazier to approve **Final Reading of an Ordinance Annexing 869 South Lake Drive**. The motion was unanimously carried.

NEW BUSINESS

1. **First Reading of an Ordinance Amending the Peddlers and Solicitors Ordinance:** It was proposed to amend the Peddlers and Solicitors Ordinance to improve its clarity and to allow more charitable fundraising in Town. (Copy of proposed ordinance attached.)

A motion was made by Councilmember Stambolitis and seconded by Mayor Pro-Tem Tyndall to approve First Reading. Mayor Halfacre stated that this was the third time Council had addressed the revisions and he assumed everyone was happy with the changes. The motion was unanimously carried.

2. **First Reading of the Land Development Regulations Amendments Related to Stormwater:** In an effort to keep non-point source pollution out of storm drains, it

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was requested to amend the Land Development Regulations to address the installation of car wash stations, pet waste stations, and dumpster pads. The proposed text is attached and an ordinance will be prepared for Final Reading. The Planning Commission discussed the amendments and recommended approval.

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

3. **First Reading of an Ordinance Annexing a Future Taco Bell:** Benjamin Satcher petitioned for annexation of property across from Derrick Street on U.S. Highway 1 for a future Taco Bell. The property was recently combined from TMS #'s 004326-08-007 and 004326-07-069 and is shown on the attached plat and map. The Planning Commission will make a recommendation about the zoning district and road classification during its next meeting. An ordinance will be prepared for Final Reading.

A motion was made by Councilmember Shevchik and seconded by Councilmember Stambolitis to approve First Reading. The motion was unanimously carried.

4. **First Reading of an Ordinance Annexing a Proposed Restaurant at 5364 Sunset Boulevard:** Kan Hung Ng and Wai Chun petitioned for annexation of 5364 Sunset Boulevard which was formerly home to the Hong Kong Palace. A new restaurant is proposed for the site. The Planning Commission will make a recommendation about the zoning district and road classification during its next meeting. An ordinance will be prepared for Final Reading.

A motion was made by Mayor Pro-Tem Tyndall and seconded by Councilmember Frazier to approve First Reading. The motion was unanimously carried.

5. **First Reading of an Ordinance Annexing a Medical Office at 723 South Lake Drive:** Charles Harmon petitioned for annexation of property at 723 South Lake Drive. A medical office is located on the parcel. The Planning Commission recommended a zoning district of General Commercial with the commercial Corridors and Preservation Corridors Special Overlay Districts, and Classification of South Lake Drive as an arterial road.

A motion was made by Councilmember Thompson and seconded by Councilmember Shevchik to approve First Reading. The motion was unanimously carried.

6. **First Reading of an Ordinance Rezoning 12 Mile Ridge:** David Parr of Power Engineering requested to rezone the 12 Mile Ridge subdivision from General Commercial (GC) to Protected Residential (PR). The subdivision was originally

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designed as a residential neighborhood, but is currently zoned General Commercial because the former owner wanted to build an office complex. Now the property has changed hands and the current owners would like to rezone the property to Protected Residential (PR) in order to sell the property for single-family residential homes. The Planning Commission recommended rezoning the property to Protected Residential (PR). An ordinance will be prepared for Final Reading.

A motion was made by Councilmember Maness and seconded by Councilmember Stambolitis to approve First Reading. The motion was unanimously carried.

- 7. A Resolution Appointing Ameris Bank as Custodian:** Currently the Town has a Repair and Replacement account for the 2004 Revenue Bonds at US Bank. At this time, the money is earning no interest. The Town has the opportunity to place the money at Ameris Bank and earn 0.25% interest. To make the transition it is required that Council approve the attached resolution to appoint Ameris Bank as Custodian. (Copy of Resolution attached.)

A motion was made by Councilmember Stambolitis and seconded by Councilmember Frazier to approve the Resolution and appoint Ameris Bank as Custodian. Councilmember Stambolitis thanked Finance Director Roberts for always helping to find ways to save the Town money. Mayor Halfacre commended Councilmember Frazier for initiating the request. The motion was unanimously carried.

- 8. Town of Lexington Vision Plan Steering Committee Selection:** The Boudreaux Group was selected to develop the Town of Lexington's Vision Plan. One of the first steps in the process is to select a Vision Plan Steering Committee of no more than seven people with Council's approval. Individuals selected will be required to make a commitment to attend a kick-off meeting that may last 8 to 10 hours as well as subsequent meetings to discuss the plans for Lexington. The first meeting is scheduled for November 3rd at Town Hall. The following people were nominated and have agreed to serve on the committee:

Mike Crapps
Scott Adams
Katherine Hubbard
Lee Pitcovich
Sherri Burris
Keith Frost
Ashley Harwell-Beach
Dennis Bolton

A motion was made by Councilmember Frazier and seconded by Councilmember Shevchik to approve the appointment of the eight people named to the Town of Lexington's Vision Plan Steering Committee. Mayor

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Halfacre encouraged the Council Members to also attend the first meeting. Mayor Halfacre referred to a quote from the Sunday paper: "A politician thinks of the next election; a statesman to the next generation". He thanked Council for preparing to look forward. The motion was unanimously carried.

9. **Mission of Faith Gospel Singers:** The Town received a request from the Mission of Faith Gospel Singers for a contribution to their annual Seniors Christmas Dinner. (Copy of letter attached.) The Town helped fund the event in 2008 and 2009 in the amount of \$400.00. Funds to come from Council's Contribution Budget.

A motion was made by Councilmember Thompson and seconded by Councilmember Maness to approve the request from the Mission of Faith Gospel Singers in the amount of \$400.00. The motion was unanimously carried.

10. (Added) **First Reading of an Ordinance Amending the Lexington County Recreation Commission Lease:** The Town's lease with the Lexington County Recreation Commission needed to be amended to allow for storm water and other utility improvements to be made on the site at the Park Road facility. The amended lease was approved by the Utilities Engineer and the Municipal Attorney. (Copy attached.) The Recreation Commission will be responsible for operation and maintenance of the improvements covered within the lease.

A motion was made by Councilmember Shevchik and seconded by Councilmember Thompson to approve First Reading. Councilmember Stambolitis confirmed that this is in reference to the new additions. The motion was unanimously carried.

11. (Added) **First Reading of an Ordinance Accepting a Property Donation – Caroline Springs:** NKD Development requested to donate a parcel of property to the Town. The parcel is approximately 20.08 acres, and is located in the Caroline Springs Subdivision off US Highway 378. The majority of the parcel (15.59 acres) is wetlands, but a portion (4.49 acres) may be buildable. An ordinance will be prepared for Final Reading.

A motion was made by Councilmember Frazier and seconded by Councilmember Maness to approve First Reading. Mayor Halfacre confirmed that the parcel is approximately 15 acres with approximately 5 acres that are buildable. The motion was unanimously carried.

12. (Added) **Extension of Temporary Capital Contribution Fee Policy:** Councilmember Frazier requested to extend the policy to allow builders to buy taps one at a time instead of 10 at a time. He added that in today's economy builders are lucky to sell one house at a time. He requested to reinstate the extended policy for another three (3) months to help the builders until the economy improves.

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A motion was made by Councilmember Frazier and seconded by Councilmember Shevchik to approve the three (3) months extension (February 1, 2011) of the Capital Contribution Fee Policy. (Copy attached.) Mayor Halfacre stated that this was another business friendly, pro-builder action to help build as many houses as possible, one at a time. The motion was unanimously carried.

COMMENTS

Mayor Randy Halfacre welcomed students from the Lexington High School's Economics Class. He wished a Happy Birthday to all Town employees celebrating birthdays in November. He wished Amiel Maness and Constance Flemming a speedy recovery. Mayor Halfacre expressed condolences to Brad Cunningham and his family in the recent loss of his grandmother who lived in Florida. Mayor Halfacre thanked the Lexington Sertoma Club, Councilmember Frazier and staff for another successful Big Thursday event to raise money for Gibson Pond Park. He also read a thank you letter from Tommy Harman. Mayor Halfacre also thanked Councilmember Thompson, Brad Cunningham and Dan Walker for helping cook during the Big Thursday event and the recent Fall Festival. Mayor Halfacre congratulated the recent recipients of the Town's Historic Preservation Awards: The Salley Firm at 129 East Main Street; Efird House at Lexington Baptist Church at 224 East Main Street; and The Harmon House/Lexington Mortgage Center at 317 West Main Street. He thanked Chuck Corley and the Historic Preservation Review Board for doing so much to preserve properties in Lexington. Mayor Halfacre announced that the Council had previously pledged \$3,000 for an Airport Grant, but the grant was not awarded. He thanked the new members of the Town's Vision Plan Steering Committee for agreeing to serve on the committee. He encouraged everyone to come to the Veteran's Parade on November 7th at 3:00 on Main Street to celebrate all veterans for allowing us a free society. He announced that Lexington Medical Center would also hold a special Veteran's tribute at Town Hall on Veteran's Day. Mayor Halfacre announced the annual Town Carolighting Ceremony on December 2nd at 6:30 and the Lexington Christmas Parade on December 5th at 3:30. Mayor Halfacre thanked all the Town staff for 100% participation in the annual charities drive and for raising \$14,975. He encouraged everyone to get out and vote at tomorrow's elections. He thanked Lt. Governor Bauer for honoring him tonight. He wished everyone a Happy Thanksgiving. He thanked US Senator Lindsey Graham for continuing to support the Town's traffic plan. He later read a thank you note from former Mayor Hugh Rogers thanking the Mayor and Council for the proclamation for his 80th birthday.

Mayor Pro-Tem Hazel Tyndall congratulated Mayor Halfacre on receiving the Patriot Award. She stated that he does a great job dealing with all the strong personalities on Council and he keeps them pulled together. She congratulated the Historic Preservation Review Board for their 2nd annual reception to present awards to individuals and businesses for preserving Lexington properties. She wished a Happy Birthday to her son-in-law.

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Councilmember Richard Thompson encouraged everyone to exercise their right to vote at the polls tomorrow. He added that some countries do not have that right so he hoped everyone would use their God given and legal rights.

Councilmember Kathy Maness congratulated Mayor Halfacre on receiving the Palmetto Patriot Award. She encouraged everyone to get out and vote tomorrow in that it is a very important election and she wished everyone good luck including two School Board candidates present at tonight's meeting. She thanked Chief Green and the Police Department for a great Fall Festival and to Municipal Attorney Cunningham for helping cook the hotdogs. Councilmember Maness stated that she would be at the Veteran's Parade on Sunday and she hoped to see everyone there. She stated that she has much to be thankful for including living in Lexington and she wished everyone a Happy and safe Thanksgiving.

Councilmember Ted Stambolitis wished a Happy Birthday to staff members celebrating in November. He also wished his wife and his brother a Happy Birthday. He congratulated Mayor Halfacre on receiving the Palmetto Patriot Award. Councilmember Stambolitis added that the Mayor is truly a good patriot and he has learned a lot from the Mayor. He wished everyone a Happy Thanksgiving and God bless.

Councilmember Danny Frazier congratulated Mayor Halfacre on receiving the Palmetto Patriot Award. He added that the Mayor does a great job in Town and building partnerships throughout the midlands area. He recognized Scott Adams and Debbie Knight, School Board candidates, and wished them luck in the election tomorrow. He added that they would do a great job on the School Board and he hoped everyone would vote that way. He requested that everyone keep Paul Giuliano in their prayers. Paul was recently injured after falling off a ladder and is in serious condition at the hospital.

Councilmember Todd Shevchik thanked everyone who came out to Travinia's last week for the fashion show and to help raise money for the cure for breast cancer. He added that Herndon Chevrolet and Lola's helped raise money for Ta-tinis who help families with expenses associated with their cancer treatment. Councilmember Shevchik recognized two school board candidates and encouraged everyone to vote tomorrow. He added that he and Council members Frazier and Thompson would be at the polls tomorrow to start gathering signatures to run for Town Council in 2011.

Mayor Pro-Tem Hazel Tyndall commended Gigi Shevchik who donated \$750 from her jewelry business to help with the breast cancer fund raiser last week.

QUESTIONS FROM THE MEDIA: – None.

PUBLIC COMMENTS

A student congratulated Mayor Halfacre for receiving the Palmetto Patriot Award.

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

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

The Regular Council meeting was adjourned at 7:25 p.m.

Respectfully submitted,

Becky P. Hildebrand, CMC
Municipal Clerk

APPROVED:

T. Randall Halfacre
Mayor