

**MINUTES**  
**Town of Lexington**  
*Executive Session and*  
**COUNCIL WORK SESSION**  
October 18, 2010

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Town Council held an Executive Session followed by a Council Work Session on October 18, 2010 in the Eli Mack Sr. Room. The Executive Session and Council Work Session were attended by: Mayor Randy Halfacre, Mayor Pro-Tem Hazel Tyndall, Council Members Richard Thompson, Kathy Maness, Ted Stambolitis, Danny Frazier and Todd Shevchik. Staff members present for a portion of the Executive Session were: Assistant Town Administrator Stuart Ford, Municipal Attorney Brad Cunningham, and Municipal Clerk Becky Hildebrand. Also present for the Council Work Session were: Police Chief Terrence Green, Community and Economic Catalyst Johnny Jeffcoat, Utilities and Engineering Director Allen Lutz, Finance Director Kathy Roberts, Director of Parks, Streets and Sanitation Dan Walker, and Planning, Building and Technology Director Leah Youngblood.

There were two (2) citizens present and one (1) reporter from the news media.

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**EXECUTIVE SESSION REPORT**

Mayor Halfacre reported that the *Executive Session* was called to order at 5:33 p.m. after a motion was made by Councilmember Frazier and seconded by Councilmember Stambolitis to go into *Executive Session*. The motion was unanimously carried by all those present. Council adjourned from *Executive Session* at 6:06 p.m. after a motion was made by Councilmember Maness and seconded by Councilmember Shevchik. The motion was unanimously carried. Mayor Halfacre reported that Council met in *Executive Session* to discuss: one legal update regarding pending litigation; two economic development opportunities, and one personnel issue regarding the Town of Lexington's Vision Plan Steering Committee. No vote was taken. A motion was made by Mayor Pro-Tem Tyndall and seconded by Councilmember Shevchik to ratify the Mayor's *Executive Session* report. The motion was unanimously carried.

**INVOCATION, PLEDGE AND CALL TO ORDER:** Councilmember Thompson gave the invocation and Councilmember Stambolitis led in the Pledge of Allegiance. Mayor Halfacre called the Work Session to order at 6:10 p.m. and welcomed everyone to the meeting.

**APPROVAL OF MINUTES:** A motion was made by Mayor Pro-Tem Tyndall and seconded by Councilmember Shevchik to approve the minutes from the September 20, 2010 Council Work Session and the October 4, 2010 Regular Council Meeting. The motion was unanimously carried.

**BUSINESS ITEMS:** (For Discussion and Recommendation for Council Meeting on November 1, 2010.)

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1. **Proposed Peddlers and Solicitors Ordinance Amendment – Director of Planning, Building & Technology Leah Youngblood.** It was proposed to amend the peddlers and solicitors ordinance to improve its clarity and also to allow more charitable fundraising in Town. (Proposed ordinance attached.) The ordinance was amended to allow charitable fundraising without a permit and to further clarify the prohibited and permissible activities.

A motion was made by Councilmember Stambolitis and seconded by Mayor Pro-Tem Tyndall to place the proposed ordinance on Council’s November 1, 2010 agenda for approval. The motion was unanimously carried.

2. **Mobile Home Parks Ordinance Amendment - Director of Planning, Building & Technology Leah Youngblood:** Rod Black, who owns the Cedarcrest Mobile Home Park at 366 Railroad Avenue, requested a text amendment to the Mobile Home Parks Ordinance. He would like to install two additional manufactured homes in his mobile home park. The Mobile Home Parks Ordinance would prohibit him from installing any additional homes due to the following sections:

Section 151.05.01 (I) which states that “in order to expand an existing park, a recreation area equal to ten percent (10%) of the gross park area (existing plus proposed area) must be provided within the park boundary”.

Section 151.05.01 (H) which states that “no recreational area shall be less than three hundred (300) square feet in area”.

The Cedarcrest Mobile Home Park does not have the land available to meet these requirements. Mr. Black is requesting to change these sections as described on his attached application such that the Ordinance would allow him to install the two additional homes. Any changes to the Mobile Home Parks Ordinance must be applied to not only the Cedarcrest Mobile Home Park but also any other mobile homes parks that are located in the Town presently or in the future. Currently, one other mobile home park is located in Town – the Jackson Mobile Home Park at 170 Railroad Avenue. The Jackson Mobile Home Park contains approximately 4.4 acres of undeveloped land, so if these changes were made to the Ordinance, the owner could ostensibly locate approximately 17 additional mobile homes there. (Mr. Black has worked out an agreement with the present owners of the Jackson Mobile Home Park, Jesse and Jean Jackson, stating that they will not request to install additional homes. However, Municipal Attorney Cunningham advised that even if recorded by the Register of Deeds, such an agreement could be modified or retracted at any time by the present owners or future owner of the park.)

Moreover, a few other mobile home parks are located either contiguous to or close to the Town’s boundaries that would fall under the Mobile Home Parks Ordinance upon annexation. These include parks located at 4901 Sunset Boulevard (Victoria Lakes), 4801 Sunset Boulevard (Rolling Meadows), 142

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Industrial Drive, 349 Railroad Avenue, and TMS #005426-01-004 on Railroad Avenue. Victoria Lakes also owns 21 acres of undeveloped land adjacent to its current mobile home park. As a side note, a variance is not an available option to Mr. Black because the Mobile Home Parks Ordinance is not an Ordinance of the type for which variances are allowed. The Planning Commission discussed Mr. Black's request at its last meeting and recommends denial of his proposed changes.

Mayor Halfacre stated that he did not know where Council could go with the request in that a change to the ordinance would affect all mobile home parks not just Mr. Black's. He called on Mr. Rod Black to show Council enlarged pictures of the mobile home park. Mr. Black stated that the area where he would like to place two additional mobile homes is currently bare and previously had two wells and one tank which have been removed. He confirmed that he has 8 acres; provides 300 square feet per mobile home; currently has 42 mobile homes in the park; has owned the property for two years; and has to be on Town water since the property was previously contaminated. He further stated that depending on how you read Section 151.05, he may not have an argument.

Ms. Youngblood confirmed that there are approximately 5 to 6 other mobile home parks. She added that the Jackson Mobile Home Park has 4.4 acres of undeveloped land and they could add 17 more mobile homes if the ordinance is changed. She later confirmed that there are two mobile home parks on Highway 378 one of which (Victoria Lakes) has 21 acres of undeveloped land adjacent to the property. Councilmember Frazier stated that the Victoria Lakes Mobile Home Park would eventually be sold as taxes increase because property was too valuable along Highway 378. He later added that Mr. Black was in a unique situation where the property was previously contaminated and now he has to pay more taxes, water, and sewer by being in the Town.

Councilmember Maness requested that Keith Frost, Chairman, Planning Commission, address the issue. Mr. Frost stated that the Planning Commission had discussed the request as presented to them in great detail. He added that they had leaned on staff to define the intent of the ordinance. They looked at it the same as a subdivision where the number of homes requires a certain amount of green space. They concluded that it was not appropriate to change the ordinance in that it would change it for all existing mobile home parks plus parks in the future. Mr. Frost later stated that the Planning Commission could look at the item again at their October work shop to determine if the requirement should be either/or regarding the 10% recreation area and no less than 300 square feet.

Councilmember Shevchik asked if Mr. Black could shift the mobile homes around in order to make the 10% recreational rule work out. He recommended a tennis court or football field. He agreed that the wording in the ordinance needed to be clarified, but that may not help Mr. Black. Mayor Halfacre responded that it would be a large undertaking to move them all around.

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Councilmember Stambolitis confirmed that the ordinance requires 10% of the gross park area for recreation in order to expand a park and “shall not be less than 300 square feet”. Ms. Youngblood confirmed that Mr. Black’s mobile home park does not meet either requirement.

It was the consensus of Council to return the item to the Planning Commission’s work shop and bring it back to Council’s November Work Session. Mayor Halfacre stated that they know what they want, but they also want to protect Lexington and stay consistent with residential requirements.

Mayor Halfacre wished to thank Mr. Frost and the Planning Commission for doing a great job for the Town. He stated that while attending a USC football game the subject came up with a friend who complimented the Town’s Planning Commission and the Town staff.

Councilmember Thompson, Liaison to the Planning Commission, added that the Planning Commission does a super job. He stated that they put in a lot of time and effort and look at every item several times to do what is right for the Town.

3. **A Resolution Appointing Ameris Bank as Custodian – Finance Director Kathy Roberts:** currently the Town has a Repair and Replacement account for the 2004 Revenue Bonds at US Bank which does not earn any interest. The Town has the opportunity to place the money at Ameris Bank and earn 0.25% interest. To make the transition Council is required to approve the attached resolution to appoint Ameris Bank as Custodian. (Copy attached.)

A motion was made by Councilmember Maness and seconded by Councilmember Frazier to place the request on Council’s November 1, 2010 agenda. Ms. Roberts confirmed that the account balance is approximately \$100,000 and the transition meets the Town’s Bond requirements. The motion was unanimously carried.

4. **Town of Lexington Vision Plan Steering Committee Selection – Mayor Randy Halfacre:** 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. 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.

A motion was made by Mayor Pro-Tem Tyndall and seconded by Councilmember Shevchik to place the request on Council’s November 1, 2010 agenda. Mayor Halfacre presented several names as potential committee members. Council Members added several recommendations and requested that staff contact the individuals prior to Council’s November

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meeting to see if they would be willing to serve. The motion was unanimously carried.

5. **Mission of Faith Gospel Singers Contributions – Municipal Clerk Becky Hildebrand:** The Town received a request from the Mission of Faith Gospel Singers for a contribution to their annual Seniors Christmas Dinner. (Letter attached.) The Town helped fund this event in 2008 and 2009 in the amount of \$400.00.

A motion was made by Councilmember Thompson and seconded by Councilmember Maness to place the item on Council's November 1, 2010 agenda. The motion was unanimously carried.

6. **Grant for Lexington Greenways Alliance for 14 Mile Creek Trailhead – Director of Parks, Streets and Sanitation Dan Walker:** The Town owns a parcel of land on 14 Mile Creek that was proposed by Lexington Greenway Alliance to build a trailhead on. They applied for a SCPRT Trail Grant and have been awarded the grant. The grant is in the amount of \$100,000.00 with a 20% match. The estimated cost of the project according to Lexington Greenways is \$141,250.00. In March, 2010 the Town agreed to the 20% match of the grant. The match can be cash or in-kind. Council requested that the item be brought back to the Work Session for further discussion.

Council addressed concerns and unanswered questions regarding the Lexington Greenways Alliance Grant. Councilmember Maness asked for clarification regarding the increased amount from \$20,000 to \$25,000 as indicated on the Financial Information sheet of the grant application. She also questioned if the Town's portion was in-kind or cash and who were the "other sources" to provide another \$16,250. Mr. Ford responded that the 20% match is based on the total project. He added that the "other sources" have not yet been identified and the Town's portion included cash and in-kind. It was estimated that it would take Parks staff approximately 64 hours or 1 ½ weeks to do the project. Mr. Ford stated that the initial desire was for the Town's match to be in-kind, however further discussions indicated that more cash would be needed.

Parks, Streets and Sanitation Director Walker stated that the project also involves a wetlands issue. He added that the cost of wetlands is not included in the cost of the project. Mr. Walker indicated that a wetlands study had been completed in 1996, but it would not be used because it was over 10 years. A new study would be required and could cost approximately \$3,000 to \$5,000. He stated that it is now required to purchase wetlands in units from a "wetlands bank" and the U.S. Army Corp of Engineers estimated that it may require five units at a cost of \$10,000 to \$15,000 per unit. He later stated that the project also includes a Planning/Design/Engineering Fee of \$6,100.00 and a Project Management Fee of \$12,800.00.

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Councilmember Frazier requested that local a vender be required to do the wetlands study. He also confirmed that an engineering company had not yet been named.

Mayor Pro-Tem Tyndall asked who was overseeing the grant and the project. She also asked if the Parks Department would be expected to do the entire project. She added that she heard the project was “floundering” due to several issues. She also asked if the grant would be in jeopardy if the Town did not participate.

Mayor Halfacre suggested that Mr. Ford contact Mr. Whitaker at the COG to see if they could help with the project. He stated that there is a long term vision for walkways to tie into the Saluda River and go from the Lake Murray Dam to Lexington. He stated that there are a lot of unanswered questions with a lot of work yet to be done; however, the project did not appear to be time sensitive.

Councilmember Shevchik asked if the security issues had been addressed and asked Chief Green to comment. Chief Green stated that the trails would require two officers from dusk to dawn or 8:00 a.m. to 6:00 p.m. He stated that call boxes and/or cameras would not be enough to secure the trails. Two officers would reduce the number of officers needed on the road for other emergencies.

Municipal Attorney Cunningham suggested that Council bring the item back to the November Work Session and invite members of the Lexington Alliance in order to answer questions for Council. It was the consensus of Council to bring the item back to the November Work Session.

**FOR YOUR INFORMATION**

1. **Emergency Procurements – Finance Director Kathy Roberts:** A summary of emergency purchases made in the third quarter of 2010 was presented to Council to accept as information and to direct that the summary be recorded in the minutes of the work session.

**COUNCIL COMMENTS**

Mayor Randy Halfacre stated that Ken Feister, SCDOT, advised him that right-of-way acquisitions had started on the traffic improvement project. If anyone has questions they may call 734-1402. He announced that the Building Partnership Dinner scheduled for November 17<sup>th</sup> would have to be postponed due to a schedule conflict with Lexington Medical Center. He reminded everyone that this Thursday is the

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second annual Sertoma Big Thursday dinner and he hoped everyone would help raise another \$8,000 for improvements to Gibson Pond Park.

**STAFF COMMENTS**

Director of Parks, Streets and Sanitation Walker announced that the sidewalk project to Gibson Pond Park was underway and the sidewalk would run from Satcher Ford to Highway 6. He added that the sidewalks on Highway 378 would run just past Victoria Lakes Mobile Home Park.

**PUBLIC COMMENTS:** None.

**QUESTIONS FROM THE NEWS MEDIA**

Ms. Vickie Shealy, Lexington County Chronicle, inquired if the Town had approved the grant for the Lexington Greenways Alliance. Mayor Halfacre stated the Town allowed Grants Administrator Wesley Crosby to assist the Alliance in preparing the grant request. He added that the Council agreed in concept to the project but no work had been started. He added that Mr. Walker would meet with Ms. Sue Green to get some more answers regarding the project. He stated that the COG may be able to help with the project and the wetlands study was yet to be determined. Mr. Walker stated that he only has the preliminary plan which takes the trail through the middle of the wetlands.

**ADJOURNMENT:** There being no further comments or questions, a motion was made by Councilmember Maness and seconded by Mayor Pro-Tem Tyndall to adjourn the Council's Work Session at 7:00 p.m. The motion was unanimously carried.

Respectfully submitted,

Becky P. Hildebrand, CMC  
Municipal Clerk

APPROVED:

T. Randall Halfacre  
Mayor