

MINUTES
Town of Lexington
Executive Session and
REGULAR COUNCIL MEETING
October 1, 2012

Town Council held an Executive Session at 5:30 p.m. on October 1, 2012 followed by the Regular Council Meeting which started at 6:30 p.m. in the Council Chambers at 111 Maiden Lane, Lexington, S.C. The meetings were attended by Mayor Randy Halfacre, Mayor Pro-Tem Hazel Livingston, Council Members Kathy Maness, Ted Stambolitis, Todd Shevchik and Steve MacDougall. Councilmember Danny Frazier was absent (excused).

Staff members present were: Town Administrator Britt Poole, Assistant Town Administrator Stuart Ford, Town Attorney Brad Cunningham, Police Chief Terrence Green, Director of Planning, Building and Technology John Hanson, Community and Economic Catalyst Johnny Jeffcoat, Utilities and Engineering Director Allen Lutz, Finance Director Kathy Roberts, Director of Parks, Streets and Sanitation Dan Walker, Events and Media Coordinator Jennifer Dowden, IT Manager Josh Emory, and Municipal Clerk Becky Hildebrand.

There were approximately sixty-five (65) citizens present and two (2) reporters from the news media.

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 MacDougall to go into *Executive Session*. The motion was unanimously carried by all those present. Council adjourned from *Executive Session* at 6:43 p.m. after a motion was made by Councilmember Stambolitis and seconded by Councilmember Kathy Maness. The motion was unanimously carried by all those present. Mayor Halfacre reported that Council met in *Executive Session* to discuss: two legal updates on advice related to Class Action Lawsuit involving Municipal Bond Derivatives litigation and related to Cayce Sewer contract; one contractual issue related to a proposed contractual agreement for an event located in the Town of Lexington, and four routine personnel matters. No vote was taken. A motion was made by Councilmember Maness and seconded by Mayor Pro-Tem Livingston to ratify Mayor Halfacre's *Executive Session* report. The motion was unanimously carried by all those present.

INVOCATION, PLEDGE OF ALLEGIANCE AND CALL TO ORDER: Mayor Halfacre introduced the Council Members and welcomed everyone to the Council meeting. Dr. Jim Glatz, Senior Minister from Saxe Gotha Presbyterian Church gave the invocation. Councilmember Shevchik led in the Pledge of Allegiance. Mayor Halfacre called the meeting to order at 6:53 p.m.

ADDITIONS/DELETIONS

Mayor Halfacre requested the following item be added as New Business Item #9: Amendment to Waste Water Contract; and to defer item #5 (Appointment to the Traffic Committee) and item #6 (Reappointments to Boards and Commissions) to the next Work Session for further discussion.

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

PRESENTATIONS

1. **“Key to the Town” Coach Tim Gates – Mayor Randy Halfacre:** Mayor Halfacre read the Key to the Town honoring the legend of Coach Willie J. “Speedy” Simon and presented it to his widow, Lulu Simon and family and friends. . He added that Coach Simon contributed to the leadership in Lexington and was the head coach at Rosenwald School for eleven years. Mrs. Simon thanked the Mayor and Council for the honor and stated that words could not express her gratitude.
2. **Proclamation to Area Churches and “Together for the City” – Mayor Randy Halfacre:** Mayor Halfacre read the proclamation and thanked the churches for being a part of “Together for the City” and being involved in the community in numerous ways. He presented a proclamation to each church including: The Harvest, Radius, Saxe Gotha Presbyterian, Pilgrim Lutheran, Columbia Crossroads Lexington, Watershed Fellowship; Zion Lutheran, Riverbend Community Church, Lexington Church of Christ, and First Baptist of Lexington. (Copy attached.)
3. **147th Anniversary of New Bethel Church – Councilmember Kathy Maness:** Councilmember Maness read the proclamation honoring the 147th anniversary of New Bethel Church. She presented the proclamation to Mr. Doug Jones and other members of the church. (Copy attached.)
4. **Lake Murray Lions Club Sight and Hearing – Councilmember Ted Stambolitis:** Councilmember Stambolitis read the proclamation and presented it to Mr. Scott Adams and Ms. Kim Groh. Ms. Groh announced several fundraisers for the Lion Club. She added that since the Commission for the Blind had been eliminated, their requests for assistance have increased 200%. She stated that they also help with a children’s camp. Mr. Poole added that drop boxes for used eyeglasses are available at Town Hall.
5. **Proclamation for Worldwide Day of Play – Councilmember Steve MacDougall:** Councilmember MacDougall read the proclamation to encourage kids to get up and go out and play. The proclamation would be forwarded to the Worldwide Day of Play. He added that in honor of Day of Play, Nickelodeon would go dark in order to encourage kids to go outside and play.

VISION PLAN UPDATE

Mayor Halfacre announced that the Vision Plan started approximately two years ago and would provide a crystal ball into the future planning of Lexington. He announced that the Town was recently notified that they won an NLC City Showcase Award for the Vision Plan. He added that several Councilmembers and Staff would go to Boston to present the Vision Plan during the City Showcase. He announced that the planned second project, I-20 Interchange Beautification, was being reviewed by the SCDOT for a \$620,000. He stated that planned project #3 was a new Main Street Façade Program. A total of \$25,000 will be awarded to applicants who qualify.

TRAFFIC UPDATE

Mayor Pro-Tem Livingston provided an update on the Town of Lexington's continuing efforts to improve traffic. (1) SCDOT awarded the bid for the Town's Phase I Traffic Plan to United Contractors, a South Carolina company. Work is scheduled to begin in November. (2) Relocation of sewer lines should be complete soon. (3) Mayor Pro-Tem Livingston announced the streets that would be closed for the annual DooDah Parade and the Town's Oktoberfest. She asked if anyone has any traffic issues to please contact 359-1027. The next Traffic Committee meeting will be held on October 23, 2012 at 8:00 a.m. in the Eli Mack, Sr. Room at Town Hall.

PUBLIC HEARINGS: (None.)

APPROVAL OF MINUTES: A motion was made by Councilmember Maness and seconded by Mayor Pro-Tem Livingston to approve the minutes from the Council Work Session held on September 17, 2012. The motion was unanimously carried by all those present.

OLD BUSINESS

1. (Removed.) **Final Reading of an Ordinance Annexing Portions of TMS #5497-04-005 and 5497-04-034 located near the intersection of South Lake Drive and Glassmaster Road.**

NEW BUSINESS

1. **First Reading - Keeping Domestic Chickens in Residential Areas:** Over the last two months Council discussed an ordinance allowing the keeping of domestic chickens in residential areas. The attached ordinance authorizes this activity on a

MINUTES
REGULAR COUNCIL MEETING
October 1, 2012

limited basis utilizing the guidelines that have been set forth during the Council Work Sessions. (Copy of draft Ordinance attached.)

A motion was made by Councilmember Stambolitis and seconded by Councilmember MacDougall to approve First Reading. Mayor Halfacre confirmed that the ordinance limited the number of chickens to four. The motion was unanimously carried by all those present.

2. **First Reading of an Ordinance Rezoning 147 Hamilton Street:** Brian and Catherine Thornton requested to rezone 147 Hamilton Street from Protected Residential to Limited Commercial (LC) or some other commercial zoning. There is apparently no specific commercial use intended for the property at this time but, the owners have said that a dance studio inquired about using the property. Placing a dance studio on the property would require Limited Commercial (LC) or Neighborhood commercial (NC) zoning. The Planning Commission reviewed the request during their September meeting and recommended against rezoning the property.

Councilmember Maness stated that as the Council Liaison, she attended the Planning Commission meeting and the owners had some confusion about the date and time of the meeting. She thought it was only fair to the owners to return it to the Planning Commission to hear from the owners. Councilmember MacDougall asked the owners if it was the Town's fault about the misunderstanding. Mr. Thornton stated that Staff had notified them. Mr. Poole stated that if the item went back to the Planning Commission, proper notifications would take time and it may not go on the agenda until the following meeting. Councilmember Maness wanted to be assured that everyone would get proper notice, including the adjacent owners so they could return to the meeting if they so desired. She added that if they could not attend again, their original testimony was made a part of the record from the previous Planning Commission meeting. She asked that Mr. Hanson also use the email addresses that he obtained at the Planning Commission. A motion was made by Councilmember Maness and seconded by Mayor Pro-Tem Livingston to return the item to the Planning Commission. The motion was unanimously carried by all those present.

3. **First Reading of an Ordinance Annexing 125 Pilgrim Point Drive – Lexington County Tax Map #3420-01-049:** (Copy attached.) Mr. Heyward B. Sutherland owns a property located at 125 Pilgrim Point Drive and petitioned for annexation. Mr. Sutherland plans to build a residence on the property. Properties already in the Town limits in this area are zoned Protected Residential (PR) and Pilgrim Point Drive is already classified as a Residential Local Six (RL6) road. The Planning Commission recommended the same classifications for this annexation during their September meeting.

MINUTES
REGULAR COUNCIL MEETING
October 1, 2012

A motion was made by Councilmember Shevchik and seconded by Councilmember Maness to approve First Reading. The motion was unanimously carried by all those present.

4. **Modification – Local Vendor Preference Program:** The Town expanded the Local Vendor Preference Program in 2011 to enhance opportunities of subcontractors, widen the areas covered by the preference and increase the limits of the preference. In recent months the Town considered whether to further increase the various limits of the preference. In determining the suggested increases to the dollar limits, the Town considered what would be the maximum amount that the in-town limit could reach. The resulting percentage increases of 50% were then applied to other preference limits. Council directed that the in-region preference percentage be increased to 4% and that the dollar limit be appropriately adjusted prior to Final Reading. The following summarizes the resulting adjusted limits: (Copy of Ordinance Amendment attached.)

- (1) Increase the in-town preference limit from 7%/\$10,000 to 7%/\$15,000.
- (2) Increase the in-county preference limit from 5%/\$8,000 to 5%/\$12,000.
- (3) Increase the in-region preference for Newberry, Richland, Fairfield and Kershaw counties from 3%/\$4,000 to 4%/\$8,000.
- (4) Increase the in-state credit from 2%/\$2,500 to 2%/\$3,750.

The goal is to provide a reasonable, defensible preference while recognizing the interest of tax and rate payers in getting a competitive price. The local preference credits do not change the actual contract award amount for any vendor. The credits are applied to qualifying vendors when determining ranking of lowest bid amounts. In addition to the preference credits, for contracts exceeding \$100,000 proposers are required to document attempts to utilize qualifying local vendors as subcontractors.

A motion was made by Councilmember MacDougall and seconded by Councilmember Stambolitis to approval Final Reading of an Ordinance to modify the Local Vendor Preference to increase Preference Limits. Mayor Halfacre stated that this is a good proposal and a good balance. The motion was unanimously carried by all those present.

5. (Deferred to Work Session.) **Appointment to the Traffic Committee.**
6. (Deferred to Work Session.) **Reappointments to Boards and Commissions.**
7. **South Carolina Virtual Charter School Rental Fee Waiver:** The South Carolina Virtual Charter School, part of the public school system, is required by State Law to perform annual tests for students. The organization asked for a fee waiver for the following dates and facilities to ensure that all students are properly tested. (Request letter attached.)

MINUTES
REGULAR COUNCIL MEETING
October 1, 2012

March 19 Conference Center, Eli Mack Room, Boardroom C
May 7 – 10 Conference Center, Eli Mack Room, Boardroom C
May 22 – 23 Conference Center, Boardrooms A, B, C

Following is the value for the South Carolina Virtual Charter School events: (One deposit for Conference Center (\$250) and Eli Mack (\$100) would still be required.)

Conference Room: \$600 (in town) or \$1000 (out of town) = max waiver \$3,000
Eli Mack Room: \$150 (in town) or \$200 (out of town) = max waiver \$600
Boardrooms: \$ 25 (in town) or \$50 (out of town) per day = max waiver \$250

A motion was made by Councilmember Stambolitis and seconded by Councilmember Maness to approve the requests as stated. The motion was unanimously carried by all those present.

8. **South Carolina Adoption Coalition for Education and Support (ACES) Rental Fee Waiver Request:** The South Carolina Adoption Coalition for Education and Support (ACES) and the South Carolina Bar Young Lawyers Division annually hosts the Families Forever Fair and are looking to bring the event to Lexington in 2013. The free event focuses on adoption consultations, awareness, and foster care. The organization asked for a fee waiver for the Conference Center and Eli Mack Room for Saturday, March 2, 2013. Council was provided a copy of a press release for the 2012 event hosted in Greenville and North Charleston. Following is the value for the ACES event: (Deposit for Conference Center (\$250) and Eli Mack (\$100) would still be required.)

Conference Center: \$600 (in town) or \$1000 (out of town)
Eli Mack Room: \$150 (in town) or \$200 (out of town)

A motion was made by Councilmember MacDougall and seconded by Councilmember Maness to approve the request as stated. Mayor Pro-Tem Livingston recused herself from the discussion and vote in that a family member is associated with the organization. (Copy of Recusal Form and request letter attached.) The motion carried with a vote of five (5) in favor and one (1) recused (Livingston).

9. (Addition) **Amendment to Wastewater Services Agreement:** The Town of Lexington, Joint Municipal Water and Sewer Commission and the City of Cayce negotiated an Amendment to our Wastewater Services Agreement to provide for the implementation of the initial Rate Methodology and related matters. Approval of the Amendment is subject to the City of Cayce providing finalized supporting schedules that incorporate final agreed terms and giving final approval of the Amendment.

MINUTES
REGULAR COUNCIL MEETING
October 1, 2012

A motion was made by Councilmember Shevchik and seconded by Councilmember MacDougall to approve the Amendment to the Wastewater Services Agreement as stated. Councilmember Shevchik thanked the Mayor and Staff for all their hard work done on this project. He added that this project has been on the “burner” since he came on Council. He had learned a lot about wastewater and quality of flow. He stated that his kids couldn’t believe it when he explained wastewater flow to them and that it actually went all the way to Cayce. Councilmember Shevchik stated that two Town Administrators and the Municipal Attorney had worked on this project and it protects the citizens’ rates and makes the rates predictable. Councilmember Stambolitis stated that Staff never gave up on this project and it will insure the growth and financial well-being of the Town. He also thanked the Mayor, the City of Cayce, and the Joint Municipal Water and Sewer Commission for the joint project. Mayor Halfacre stated that the project probably goes back a decade. He added that it does stabilize rates for the Town’s citizens, but it also provides economic opportunities and jobs which makes it a great day for Lexington. The motion was unanimously carried by all those present.

COMMENTS

Mayor Halfacre wished a Happy Birthday to all Town employees celebrating birthdays in October. He expressed his condolences to Councilmember Stambolitis in the recent loss of his Dad. He added that Mr. Stambolitis was a great man and will be missed. Mayor Halfacre reminded everyone of the Town’s Farmers Market at 206 North Church Street which will be open every Saturday through October 27, 2012. He announced that he had read a Proclamation honoring the 100th Anniversary of the Lexington County Library on September 23, 2012. Mayor Halfacre encouraged everyone to attend the upcoming Lexington Sertoma Big Thursday on October 18, 2012. He added that this is a great fundraiser and all the proceeds go to improvements at Gibson Pond Park. He announced the Lexington Police Department’s Fall Festival to be held on October 23, 2012. He added that this event gets bigger and better every year. Mayor Halfacre announced that the Town’s Historic Preservation Review Board will award this year’s Historic Awards on October 25, 2012 and will be held at the Palmetto Collegiate Institute. He stated that this year’s Oktoberfest will be held on October 27, 2012. He thanked Lexington’s Young Professionals and Town Staff for all their work on this event which celebrates Lexington’s German heritage. Mayor Halfacre announced that the Town would revamp the Snowball Dance in Lexington in this year’s Snowball Festival events in December which will include a parade, carollighting and dance. He later announced that he has a new radio spot on 107.9 every Wednesday at noon and his first guest will be the Director of Voter’s Registration, Dean Crepes. Mayor Halfacre stated that the Columbia Monthly Business Review magazine had an article regarding Avtec coming to Lexington. He added that this is a great business for the Town. In the article, Avtec was quoted as saying that you can walk into the Town of Lexington and get a business license within a matter of a couple hours and that gives the Town a competitive advantage.

MINUTES
REGULAR COUNCIL MEETING
October 1, 2012

Mayor Pro-Tem Livingston stated that she had received many comments thanking the Town for sponsoring the Façade Program. She stated that with the completion of Lexington Square, they are looking for ideas to extend the beautification down Main Street. Mayor Pro-Tem Livingston stated that the fence would soon be in place at Lexington Square which will make it safer for children. She added that it was also paid for by the Lexington Beautification Foundation. Mayor Pro-Tem Livingston stated that SCDOT has a few questions on the I-20 Interchange Project and the Dennis Corporation will be making a few changes to the plans. She hoped it would go out to bid by November. She expressed her condolences to Councilmember Stambolitis in the loss of his father.

Councilmember Kathy Maness encouraged everyone to come out to the Town's Farmers Market. She thanked the vendors who have participated each week. She expressed her condolences to Councilmember Stambolitis in the recent loss of his Dad. She added that her thoughts and prayers went out to him and his family and she was glad to attend the wonderful Celebration of Life in Mr. Stambolitis' honor. She thanked the area ministers and churches for participating in "Together for the City". Councilmember Maness wished her son a Happy 21st Birthday tomorrow. She congratulated the Town on receiving an NLC City Showcase award for the second year in a row. She added that she has participated in the National League of Cities for many years and it will be great to participate with other Councilmembers this year.

Councilmember Ted Stambolitis stated that his Dad, John Stambolitis, lost his life due to heart failure on September 8, 2012. He added that his Mom and Dad moved to Lexington in 1991 after retiring from the restaurant business in Florence. He stated that the people of Lexington always treated his Dad with love and respect. Councilmember Stambolitis stated that when he first decided to run for Town Council, his Dad was his greatest supporter and hustled to help his campaign. He expressed his thanks to citizens and Staff who reached out to him and his family during this time of loss. He especially wanted to thank the Mayor and Council for their love and support and he will not forget it. Councilmember Stambolitis wished his daughter a Happy 18th Birthday.

Councilmember Todd Shevchik thanked everyone for attending the meeting and for listening to the wide range of speakers. He congratulated the Town Council, Cayce Mayor Parton and City Administrator Rhodes on the joint wastewater plant project. He wished his daughter a Happy Birthday. Councilmember Shevchik expressed his condolences to the Stambolitis family. He remembered when he and his children went to an ice cream shop near the restaurant almost every day, and there was a gentleman there that always talked to him and the kids. He did not find out until sometime later that the gentleman was Mr. Stambolitis and he always appreciated how Mr. Stambolitis included the kids in his conversations.

Councilmember Steve MacDougall reminded everyone that this Saturday is "Worldwide Day of Play" so get up, get out and go play. He reminded everyone that

MINUTES
REGULAR COUNCIL MEETING
October 1, 2012

Oktoberfest is the same day as the Carolina/Tennessee game, so if you don't want to get stuck in all that traffic, just come to Lexington's Oktoberfest.

Town Administrator Britt Poole stated that everyone would miss Mr. Stambolitis, especially employees at Town Hall, because he would always have great words of wisdom when he visited. He thanked the Mayor and Council for their vote on the Amendment to the Wastewater Contract which was a long time coming. He announced that voter's registration ends Friday so you can vote in the election in November. He added that you can't complain if you don't vote.

QUESTIONS FROM THE NEWS MEDIA

Mr. Terry Ward, Lexington County Chronicle, requested a copy of the Amendment to the Wastewater Agreement.

PUBLIC COMMENT

Mr. Scott Adams thanked the Mayor and Council for their support on the Local Vendor Preference program. He stated that small businesses in the Town of Lexington are the lifeblood of the Town and the County. He added that statistics show that out of every \$100 spent at a local independent business, \$68 remains in the area; and if spent at a national chain, \$43 remains in the area. He stated that if that money was spent with out of state businesses, none of the money would stay in the area. He thanked them for always looking out for small businesses.

Mayor Halfacre thanked Mr. Adams and added that the Town netted 800 new businesses last year.

Ms. Janet Ballard Frazier thanked the Mayor and Council for everything they do in Lexington. She confirmed that the new wastewater agreement would stabilize the rate, but would not lower the rate. Mayor Halfacre added that 3% is already programed to comply with the Town's bonding requirements. He stated that our debt coverage also has to be at least 1.2 and the Town's is 1.5. He added that with all the regulations that come from the Federal Government it is extremely expensive to treat wastewater. Ms. Frazier stated that she was also running for Lexington School District 1 School Trustee.

ADJOURNMENT

Mayor Halfacre thanked the Council Members and citizens for attending the Council meeting. He thanked those at home for viewing the Council meeting on Channel 2 and it will also be replayed several times during the week.

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

MINUTES
REGULAR COUNCIL MEETING
October 1, 2012

The Regular Council meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Becky P. Hildebrand, CMC
Municipal Clerk

APPROVED:

T. Randall Halfacre
Mayor

FOIA COMPLIANCE – Public notification of this meeting was published, posted and mailed in compliance with the Freedom of Information Act and the Town of Lexington requirements.