

MINUTES
Town of Lexington
Executive Session and
REGULAR COUNCIL MEETING
December 3, 2012

Town Council held an Executive Session at 5:30 p.m. followed by a Regular Council Meeting on December 3, 2012 at 6:30 p.m. in the Eli Mack Sr. Room and Council Chambers. The meetings were attended by: Mayor Randy Halfacre, Mayor Pro-Tem Hazel Livingston, Council Members Kathy Maness, Ted Stambolitis, Danny Frazier, Todd Shevchik and Steve MacDougall. Staff members present were: Town Administrator Britt Poole, Assistant Town Administrator Stuart Ford, Town Attorney Brad Cunningham, 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, Events and Media Coordinator Jennifer Dowden, IT Manager Josh Emory, and Municipal Clerk Becky Hildebrand.

There were approximately thirty (30) citizens present for the Council Meeting and one (1) member of the news media.

EXECUTIVE SESSION REPORT

Mayor Halfacre reported that the *Executive Session* was called to order at 5:31 p.m. after a motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember MacDougall to go into *Executive Session*. The motion was unanimously carried. Council adjourned from *Executive Session* at 6:25 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: two legal matters regarding economic development, two contractual issues related to the sale of real estate and one routine personnel matter. No vote was taken. A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Maness to ratify Mayor Halfacre'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. Pastor Kevin Thumpston, Watershed Fellowship, gave the invocation. Mayor Pro-Tem Livingston led in the Pledge of Allegiance. Mayor Halfacre called the meeting to order at 6:46 p.m.

ADDITIONS/DELETIONS

Mayor Halfacre requested the following items be added:

New Business Item #6: Request for Funding Martin Luther King Celebration

MINUTES
REGULAR COUNCIL MEETING
December 3, 2012

- New Business Item #7: Arbor Day Proclamation
- New Business Item #8: Consideration of Purchase of Property

There being no objections from Council, the items were added.

PRESENTATIONS

1. **Phase I Traffic Improvement Plan – Bryan L. Jones, SCOT District One Construction Engineer:** Mr. Jones presented an update on the Town's Phase I Traffic Improvement Plan and stated that the project started construction today at Highway 1 and 378. He stated that the \$4.7 million contract was awarded to United Contractors with an anticipated completion date of April, 2014. The scope of the project is to add turn lanes, sidewalks, pedestrian crossing, and mast arms for lights. Mr. Jones stated that flyers went out in November to the businesses in the project area. He added that congestion and inconvenience is unavoidable, but his staff is very good with communicating all the issues to the property owners to help minimize interruptions. He stated that night time construction would also help reduce traffic issues, but it is a trade off because of the noise at night. Riley's Drugs will be demolished to allow for an underground detention area and the space will be used for green space. Mayor Halfacre confirmed that the brick from Riley's Drugs can be used for a designation indicating that this is the original site of Riley's Drugs. Mr. Jones stated that the Town could work that out with the contractor. He directed Council to a SCDOT package and flyer for contact information. (Copy attached.) He stated that in moving water and sewer lines, there is always the possibility of running into the unknown with old pipes which can delay a project, but coordination with Town would be important to solving issues as fast as possible. Mr. Jones stated that they would also coordinate with property owners for all relocation of signs. He introduced Ashleigh Sandel, Resident Construction Engineer with SCDOT, whose office is located on Park Road.

Mayor Halfacre stated that he was elected to Council in 1994 and shortly after that the Town did a streetscape on Main Street which was a total disaster because of lack of communication and construction delays in excess of 18 months. He stated that we cannot have that happen on West Butler Street. He did not want his wife receiving calls in the middle of the night, like the other week when he was in Boston to answer questions. He added that he is the one on call, not his wife. Mayor Halfacre stated that Staff usually handles issues and his job would be miserable if he didn't have such a great Staff, but he would look to SCDOT to handle the project and do it right. He added that he was so excited about this project getting underway, so he did not mind receiving a call or two about it if necessary. Mr. Jones responded that United Contractors, and Mr. Mike Hanley, is very good with this type project and they are professional and courteous with property owners. He added that there will be unavoidable delays, and it is due to the unknown, not the known. Mayor Halfacre added that the Staff at SCDOT is very professional and it will be a great day in April, 2014.

MINUTES
REGULAR COUNCIL MEETING
December 3, 2012

Councilmember Stambolitis thanked the SCDOT for all their communication efforts early on with property owners in the project area. He added that night time construction is a great idea, but he wanted to insure that emergency vehicles could get through the area. Mr. Jones responded that the emergency vehicles could get through because they are not closing the entire road, just lane closures. Councilmember Stambolitis confirmed that all drive-ways would be open except in limited situations. He later inquired about a recent gas line that burst during a construction project, and how situations would be handled or would they have an emergency response team. Mr. Jones responded that citizens should call 911 and then SCE&G if a gas line breaks. He added that if it is a service line, the contractor will cap it and they will contact the gas company. Mr. Jones stated that there would be crews on the site each night and they would make any emergency phone calls before anyone else knew about it. Ms. Sandel stated that all crew members have 24 hour emergency contact numbers. Councilmember Stambolitis asked if they could be placed in strategic locations.

Mayor Halfacre requested that all Council calls should be directed to the Town Administrator so the contractor and engineers were not overloaded with calls and questions. Mayor Pro-Tem Livingston requested more copies of the flyer for the Traffic Committee.

Councilmember Maness stated that when she ran for Council eight years ago she ran on traffic improvement so she was very excited to see it get moving. She welcomed Mr. Gibson, from Lancaster, to the meeting.

Councilmember Frazier confirmed that Ms. Sandel would oversee the project and note rain dates and construction issues, even though other engineers would be on-site. He confirmed that the contract has a clause for liquidated damages if the deadline is not met. Mr. Jones responded that utilities are usually the issue, not rain, but he felt comfortable that since the Town has such an interest in the project, he knew everyone would be working in the same direction. Councilmember Frazier stated that he and the Mayor made a trip to Hilton Head to seek funding for the project with Congressman Joe Knollenberg and Mr. John Hardee had also assisted with funding. He added that his business partner, Henry Taylor and former DOT Commissioner, also helped obtain \$8 million and he wished to thank all these individuals for bringing the Town to this point.

Mayor Pro-Tem Livingston stated that she had been with this project for eleven years, even before some were on Council, and it had been a long process, but she has full faith in SCDOT. She added that Mr. Poole always says great things about working with SCDOT on this project.

VISION PLAN UPDATE

Mayor Halfacre gave an update on the Town's Vision Plan: (1) The Town won, for the second year in a row, one of the NLC Showcase awards for the Town's Vision Plan.

MINUTES
REGULAR COUNCIL MEETING
December 3, 2012

Last year, the Town won with the partnership on the wastewater plant. Mayor Halfacre stated that the Vision Plan looks into the future to make sure we don't lose the fine culture in Lexington. He described it as leadership in that it is hard to describe, but you know it when you see it. He thanked all those who attended the NLC Conference in Boston to help showcase the Vision Plan. He requested that the Vision Plan display be placed in the foyer of Town Hall so citizens could see it. (2) The Town revitalized the famous Snowball Dance which was held in the 60's and 70's. Mayor Halfacre stated that the Vision Plan called for events to bring people downtown. The Snowball Festival kicked off with a 5K run on Saturday hosted by PattyPacks with approximately 300 in attendance; a Snowball Dance that evening with proceeds going to the Chris Meyers Children's Place; a cell phone historic walking tour; the Christmas parade; concluded with the lighting of the Christmas tree in Lexington Square. He thanked Jennifer Dowden for being the point person on the entire event. He thanked Dan Walker for the magic snow; the Police Department and all other Staff members for doing a great job on the Snowball Festival.

This year the Town will expand the Christmas activities to a weekend in December to include a 5K run, tree lighting and concert in Lexington Square, Snowball Dance, parade and cell phone historic walking tour.

TRAFFIC UPDATE

Mayor Pro-Tem Livingston stated that there was only one thing to say: Phase I of the Traffic Improvement Plan started today and that is wonderful! She added that the Traffic Committee requested a speed study from Old Cherokee Road at Highway 6 to Pilgrim Church Road. SCDOT provided the requirements to the Town for the adaptive signal study, which is expected to come in on budget. She stated that people are going to be very excited with adaptive signals. Mayor Halfacre added that the computerized adaptive signal plan originated during the planning sessions for the Vision Plan and is 1/10th of the cost compared to the three intersections that were discussed tonight. He added that it would be the roadmap for traffic in the future.

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 Amendment to Business License Ordinance Provisions for Insurance Companies.

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

OLD BUSINESS

1. A motion was made by Councilmember Shevchik and seconded by Councilmember Mayor Pro-Tem Livingston to approve **Final Reading of an**

Ordinance Keeping Domestic Chickens in Residential Areas.

Councilmember Stambolitis stated that there was a protest at the last meeting about this ordinance and he wanted to make sure those issues were resolved. Town Administrator Poole responded that the Town did not receive any further contact and the citizens that came to the last Work Session spoke in favor of the ordinance. The motion carried with a vote of six (6) in favor and one (1) opposed (Frazier).

2. A motion was made by Councilmember MacDougall and seconded by Councilmember Frazier to approve **Final Reading of an Amendment to Business License Ordinance Provisions for Insurance Companies.** The motion was unanimously carried.

NEW BUSINESS

1. **Resolution Adopting Legislative Priorities for 2013:** The Municipal Association of South Carolina (MASC) asked cities and towns to adopt the attached Resolution in support of its legislative priorities for 2013.

A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Maness to approve a Resolution Adopting Legislative Priorities for 2013. Mayor Halfacre stated that the three key areas of the Resolution are: dependable revenue (fully funding local government, currently at 81%); economic development; and dilapidated infrastructure. The motion was unanimously carried. (Resolution attached.)

2. **Pilgrim Point Street Lights:** For the past three years the Town agreed to pay a portion of the street light bill for Pilgrim Point residents. In accordance with the Town's Residential Street Light Ordinance, the Pilgrim Point Homeowner's Association requested that the Town again pay a pro rata share of their streetlight bill. (Copy of request letter attached.) There are 48 lots in Pilgrim Point and the Town Ordinance states that the Town would be responsible for one (1) street light per six (6) lots, which equals eight (8) lights. The total requested is \$1,669.00 ($\$17.39 \times 8 \times 12$). Funds would come from Parks, Streets and Sanitation budget, account #100-60-5520. (Letter of request attached.)

A motion was made by Councilmember Maness and seconded by Councilmember Frazier to approve the request from Pilgrim Point residents as stated. The motion was unanimously carried.

3. **Reimbursement Resolution for General Obligation Bonds:** Town Council authorized the issuance of General Obligation Bonds and BANSs to refinance the cost of acquisition of property on North Church Street and to fund road and other infrastructure repair and improvement projects. To provide maximum financial flexibility, the Town needs to adopt a reimbursement Resolution to

MINUTES
REGULAR COUNCIL MEETING
December 3, 2012

allow for project costs incurred prior to issuance of any tax exempt BANs or bonds to be repaid to the General fund from proceeds of the BANs and/or bonds.

A motion was made by Councilmember Stambolitis and seconded by Councilmember MacDougall to approve a Reimbursement Resolution for General Obligation Bonds. The motion was unanimously carried. (Resolution attached.)

4. **Event Policy:** At the November Work Session, Town Council discussed the implementation of an Event Policy. The policy attempts to ease the financial burden on the Town when the Town's assistance is required at events which the Town does not sponsor. (Policy attached.)

A motion was made by Councilmember Frazier and seconded by Councilmember Stambolitis to approve the Events Policy as submitted. Councilmember Stambolitis explained that the need for this policy arose from costs associated with events that require Staff assistance, including the Police Department. He added that certain private events that are not for the betterment of the Town will not receive assistance from the Town. Mayor Halfacre clarified that if an event is not sponsored by the Town, then the private group will have to pay for the services provided by the Town. Municipal Attorney Cunningham stated that one change was made which adds the provision for the Town Administrator to waive a Business License Fee. He gave the example if a band was playing and that was their only event in the Town. The motion was unanimously carried.

5. **First Reading of An Ordinance Annexing 169 and 179 Industrial Drive – Lexington County Map #5498-05-004 and 5498-05-015 (Quadco – South Carolina, Inc.):** Quadco owns a property located at 169 Industrial Drive and recently purchased an adjacent property located at 179 Industrial Drive. The company petitioned to annex both properties. A residence is currently located on the 179 Industrial Drive lot and there are no plans to expand the manufacturing business onto this property. Properties in Town near these properties are zoned Industrial (IND) and Industrial Drive is classified as an Arterial road. The Planning Commission will review the annexation request during their next meeting.

A motion was made by Councilmember Shevchik and seconded by Councilmember MacDougall to approve First Reading of the Ordinance as stated. The motion was unanimously carried.

6. (Added.) **Martin Luther King Fellowship Banquet Sponsorship:** The Lexington County Ministerial Alliance and MLK Celebration Committee requested Town sponsorship of the annual MLK Fellowship Banquet in celebration of the Martin Luther King holiday. In past years the Town has

MINUTES
REGULAR COUNCIL MEETING
December 3, 2012

purchased a table at the banquet. A contribution of \$250.00 would entitle the Town to a “non-sponsorship” table for eight. (Request letter attached.)

A motion was made by Councilmember MacDougall and seconded by Councilmember Frazier to approve a sponsorship in the amount of \$250.00. The motion was unanimously carried.

7. (Added.) **Proclamation for Arbor Day Celebration:** Arbor Day for the State of South Carolina was created by legislation in 1934 to be celebrated on the first Friday in December each year.

A motion was made by Mayor Pro-Tem Livingston and seconded Councilmember Maness to approve a Proclamation for the Arbor Day Celebration. Mr. Walker confirmed that a tree would be planted in the Virginia Hylton Park, near the old Christmas tree, this Friday at 2:30. Mayor Halfacre confirmed that the information would be on the Town’s web page, Channel 2; and a press release would be sent to the media. The motion was unanimously carried.

8. (Added.) **First Reading of an Ordinance for Consideration to Purchase Property:** The Town is in negotiations to contract to purchase a piece of property in the Town limits. If acquired, the property would be used for an economic development opportunity.

A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Frazier First Reading approval of an Ordinance authorizing the Mayor to sign a contract to purchase the property in an amount no greater than \$1.2 million. The motion was unanimously carried.

COMMENTS

Mayor Randy Halfacre wished a Happy Birthday to all Town employees celebrating birthdays in December including his 65th birthday and Councilmember Shevchik’s birthday. He announced that since Council last met, his family welcomed his newest granddaughter Harper Elizabeth Bryant who was born on November 18, 2012. He added that since the weather was so warm at the tree lighting, she was able to attend and help light the tree. He added that she is a doll baby and the birth of a child is truly God’s blessing. Mayor Halfacre wished to thank Staff again everything they did for the Snowball Festival and the lights on Main Street look great. He stated that The State newspaper had an article today commending the Town on the new Façade Program. He would like to expand this program next year. Mayor Halfacre read from the Lexington County Chronicle which quoted Charles Anderson, a 77 year old gentleman who has visited many towns and listed Lexington as the 27th best town to live in. He announced that his State of Town would be held at Council’s February Council meeting. He wished everyone a Merry Christmas and a happy, healthy and prosperous new year.

MINUTES
REGULAR COUNCIL MEETING
December 3, 2012

Mayor Pro-Tem Hazel Livingston stated that she was blessed yesterday to have five of her six grandchildren ride with her in the Christmas Parade. She addressed Dan Walker and told him Lexington Square was well worth all the hard work, sweat, criticism, and the positives when she saw all the children dancing and feeling safe behind the fence. She added that her daughter and son-in-law, who head up the Lexington Wine Walk which raised the money for Lexington Square, had their 15 month old son at the festival and he had a great time. She enjoyed seeing the kids climb on the rocks, throwing Frisbees and balls and having a great time. She looked forward to many more events at Lexington Square. She also commended Jennifer Dowden for picking the Mud Puppies to perform for the children. Mayor Pro-Tem Livingston added that it was a blessing to get to see the children when the tree was lit. She addressed Chief Green and explained that one of her grandsons was fascinated with the Police Memorial and it will help teach other kids as they come along about respect and honor of those that served and protected us. She wished her son-in-law, Wesley, a Happy Birthday. Mayor Pro-Tem Livingston stated that it was an honor to attend NLC's conference in Boston and see what Councilmember Maness had been talking about for several years. She thanked Councilmember Maness for including everyone and for all the efforts she puts into serving NLC. Mayor Pro-Tem Livingston made a special announcement that her seventh grandchild is due in June to the proud parents of Jewitte and Rod Dooley.

Councilmember Kathy Maness thanked all the Staff members for a great event this past weekend. Her son had a wonderful time, jumped around, and even won a CD. She added that the tree and the bubbles were great. Councilmember Maness thanked the Mayor and her fellow Councilmember who attended the NLC conference in Boston and those that were able to attend the WIMG luncheon where she gave the gavel to the next President of WIMG. She was excited that Phase I of the Traffic Plan has started. She asked everyone to be patient during construction. She wished everyone Merry Christmas and a Happy New Year and to remember the true reason for the season. She added that New Year's Day is also her anniversary.

Councilmember Ted Stambolitis stated that yesterday was a great day for a parade. He thanked the Lexington Jaycees, the Police Department, and the citizens for one of the best parades in the State. He asked the citizens to continue to remember those less fortunate during the holidays, especially Lexington County Foster Association and Meals on Wheels. He added that many people need the simple necessities of life. He thanked everyone for their thoughts and prayers for his wife's pending surgery. He wished everyone in the Town of Lexington a Merry Christmas and a Happy Holidays.

Mayor Halfacre thanked Councilmember Stambolitis for mentioning several worthy causes in Town, but he encouraged everyone to remember all the worthy and deserving associations in Lexington. He wished to put a plug in for the Jaycees and Trip Leonard and encouraged anyone wishing to join Jaycees to please contact Mr. Leonard.

Councilmember Danny Frazier thanked everyone for coming out to the parade and it was the largest one he remembers. He added that there were so many Councilmembers

MINUTES
REGULAR COUNCIL MEETING
December 3, 2012

on the float that they may have to buy Mr. Kirby a new float. He apologized for leaving Mayor Pro-Tem Livingston out of the people to thank for the traffic improvements and she had certainly been involved from the start and he wanted to thank her. He added that the Council had worked diligently to get funding and to get traffic moving for the betterment of the community. He stated that the Town needs more funding for many more things and that will come at a later date. He added that when solutions arise, citizens will be well informed. He wished everyone a Merry Christmas and a Happy New Year.

Councilmember Todd Shevchik wished Jesus a Happy Birthday on the 25th. He wished his son a Happy 13th Birthday on the 6th. He thanked everyone for coming out to the Christmas parade for a fabulous turn out. He thanked the Jaycees and Tripp Leonard for planning a great parade. He was happy to see so many on the Council's float. He congratulated Councilmember Maness for serving her term as President of NLC's WIMG and everyone was very appreciative of her efforts. He stated that the new Snowball Festival was a lot of fun and almost a prom-like atmosphere. He hoped to see even more people there next year. He congratulated the USC Gamecocks on their big win against Clemson Tigers. He wished everyone a Merry Christmas, Happy New Year, and Happy Hanukah.

Councilmember Steve MacDougall stated that it was tough going last because everything had been said, but he wanted to thank Staff for doing a great job on all the weekend festivities, especially with several being in Boston. He wished everyone a Merry Christmas.

Mayor Halfacre agreed that it is tough to go last, so he would like to switch the order of Council's comments at the next meeting.

Town Administrator Britt Poole wished everyone a very Merry Christmas and a Happy Holidays.

NEWS MEDIA

Ms. Tiffany Barkley, Lexington Patch, confirmed that the Events Policy had received final policy approval.

PUBLIC COMMENT: None.

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

MINUTES
REGULAR COUNCIL MEETING
December 3, 2012

The Regular Council meeting was adjourned at 7:52 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.