

**MINUTES**  
*Town of Lexington*  
**Executive Sessions and**  
**REGULAR COUNCIL MEETING**  
**May 6, 2013**

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Town Council held an Executive Session at 5:30 p.m. followed by a Regular Council Meeting at 6:30 p.m. on May 6, 2013 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, Municipal 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, Events and Media Coordinator Jennifer Dowden, Grants Administrator Wesley Crosby, I.T. Manager Josh Emory, Assistant Municipal Clerk Karen Hanner, and Municipal Clerk Becky Hildebrand.

There were approximately eighty (80) citizens and students present for the Council meeting and two members from the news media.

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**EXECUTIVE SESSION REPORT #1**

Mayor Halfacre reported that the *Executive Session* was called to order at 5:35 p.m. after a motion was made by Councilmember Shevchik and seconded by Councilmember MacDougall to go into *Executive Session*. The motion was unanimously carried. Council adjourned from *Executive Session* at 6:40 p.m. after a motion was made by Councilmember Stambolitis and seconded by Councilmember Maness. The motion was unanimously carried. Mayor Halfacre reported that Council met in *Executive Session* to discuss: three contractual issues related to the proposed sale of Barr Pond, the purchase of property by the Town and a storm drainage issue, one legal update on the status of condemnation litigation suit, and one personnel matter. No vote was taken. A motion was made by Councilmember Maness and seconded by Councilmember Stambolitis to ratify Mayor Halfacre's *Executive Session* report. The motion was unanimously carried.

**INVOCATION, PLEDGE OF ALLEGIANCE AND CALL TO ORDER:** Mayor Halfacre welcomed everyone to the meeting and introduced the Council Members. Pastor Ralph Schneck, First Baptist of Lexington, gave the invocation. He also announced that the Global Day of Prayer would be held on May 19, 2013. Councilmember Stambolitis led in the Pledge of Allegiance. Mayor Halfacre called the meeting to order at 6:51 p.m.

**APPROVAL OF MINUTES:** A motion was made by Councilmember Maness and seconded by Mayor Pro-Tem Livingston to approve the minutes from Council's Work Session held on April 15, 2013. The motion was unanimously carried.

**PRESENTATIONS**

1. **Proclamation for Lexington School District One Teacher of the Year Mr. John Paul Sellars – Councilmember Kathy Maness:** Councilmember Maness read a Proclamation honoring Mr. Sellars for being named the 2012-2013 District Teacher of the Year. Mr. Sellars teaches fifth grade science, mathematics, social studies and language arts at Red Bank Elementary School. Councilmember Maness presented the Proclamation to Mr. Sellars. Councilmember Maness thanked approximately 20 of Mr. Sellars students for attending the Council meeting along with several members of Lexington District One and the Principal of Red Bank Elementary. (Copy attached.) Mr. Sellars thanked the Mayor and Council and stated that the Proclamation is also for the students. He added that he was thankful to them for inspiring him to be a better teacher.

Mayor Halfacre thanked Mr. Sellars for being such a credit to Lexington schools. He also congratulated Kim Williams from Lexington School District One for recently winning the Dancing with the Stars competition.

2. (Added.) **National Day of Prayer Proclamation – Mayor Randy Halfacre:** Mayor Halfacre requested to add this item and read a Proclamation which proclaimed May 19, 2013 as Community Wide Prayer Day. Pastor Schneck confirmed that the Day of Prayer would be held at The Harvest Church on May 19, 2013 at 3:00 p.m.
3. **Kids to Parks Day Proclamation – Councilmember Ted Stambolitis:** Councilmember Stambolitis read a Proclamation declaring May 18, 2013 as Kids to Parks Day in the Town of Lexington. In partnership with the National Park Trust, the Town is committed to children's health and welfare. Council would like to lead the way to encourage children to lead more active lifestyles to combat childhood obesity, diabetes and other health issues.
4. **Barr Pond Presentation – Mr. Ben Knight and Mr. Kevin Ivey:** Mr. Knight, past President of Lexington Wildlife Chapter, referred Council to a package of information about the history and projects of Lexington Wildlife Chapter. He hoped that they had time to review the information which was delivered to them last Friday and was included in their package. He stated that in 2007 the Town was poised to give the land they own at Barr Pond, and purchased for \$5.00 from SCE&G, to the Wildlife Chapter, when SCANA Government Affairs stopped them. He asked why the Town had not contacted them this time to complete that commitment. Mr. Knight stated that if Lexington Wildlife loses their day to day recreational rights to Barr Pond, they cannot attract new members or keep current members. He stated that they help underprivileged children learn to fish under the supervision of

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responsible adults. He added that Jesus said to take care of the children and love them the same way the shepherd loves his sheep. Mr. Knight stated that Council needs to make sure that these recreational rights not only extend to the first owner of Barr Pond, but to all future owners as well. He stated that they had recently learned that “in perpetuity” does not mean forever. Mr. Knight stated that they need the right of access to Barr Pond, the spillways, and the dam for as long as Lexington Wildlife exists. He added that since the Town has considered selling Barr Pond, they had been informed by SCANA that the 11.3 acres they lease from them is up for public bid. He added that they may shortly be without a home for the Chapter, but still have recreational rights to Barr Pond that they cannot reach without going across someone else’s property. He stated that they have learned that MWK, LLC will bid on the 11.3 acres currently leased by Lexington Wildlife. Mr. Knight asked that Council share, as reported in the paper by Mayor Halfacre, some of the nugget that fell from the sky with Lexington Wildlife Chapter so they, a 501(c)(7) non-profit with limited resources, might have a chance to bid on the property containing their facility wanted by MWK, LLC, Mary W. Keisler, Principle.

Mr. Kevin Ivey, Board Member Lexington Wildlife Chapter, stated that their Chapter is the last remaining Chapter of the SC Wildlife Federation. He stated that their Chapter has been the caretaker of Barr Pond for the past 58 years and they are disappointed in the way the property is being sold and the way Town Council has treated their heritage and interest at Barr Pond. He added that they were not contacted regarding the sale of the property to MWK Properties. Mr. Ivey stated that their Chapter has been on site since 1955 and has had a resident caretaker on site ever since. He stated that they have heard about various costs of repairs and liabilities regarding the dam at Barr Pond and asked why the Town had performed only one repair over the last 16 years. He asked if the dam is such a threat to the Town why were more repairs not done. He added that they have read in the The State newspaper and water bill inserts that the sale is a windfall for the Town of Lexington. He stated that they consider it a travesty and devastation to the conservation and wildlife community service that they provide. Mr. Ivey stated that they consider Barr Pond to be precious and owe it to their founding men and women of Lexington County to plead to Town Council to not sell Barr Pond and surrounding properties. They further requested that Town Council put off the sale for one year and allow the Wildlife Chapter time to secure the money and grants to repair the dam properly. Mr. Ivey stated that the Chapter pledged to leave it in its natural state. He stated that Mayor Halfacre was quoted in the paper as saying that the Town would do whatever they could to mitigate the situation. He asked the Town Council to allow the monthly Chapter meetings in the Town’s conference center free of charge, if the Chapter could not secure a lease on property from SCANA, because some of their Chapter members are elderly and they needed a climate controlled environment. Mr. Ivey closed by stating God bless America, the Town of Lexington, and the Lexington Wildlife Chapter.

**VISION PLAN UPDATE**

Mayor Halfacre stated that it was approximately one year ago that the Council implemented the Town's Vision Plan. He wished to review the guiding principles of the plan which included: redevelopment of Main Street and Downtown, sustain Lexington's sense of community; enhance Lexington's small town culture and feel; increase connectivity of people and places; require the highest quality of design and development; and strive for innovation and sustainability. He added that the Town has embarked on several of the initiatives including: (1) Lexington Square thanks to Mayor Pro-Tem Livingston, Pat Jeffcoat, Parks Department and Lexington County; (2) the Town of Lexington's Farmers Market now in its third year; (3) The Snowball Festival which included the Christmas tree lighting, parade and a dance; (4) The Downtown Commercial Façade Program which awarded \$35,000 this year to seven business recipients which resulted in a total of over \$400,000 of business front improvements; (5) Phase II Traffic Plan; (6) the proposed Ice House Project which will include an amphitheater and retail businesses; (7) the Interchange Beautification Project on Sunset Boulevard; (8) and the most beneficial project, the Adaptive Signalization System, which will significantly improve the flow of traffic; (8) the Town of Lexington Paw Park, set to open soon, which is not only for dogs, but helps bring people together.

**TRAFFIC UPDATE**

Mayor Pro-Tem Livingston provided an update on the Town of Lexington's continuing efforts to improve traffic. (1) The Phase I Traffic Plan is under construction; 20% complete, and was slightly delayed with recent rain. (2) The Town has received the Encroachment Permit from SCDOT for the I-20/Highway 378 project. The project will go out to bid in a few weeks which will be handled by SCDOT. (3) The Town will bid approximately \$1.2 million in road repairs and resurfacing by the end of May. Mayor Pro-Tem Livingston asked if anyone has any traffic issues to please contact 359-1027. The next Traffic Committee meeting will be held on May 21, 2013 at 8:00 a.m. in the Eli Mack, Sr. Room. She stated that the committee has several openings for Town residents to participate on the Traffic Committee and they can apply by completing a Talent Bank Application found on the Town's web page.

**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 for the Town of Lexington Paw Park. No Comments.
2. An Ordinance Annexing 169 Highway 378 West. No Comments.
3. An Ordinance for the Sale of the Town's Property Interest at Barr Pond.

**Mr. Leon Browder**, 111 Middlebrook Drive, stated that he has lived in Lexington for 30 years and in the Town of Lexington for the past 10 years. He joined the Lexington Wildlife Chapter in June of 1979 and he agreed with the

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Chapter members' earlier comments regarding longstanding caretaking efforts over the past 60 years of Barr Pond as well as their continuing efforts in community involvement. He wished to make his comments as a citizen of Lexington and stated that he was not sure of the property assessment value, but printed articles placed the value over \$200,000. Mr. Browder stated that accepting a single bid of \$60,000 is not an acceptable way to dispose of Town assets. He added that if sold, there should be adequate time for public advertising for bids and presentations of bids would generate a fair revenue. He added that he understands about the liability for the dam and was not aware that the liability for the dam belonged to the Town, which would certainly make it a consideration. Mr. Browder stated that Mayor Halfacre's comments from his water bill a few days ago indicated that \$140,000 in dam repairs are needed. He would like to know how long ago that was determined and what has been done by the Town. He found brief references to the repairs in Council Work Session Minutes as far back as 2007. Mr. Browder stated that his first knowledge of the \$60,000 offer of Barr Pond came to his attention included in an article in The State newspaper on March 24, 2013 about the Town's dog park which seemed to include it with the cost of the dog park. He stated that in his research, at Council's Work Session of March 13, 2013, they placed the item on their April agenda for consideration, which resulted in the First Reading of the sale. He confirmed with Mayor Halfacre that there is a contract for \$60,000 and there is no opening for further bids at this time. He added that we are now one month and 12 days later when the deal is about to be closed and a stand-alone Public Hearing has not been scheduled with time for Council to evaluate the results. He commented that the Minutes of Council's April 1, 2013 meeting stated that Council has the authority to take such action, but should they? He respectfully recommended that Council reconsider their second reading for the sale of Barr Pond in favor of reevaluating their position and alternative measures. He asked if that could be done or if it must be read tonight. Mayor Halfacre responded that the item is on their agenda tonight to move forward on it. Mr. Browder asked if the decision could not be delayed, could Council vote no to the sale so more study of options could be done. He added that since the Town has had the liability for some time, a few more days to get an adequate price would not matter. He stated that so much more is involved such as preserving a beautiful and well cared for lake and for restoring full confidence in Town Council when dealing with Town assets and liabilities.

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

**OLD BUSINESS**

1. A motion was made by Councilmember Maness and seconded by Councilmember Shevchik to approve **Final Reading of an Ordinance Authorizing the Sale of the Town's Property Interest at Barr Pond**. Councilmember Maness read the background on the item as a matter of record:

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*“The Town received an offer of \$60,000 for its interest at Barr Pond (a/k/a Wildlife Pond). The Town owns water rights there and a small parcel of land adjacent to the pond. Prior to the Water Contract with West Columbia, it appeared at one time the Town may need the pond as a water source. However, that no longer appears to be the case and the Town may wish to dispose of its rights in the pond. It is important to note that only about five acres of the Town’s interest is made up of actual land, and much of it consists of wetlands. Most of the Town’s interest consists of “water rights”, and even those are shared with SCE&G. The Town does not own the property upon which the Wildlife Federation Chapter’s facilities sit. That parcel is owned by SCE&G and the sale of the Town’s interest does not force the Wildlife Federation to move. It is also worth noting the Town did not pay anything for its interests in the pond, the area is heavily encumbered by utility easements, and the Town does not have direct legal access to its property interest.”*

Councilmember Frazier thanked the members of Lexington Wildlife for coming to the meeting and for making some good points. He stated that when this item first came before Council, he was the only one who voted no to signing the contract. He added that he has been the most vocal person on Council for growth and development but there are certain things you have to say no to and he would say no to this particular development. He stated that he has lived in Lexington County all his life and he didn’t know if everyone else on Council had lived in Lexington that long. Councilmember Frazier stated that there are many things that the Wildlife members have done and continue to do for the community and he hopes it can continue. He stated that he did not like the way this was done because every property the Town has purchased, they obtained an appraisal, yet several recent ones the Town did not get an appraisal and it bothered him. He added that everyone talks about transparency and this was not transparent because the Wildlife members should have had first opportunity. Councilmember Frazier stated that he has been on Council for approximately eight years and he has been hearing for years that it would cost \$140,000 to fix the dam, but the dam is still standing. He added that he was not saying that the dam didn’t need some work done on it, but the Town owed it to the Wildlife Chapter to give them first right to look at it and help them in any way possible since they had done so much work and helped the community for so many years. He stated that it was done wrong and he stands behind what he says and he will not support the sale of Barr Pond. He added that the decision did not have to be made tonight, it could be held off and give the Wildlife Chapter an opportunity to buy it just like in the business world. He stated there was no way this should have been done this way.

Councilmember Stambolitis stated that he agrees with Councilmember Frazier. He added that he would like to have seen this go on the open market to keep it fair. He stated that the Town is in a bit of a legal “snafu” right now, therefore he would like to slow it down and get the opinion of the Attorney General to find

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out the proper way to sell this land. He agreed with the Wildlife Chapter speaker to put it on the open market to obtain a fair price which would give the Town enough time to check their legal standing and make sure the Town is legally doing the right thing. He added that he was not saying that anything was done illegal, but he would like to make sure all the i's are dotted and t's are crossed before moving forward. He did not think waiting another month would hurt anybody and then Council could take another vote after they receive a complete interpretation from the Attorney General and then put it on the market after an appraisal is received. He would like to see what the land is worth and the Town could get more money for it, possibly \$100,000 or \$200,000 would be worth the delay. Councilmember Stambolitis stated that at a very minimum it should be put on the open market and do it the American way and let people bid on it. He stated that he personally would like change the motion and slow it down and make sure the Town does its due diligence before selling the property.

Councilmember MacDougall stated that it was important to point out, but he was not sure if the others were in the same meeting he attended; however, Staff has done extensive research on this item. He added that Council had received an opinion from the Town's attorney; advice from the Town Administrator; and, the Town owns the water and five acres of wetlands which is heavily encumbered. He stated that as he understands it, the Town owns the water and if they sell it, absolutely nothing changes with the Wildlife Federation. Town Administrator Poole responded that Councilmember MacDougall's statement is correct and the Wildlife Chapter would still have full rights to use the pond. Councilmember MacDougall stated that the Town does not own the area where the dock or pier is in the pond and Town citizens are not allowed to use the property yet the Town is paying for it. He stated that whether the Town sells the water and the five acres of unencumbered land has nothing to do with what is going on with the Wildlife Federation because their fight is with SCE&G. He added that if the Town sells them the water and the dam, and SCE&G sells their piece of property, the Wildlife Federation will lose all rights to the pond. Councilmember MacDougall stated that the Town has no rights to the pond and cannot even use the pond. He wanted to make sure the Wildlife Chapter understood that if the Wildlife Chapter bought the water and the dam from the Town the only thing they would gain would be \$140,000 worth of liability and a dam.

Councilmember Stambolitis wanted to confirm if the five acres is all wetlands, because the Wildlife members said it was not. Town Administrator Poole stated that he was not sure how much was wetlands. Councilmember Stambolitis stated that there are a lot of unanswered questions and he would like to have all the answers before proceeding to satisfy everyone's curiosity. He added that if the five acres is not all wetlands, maybe the Wildlife Chapter could build their cabin on that piece. A Wildlife member asked Councilmember Stambolitis if he had been to the property. Councilmember Stambolitis responded that he had been to the property in the past and it is a beautiful piece of property. He would also like to see them continue their work with the kids.

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A Wildlife Chapter member asked if he could make a few statements. Mayor Halfacre responded that Council has always been very open and sometimes allowed non-citizens to speak. He added that due to the confusion and emotion with the topic he would allow it.

**Mr. Wayne Jowers**, 136 Bran Court, stated that in response to Councilmember MacDougall’s comments, he should look at the map and come out and walk the property and then he would see that there is high ground acreage that adjoins the lake property, whereas someone could purchase the pond and sell nine acres to build homes which would more than pay for their investment and get a lot in return. He added that there is usable land on the high ground of this pond’s property.

Councilmember MacDougall stated that his earlier comments were to clarify that if the Town sells the water and the dam to the Wildlife Chapter, they will only gain the dam. He added that SCE&G has the rights to the water and if they sell the piece of property where the cabin is located, they sell the rights to the water.

Mr. Jowers requested to make another comment. Mayor Halfacre allowed the additional comment. Mr. Jowers stated that if the pond is turned over to the Wildlife Chapter, he promised that the pond would be placed in a conservation easement where it would never be developed any more than it is right now. He stated that is their word.

Mayor Halfacre requested that the decision matrix be placed on the screen so everyone could see it. The Decision Matrix for Sale of Wildlife/Barr Pond shows six scenarios:

<b>Town of Lexington</b>	<b>+ SCANA</b>	<b>= Lex Wildlife Chapter</b>
Sells property	Does not sell property	Same right to use pond as now
Does not sell property	Does not sell property	Same right to use pond as now
Sells property	Sells property	No right to use pond
Does not sell property	Sells property	No right to use pond
Sells property	Lex Wildlife buys property	Same right to use pond as now
Does not sell property	Lex Wildlife buys property	Same right to use pond as now

Mayor Halfacre stated that he appreciated what the Lexington Wildlife Chapter has done over the years and the report that they prepared was excellent and gave a great history. He added that the discussion has become convoluted, but this issue is not a Town issue, but a SCANA issue. He stated that SCANA has the right to grant or deny the use of the pond which is in the legal documents. He added that it is hard to get into a private company like SCANA and it is easier to bring the argument to a public environment such as the Town, because the Town is very open. Mayor Halfacre stated that he was disturbed by some of the comments of his fellow Councilmember about not being transparent because the

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Town is very transparent. He added that the Town and SCANA were approached by a real estate agent to sell the property and since the Town invested \$5.00 in 1977 and the proposal is for \$60,000, it is a good return on the Town's investment. Mayor Halfacre stated that the Town has a legal obligation and liability whether it is today or tomorrow in the amount of \$140,000 which was not pulled out of the air. Town Administrator Poole confirmed that an engineer design to rebuild of the dam was bid out last year and the amount was a result of that study. Mayor Halfacre stated that for the Town residents that he represents, which includes some of the Wildlife Chapter members, anyone would take this deal from a business standpoint because it would be a positive net of almost \$200,000. He did not understand the argument tonight, because it is with SCANA who owns the fishing rights.

Mr. Browder responded from the floor, and stated that he was not after fishing rights; he was after the property being sold for fair market value. He added that the property could be a community product of the Town, County and other agencies to be a beautiful place for all to use. He stated that if the pond has construction run off or is used as a detention pond, there would not be any fish left. He added that if there was a fish kill, it would be many years before it would be much of an attraction again.

Mayor Pro-Tem Livingston stated that she has not said much but, the Town is transparent and she was listening and agreed there are many unanswered questions. She requested clarification on the Town's rights and SCANA's and if the Wildlife Chapter built their club on another piece of property at the pond, would they still have fishing rights to the pond. Town Administrator Poole responded that they would still have fishing rights, but they would not have any access to it. He differed with the comments from the audience that the road is not a county road. Councilmember Stambolitis stated that there are still a lot of unanswered questions.

Councilmember Frazier asked the Wildlife Chapter members if they had access to the pond now and if they owned the Town's property would they have access back to the road without having the other SCANA property. A member of the Wildlife Chapter responded from the floor that they would have access because the road goes around the farm and comes out to Buck Drive.

**Mr. Nick Stomski**, NAI Avant, representing the group contracted to purchase the pond from the Town, stated that the actual recreational rights of the pond are with SCE&G and the lease agreement with the Wildlife Chapter is on-line and part of the bid process documents. He stated that part of the 5 acres, actually 3 1/2 acre high land property based on the flood plain, is in the back of the property and not accessible by vehicle. The only way to reach it is by boat. He added that now there are questions about Wildlife Court because they were under the impression that it was a private road. Mr. Stomski stated that in his conversations with the Wildlife Club regarding repairs, it seemed to be a more

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immediate need rather than something that could be postponed for a year for possible grant money. He stated that as a 501(c)7 they have limited resources available to make the dam repairs long term if there are currently \$140,000 worth of repairs needed now. He added that they would be obligated to the County to make those repairs moving forward with the development. Mr. Stomski stated that he met with members of the Wildlife Chapter Board on April 18<sup>th</sup> to inform them of the development, discuss their concerns, and offer co-existence possibilities between both groups. He discussed with them how they would allow them to use the facilities and the pond to help give back to the Town of Lexington and allow them to continue their non-profit work. He asked the Wildlife Chapter to give him a proposal of what they would consider reasonable terms and conditions to co-exist. Since that meeting, he has only been approached by the group one time when they asked to speak to the developers. He would like to continue that offer to the group and he understands the importance in the community even though it may not be an exclusive use, but may be a monthly use. Mr. Stomski stated that he offered his comments for clarification and to answer any questions.

Councilmember Stambolitis asked Mr. Stomski what was the rush and can it wait another month. Mr. Stomski responded that it has been postponed thus far from completing their engineering work. He added that they need to make sure they can control all three pieces of property (Harmon, Town and SCE&G) before they spend excessive money on engineering plans. Mr. Stomski stated that if they wait another month it would affect the time lines of the other contracts because they would have non-refundable money at stake if they were continually delayed. Councilmember Stambolitis responded that this is the first time the Town has delayed it. Mr. Stomski responded that given the time frame of the Town's process in selling property, they feel it was a fair amount of time. He stated that in addition, they had met with the Wildlife Club and shown property plans and delaying it a month would not have a purpose. Councilmember Stambolitis stated that there are still a lot of unanswered questions. He added that Council has not seen a proposal. Mr. Stomski stated that he had asked the Wildlife Chapter to prepare the proposal, but he had not yet received it. He added that they had been given from April 18<sup>th</sup> to today, May 6<sup>th</sup>. A member of Wildlife responded from the floor and stated that they were not given a time constraint. Councilmember Stambolitis stated that the Council should review the proposal because it might be the solution. Mr. Stomski stated that regardless of the Town's property, the proposal is only good if they acquire the SCE&G property. Councilmember Stambolitis commented that the proposal is not a full proposal and has some Catch-22's. Mr. Jowers responded from the audience that the developer wants it for a dump.

Mayor Pro-Tem Livingston confirmed that Mr. Stomski still had to bid on the SCE&G property. Mr. Stomski stated that they still had to bid on the SCE&G property and the Wildlife Chapter could also bid on it. He added that the bid process ends on May 15<sup>th</sup>. Mayor Pro-Tem Livingston stated that Council has a

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meeting on May 20<sup>th</sup>, which would be after the time of determining who received the bid.

Councilmember Stambolitis responded that it seemed awkward to have one property up for bid and not the other. He added that the Town's property should have been placed on the market. He stated that at a minimum it should be discussed more and Council should get a legal interpretation of what is the proper way to handle the sale, even though he knows this is capitalism, but give it a fair chance for everyone. Mr. Stomski responded that they did give it a fair opportunity when they approached the Town and the Wildlife Chapter had every opportunity that they did to obtain the property. Councilmember Stambolitis disagreed in that at one time the Town was going to donate the land to the Wildlife Chapter, but the transaction was stopped by SCE&G for whatever reason. He stated that the sale was done privately and was not on the open market, yet the Town is a public entity, paid by the taxpayers, and required by law to be public about everything, including property. Councilmember Stambolitis stated that he had unanswered questions and his fellow Councilmembers have unanswered questions and he would not want to make a decision until those questions are answered because it would not be a well calculated decision. Mr. Stomski stated that he was not here to advise Council but to inform them of some of the facts from their end.

Mayor Halfacre stated that the Town was not under any public obligation to put this property on the open market. Councilmember Stambolitis responded that he disagreed because the Town of Lexington is a public entity and this was public property owned by the taxpayers.

Councilmember Frazier told Mayor Halfacre that he had preached transparency so what does the Town have to hide? Mayor Halfacre responded that the Town does not have anything to hide. Councilmember Frazier that he agreed and asked so why wasn't it put out to the public? Mayor Halfacre called on Staff to explain that the property was not for sale and the developer approached the Town. Town Administrator Poole stated that is correct; the property was not listed on the open market because the Town was not thinking of selling the property until they were approached. He added that everyone can debate what should be done, but the Town had absolutely met all legal obligations and State law makes that very clear and it was not violated whether Council decides to move forward or not. Mayor Halfacre encouraged the Councilmembers to understand that the Town had not violated the law. Councilmember Frazier stated that even if the Town did not violate State law, the Town is still jumping around on how they do things. He stated that when the property for the Ice House Project was purchased an appraisal was not obtained and the Town used the tax assessment. He stated that they used the idea that property is not worth what the tax assessor says because property has "gone bad", yet when they buy property around Town Hall, they ask for an appraisal. He stated that the Town is not being consistent but making it work to whatever the Town has going with certain things. He was

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concerned that the Town has private interest here when the Wildlife Chapter has been here a long time and done a lot of good things for the community and the children. Councilmember Frazier stated that he has supported growth and development more than any other Councilmember, but certain things you just say no to. He added that the Town did not do right by the Wildlife Chapter including previously when the Town almost donated the property to them when they were finagled out of it, but now that a big developer wants it the Town is ready slide it in. Councilmember Frazier stated that he is very pro-developer, but he was not going to “hoo-doo” the Wildlife Chapter out of it. Mayor Halfacre stated that no one is “hoo-dooing” anyone. Councilmember Stambolitis stated that Councilmember Frazier was right on most things, but in this case a third party pulled the rug out from under it and they did not allow the donation of the property. Councilmember Frazier stated that the Town should have come back and offered the property to the Wildlife Chapter because Lexington values do matter.

Mr. Stomski stated that regarding water rights, based on the survey, the elevation for the flood plain is 331 and anything above that belongs to SCE&G, so the access to the pond, which is lower than the flood plain line, would be inhibited by whoever buys the SCE&G property and would need an access easement from SCE&G to get to the water rights. Councilmember Stambolitis stated that they could not take Mr. Stomski’s word for that and the Council would need to see documents prepared by engineers to make sure that it is verifiable by attorneys.

Mayor Pro-Tem Livingston requested that Council go into Executive Session to discuss the issue with their attorney if they were going to be asked to vote on this tonight because she had some questions.

Mr. Ivey made a comment that he had called Mr. Stomski to find out their position and was told that they had no use for them. He added that later Mr. Stomski called him back to meet with him, but initially Mr. Stomski had no plans for them. Councilmember Frazier asked Mr. Stomski if that was true. Mr. Stomski responded that it was 100% not true. He added that he had been called and was told how much they appreciate his willingness to communicate and meet with them. Mr. Stomski stated that was when he brought up their attempt to co-exist at the property.

Mayor Halfacre called for a second to Mayor Pro-Tem Livingston’s motion to go into Executive Session to discuss this item. Councilmember Maness seconded the motion. The motion carried with a vote of six (6) in favor and one (1) opposed (Frazier). Council adjourned to Executive Session at 7:50 p.m. and later Mr. Jeffcoat, Mr. Stomski, and Mr. Knight were called to the Executive Session.

**EXECUTIVE SESSION REPORT #2**

Council adjourned from *Executive Session #2* at 8:31 p.m. after a motion was made by Councilmember Maness and seconded by Mayor Pro-Tem Livingston. The motion was unanimously carried. Mayor Halfacre reported that Council met in *Executive Session* to discuss a contractual issue regarding the sale of the Town's interest in Barr Pond. No vote was taken.

**Old Business Item #1 Continued Final Reading of an Ordinance Authorizing the Sale of the Town's Property Interest at Barr Pond.**

Mayor Halfacre stated that there was still a motion and a second on the floor to approve Final Reading of an Ordinance Authorizing the Sale of the Town's Property Interest at Barr Pond. Councilmember Maness withdrew her motion. Councilmember Shevchik withdrew his second. Mayor Halfacre stated that in light of Council's discussion, Council would not move forward on the item tonight, but would postpone the item to Council's May 20, 2013 Special meeting. He added that SCANA bids would be opened on May 17<sup>th</sup>. He suggested that the Wildlife Group get with the developer/agent to work out an agreement to have access for public events during certain times of the month or year. Mayor Halfacre requested that Council receive the agreement proposal prior to their May 20<sup>th</sup> meeting.

A motion was made by Councilmember Frazier and seconded by Councilmember Maness to postpone the Final Reading of an Ordinance authorizing the Sale of the Town's property interest at Barr Pond to Council's May 20, 2013 Special meeting and to request that the Wildlife Group get with the developer/agent to work out an agreement to have access for public events during certain times of the month or year and to present the Wildlife Chapter/developer agreement to Council prior to the May 20<sup>th</sup> meeting. Councilmember Maness wished to make it clear that Council would like for the Wildlife Group and the developer to come up with a plan to work together. Mayor Pro-Tem Livingston encouraged Council to get clear answers and to submit their unanswered questions to Municipal Attorney Cunningham. Councilmember Stambolitis asked the Wildlife Chapter members to also submit questions to any Town representatives so answers could be obtained as soon as possible from the Municipal Attorney or the Attorney General if necessary. The motion was unanimously carried.

2. A motion was made by Councilmember Stambolitis and seconded by Councilmember MacDougall to approve **Final Reading of an Ordinance Establishing the Town of Lexington Paw Park**. The motion was unanimously carried. (Copy attached.)

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3. A motion was made by Councilmember Frazier and seconded by Councilmember Stambolitis to approve **Final Reading of an Ordinance Annexing 169 Highway 378 West**. Councilmember Stambolitis stated that the property did not appear to be contiguous and asked for a location of the property and if other businesses are located in the area. Town Administrator Poole responded that the property is contiguous along the entire back property line; the business is located near His House which is not in Town; and, other businesses are located at this property. The motion was unanimously carried.

**INTRODUCTION:** Councilmember Maness requested a break to introduce her neighbor Tom Mack and his son, Chandler Mack, who is a Boy Scout in Troop #307.

Scout Chandler Mack stated that he is a First Class Boy Scout in Troop #307 at Saxe Gotha Presbyterian Church. He stated that next week he will have his board review to become a Star Scout. He added that he is working on his Citizenship Badge and Communications Badge, which requires that he attend a meeting and note and summarize what happened in the meeting. He stated that this is definitely one to remember.

Mayor Halfacre thanked Chandler for attending the meeting; wished him luck on his summary; and, congratulated him on soon to receive his Star Scout ranking.

**NEW BUSINESS**

1. **Accommodations Tax Committee Award Recommendations:** The Accommodations Tax Advisory Committee (Marvin Robinson, Chairman) met on March 20, 2013 to review and make recommendations regarding the allocation of FY 2013 Town of Lexington Accommodations Tax funding. A breakdown of the Town's Accommodations Tax and a copy of the spreadsheet listing the applicants who applied and the Accommodations Tax Committee's award recommendations were provided to Council for their review and consideration. (Copy attached and summarized below.) Award amounts totaled \$52,000.

	<u>Requested</u>	<u>Committee</u>
Capital City Lake Murray Country	\$ 10,000	\$2,000
Columbia Metro Convention & Visitors Bureau	\$ 3,000	\$2,000
Columbia Museum of Art	\$ 5,000	\$ 0
Columbia Regional Sports Council	\$10,000	\$ 0
Crossover Athletics/Topspin Adult	\$ 2,000	\$1,000
Crossover Athletics/Topspin Junior	\$ 3,000	\$1,000
Community Open Land Trust	\$ 5,000	\$ 0
Cultural Council Richland/Lex	\$10,000	\$1,000
Lexington Chamber/Visitor Center	\$35,000	\$30,000
Lexington County Arts Asso.	\$25,000	\$ 0
Lexington Cty Choral Society	\$ 4,000	\$1,000

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Lexington County Museum	\$ 6,000	\$5,000
Lexington County Soccer Club	\$ 5,000	\$2,000
Lexington Dixie Baseball	\$ 5,000	\$5,000
Town of Lex Snowball Festival	\$ 3,000	\$1,000
White Knoll High/Red Bank Baseball	\$ 5,000	<u>\$1,000</u>
		\$52,000

Mayor Halfacre recused himself from the discussion and vote due to his position as CEO of the Lexington Chamber. (Copy of Recusal Form attached.) Mayor Pro-Tem Livingston called for a motion.

A motion was made by Councilmember Shevchik and seconded by Councilmember Stambolitis to postpone the item to Council's May 20<sup>th</sup> Work Session for Council to discuss a revision of the Town's Accommodations Tax Application process and final report criteria in order to better provide for report transparency and accountability as to where and how the appropriated funds are used by the organizations that receive the funds and how it is spent.

Councilmember Shevchik stated that following last month's work session he did some due diligence research on how the entire process works. He had the opportunity to review Richland County's application process which was very thorough with a final report. He stated that it was eye opening to compare their process with the Town's. Councilmember Shevchik stated that he wanted to verify the information and contacted Town Administrator Poole to see if he could get Lexington County's, City of Columbia's and Richland County's process so Town Council could review them and implement a new process prior to distribution of this year's Accommodations Tax awards. Mayor Pro-Tem Livingston clarified that Councilmember Shevchik wanted to make sure that there are strict guidelines in place to go along with the money that is distributed. Councilmember Shevchik stated that he wanted Council to see what he saw and compare the four processes and make recommendations to tighten up the Town's process to provide better accountability.

Councilmember Maness stated that on Friday Assistant Town Administrator Ford sent Council a summary of last year's funding. She stated that in reviewing the summary, there were organizations that received funding and did not send in their final report within 90 days of completion of the project as required, in fact some did not send them until seven months, ten months, or not at all. Councilmember Maness stated that Councilmember Frazier had mentioned transparency tonight and the Town should make sure that the money is spent for the reason stated in the application. She added that if the report is not turned in, the organization should not be eligible for funding the next year.

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Councilmember MacDougall stated that the Accommodations Tax Committee was working toward coming up with more guidelines regarding the money. He added that Councilmember Shevchik's motion is timely in that currently there is absolutely no back up required for the money given and this would set some guidelines in place. Mayor Pro-Tem Livingston asked Councilmember MacDougall, since he is the Liaison to the Accommodations Tax Committee, if he agreed with the motion. Councilmember MacDougall responded yes.

Councilmember Stambolitis confirmed his second to the motion and since an earlier discussion today he agreed that anytime you receive money from an organization you should be required to account for every penny before and after spending the funds. He added that it was partly the Town's fault for not being more stringent, but the Town needs to account for any funds distributed because in this day and age people are watching the money and where it is spent. Councilmember Stambolitis stated that the Town should be able to demonstrate and verify exactly where the money is spent. He added that he did not think any group was doing anything wrong, but it was a matter of having the structure in place and it should be followed up.

The motion to return the Accommodations Tax Committee Award Recommendations back to Council's May 20, 2013 Work Session was carried with a vote of six (6) in favor and one (1) recused (Halfacre).

2. **First Reading of An Amendment to the Ordinance Regarding Roll Cart Compliance:** Town Ordinance 93.54(E) calls for a fine of \$10.00 for repeat offenders who do not move their roll carts to a non-conspicuous location after collection. A problem arises when someone doesn't heed the warning letter; continues to leave their cart out; and, it becomes necessary to track them down to issue a ticket. Request if for First Reading approval to amend the Ordinance to read: *"A warning will be issued one time every six months. The Town representative will place a warning on the roll cart and move it to a non-conspicuous location. Multiple occurrence violators will receive a \$5.00 fine in their water bill."*

A motion was made by Councilmember MacDougall and seconded by Councilmember Maness to approve First Reading of an Amendment to the Ordinance regarding Roll Cart Compliance as stated. The motion was unanimously carried.

Municipal Attorney Cunningham requested order be returned to the meeting in that audience conversation was limiting his ability to hear the proceedings. Mayor Halfacre told the members of the audience that if they wanted to have a conversation to respectfully step outside the Council Chambers.

3. **First Reading of An Amendment to the Zoning Ordinance Regulating Occupancy in Residences:** The Planning Commission recommended adding a definition of a family to the Zoning Ordinance. *Family* means one or more persons related by blood, marriage, legal adoption or guardianship; living together; or a group of individuals, of not more than four persons, not related by blood, marriage, legal adoption or guardianship but living together as a single housekeeping unit.

A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Maness to approve First Reading of an amendment to the Zoning Ordinance regulating occupancy in residences as stated. The motion was unanimously carried.

4. **First Reading of An Ordinance Annexing 297/301 Industrial Drive, Lexington County Tax Map #5498-05-018:** Schwan's Home Service, Inc., owns 1.55 acres located at 297 Industrial Drive and petitioned for annexation. Properties in Town near this property are zoned Industrial (IND) and Industrial Drive is classified as an Arterial Road. The Planning Commission reviewed this annexation during their April meeting and recommended the same zoning and road classification for the property.

A motion was made by Councilmember Maness and seconded by Councilmember Stambolitis to approve First Reading of an Ordinance annexing 297/301 Industrial Drive, TMS #5498-05-018, as stated. The motion was unanimously carried.

5. **First Reading of An Ordinance Annexing 293 Industrial Drive, Lexington County Tax Map #5498-05-020:** Roho, LLC, owns 3.3 acres located at 293 Industrial Drive and petitioned for annexation. A floor manufacturing business is currently located on the site. Properties in Town near this property are zoned Industrial (IND) and Industrial Drive is classified as an Arterial Road. The Planning Commission reviewed this annexation during their April meeting and recommended the same zoning and road classification for the property.

A motion was made by Councilmember Stambolitis and seconded by Councilmember Shevchik to approve First Reading of an Ordinance annexing 293 Industrial Drive, TMS #5498-05-020, as stated. The motion was unanimously carried.

6. **First Reading of An Ordinance Annexing Property on Riverchase Way, Lexington County Tax Map #3698-03-101:** Wells Fargo, N.A., owns 41.81 acres of property located on Riverchase Way and petitioned for annexation. The property is currently undeveloped. The Planning Commission reviewed this annexation during their April meeting and recommended split zoning the property with 36.61 acres being zoned High Density Residential (HDR) and 5.20 acres being zoned General Commercial (GC) as shown on the attached drawing.

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The Planning Commission also recommended that Riverchase Way be classified as a Local Road.

A motion was made by Councilmember Frazier and seconded by Councilmember MacDougall to approve First Reading of an Ordinance annexing property on Riverchase Way, TMS #3698-03-101. Councilmember Stambolitis stated that when this property previously came up for annexation it had created a stir and he was surprised that had not happened this time. He asked if all the proper signage had been placed on the property. Town Administrator Poole responded that this is an annexation and does not require signage. He added that the real estate agent has made contact with the neighbors.

Mr. Frank Strasburger, 315 Springwood Road, Columbia, S.C., with the McGee Real Estate Agency, representing Wells Fargo, stated that his mother and father developed Woodridge and owned the property 35 years ago. He stated that they met with homeowners, Chuck Crouch and Ernie Peagler, who were very respectful and thankful that someone had come to talk to them. Mr. Strasburger told the homeowners that the plan is for 256 upscale apartments. He added that the homeowners had indicated to him that they were pleased with the plan and would not oppose it. He stated that there is a 100 foot buffer and a 50 foot building setback on the plan and the developer plans to stay within those setbacks from the subdivision. Mr. Strasburger stated that the purchaser is looking for the traffic circle to be built to help with traffic in the area.

Councilmember Stambolitis wished to confirm that Mr. Strasburger only talked to two homeowners and inquired how he knew to contact those two gentlemen. Mr. Strasburger stated that those two gentlemen were the ones that spearheaded the earlier opposition and he did not know how he knew to contact them. Municipal Attorney Cunningham stated that he had recommended the contact to Mr. Davis.

Councilmember Maness stated that since the development is going in very close to the new schools in the area, she wanted to make sure that the developer knew that any students from the apartments would not go to Lexington One schools because it is zoned for Lexington Two. Mr. Strasburger responded that the developer knew about the school district, but he did not think there would be many students living in the apartments.

Mayor Halfacre called for the vote. The motion to approve First Reading of an Ordinance annexing property located on Riverchase Way, TMS #3698-03-101, as stated was unanimously carried.

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7. **First Reading of an Ordinance to Sell Property at Beechwoods Lift Station:** The Town was approached by Kevin Connolly about selling a small portion of land the Town owns on Highway 378 (TMS #004117-01-001). The family would like to put a memorial there for a family member that was killed in an auto accident near the site. The land is located at the corner of U.S. 378 and Beechwoods Drive. The land sold would be a portion of the property upon which the Town's lift station is located. The Utilities Department confirmed that the transfer would not inhibit the Town's use of the property and there is no other use for the property. The parcel sought for purchase is a very small portion of the Town's interest. The Town would receive \$600 to \$650 depending on the exact size of the parcel. The parcel is only expected to be a few feet wide.

A motion was made by Councilmember Shevchik and seconded by Councilmember MacDougall to approve First Reading of an Ordinance to sell property at Beechwoods Lift Station as stated. Councilmember Shevchik thanked Mr. Tom Connolly and his daughter for attending the meeting. Councilmember Stambolitis thanked Staff for working so hard to provide this piece of property to the Connollys who suffered a great loss in the death of their son. The motion was unanimously carried.

8. **Appointment to the Accommodations Tax Committee:** Mr. Scott Wilhide submitted a Talent Bank application to serve on one of the Town's Boards and Commissions. There is currently a vacancy on the Accommodations Tax Committee that Mr. Wilhide could fill. (Copy of Talent Bank form attached.)

A motion was made by Councilmember MacDougall and seconded by Councilmember Stambolitis to approve the appointment of Mr. Scott Wilhide to the Accommodations Tax Committee. The motion was unanimously carried.

9. **Appointment to the Advisory Committee:** Mr. John (Bill) Reese requested to serve on the Town's Advisory Committee. The committee has one vacancy left by former Chair Don Horton who resigned in January when he moved out of Lexington. His term is due to expire this year. (Copy of Talent Bank form attached.)

A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Stambolitis to approve the appointment of Mr. John (Bill) Reese to the Advisory Committee. Councilmember Stambolitis stated that Mr. Reese is a lifelong resident of Lexington and he would like to officially welcome him. Councilmember Maness stated that Mr. Don Horton did an excellent job as the Chair on the Advisory Committee for many years and she thanked him for his service. Mayor Halfacre seconded those comments. The motion was unanimously carried.

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10. **Resolution Appointing a New Custodian for the 2004 Revenue Bond Replacement and Renewal Account:** Currently the Town has a Repair and Replacement account for the 2004 Revenue Bonds at Ameris Bank. At this time, the interest earned is less than the account service fee charged. Currently First Community Bank is offering 0.20% interest with no account fees. (Copy attached.)

A motion was made by Councilmember Maness and seconded by Councilmember Frazier to approve the Resolution as stated. The motion was unanimously carried.

11. **After the Prom Project, Inc. Request for Contribution:** After the Prom Project, Inc. requested support from the Town of Lexington to help provide a positive place for over 1,000 students to have fun after their prom. Last year Council approved a contribution of \$1,000.00. Following Council's April Work Session, the Lexington and Pelion "After The Prom" events were cancelled due to insufficient number of students signing up to attend. Mr. Oakley Dickson, President of AFT, advised that the White Knoll and Pelion "After The Prom" events will still be held. Funding would also be used for Senior Parties and 5<sup>th</sup> Quarter events next Fall.

A motion was made by Councilmember Stambolitis and seconded by Councilmember Maness to defer the item to Council's next Work Session for further discussion. The motion was unanimously carried.

12. **Stormwater Drainage Issues at 249 Teesdale Court:** At the April 15, 2013 Council Work Session Mr. Mike Steed of 249 Teesdale Court requested the Town's assistance with erosion in his yard. Town Staff determined that the stream through the property is not within any Town stormwater or utility easement nor does the erosion present an imminent threat to Town water or sewer lines. Given the severity of the erosion, Town Council requested that Staff explore whether there are ways for the Town to correct the immediate problem at 249 Teesdale court and provide an overview of the facts.

Performing work on private property is prohibited under State Law (Attorney General Opinion attached.) In order to overcome that prohibition, the Town would need to obtain an easement for access and Town Council would need to determine that the repairs are in the best interest of the Town and promotes the general welfare (not just a private interest) or that the Town is responsible for the erosion at 249 Teesdale Court. As Council considers this matter, the following should be considered:

- The Town has a long standing policy of not accepting responsibility for open stormwater drainage systems (in this case, a natural stream).
- Storm drainage approval for the area was made by DHEC. The Town had no regulatory authority over any of the stormwater issues.

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- There are 19 catch basins that flow into the creek. Of these, the Town owns 7, the County 3, the State 2 and 7 are on private commercial property.
- The drainage into the system includes run off from a limited number of commercial properties that front Highway 378 but nearly all run off is directed to detention ponds and no run off from Highway 378 enters this system.
- There are no pumps that put any additional water into the system, so only the natural amount of run off enters the system (no more or less).
- There are many similar situations on private property throughout the Town.

Council's direction was requested regarding stormwater erosion repairs at 249 Teesdale Court. Materials/supplies estimated not to exceed \$2,000 and Town Staff would be utilized on the project estimated to be 400+ man hours.

A motion was made by Councilmember Frazier and seconded by Mayor Pro-Tem Livingston to return the item to Council's next Work Session for further discussion. He requested that, after discussing the item with several other Councilmembers, more due diligence be done regarding the adjoining property. He added that any questions should be directed to the Town Administrator. Mayor Halfacre stated that it was a wise decision to send it back to Work Session. The motion was carried with a vote of six (6) in favor and one (1) opposed (Maness).

### COMMENTS

**Mayor Randy Halfacre** wished Happy Birthday to all employees celebrating birthdays in May including Mayor Pro-Tem Livingston and Councilmember Frazier. He wished a Happy Mother's Day to all the Moms. Mayor Halfacre expressed his sympathy to the family of Councilmember Frazier, and especially his Mother, in the recent unexpected loss of his brother. He added that Billy Frazier was a young life taken too soon at the age of 50. Mayor Halfacre thanked the Staff and citizens for coming out for the public comment meetings regarding Project Ice House. He thanked Wayne Rogers and Town Staff for assisting with the meetings. Mayor Halfacre stated that Kids Day was relocated to Butler Street this year due to a wedding being held at Town Hall. He thought Butler Street would be an excellent venue for the Kids Day event. Mayor Halfacre congratulated Councilmember Maness for her recent well deserved appointment to National League of Cities Strategic Plan Task Force which is a group that formulates short-term plans for NLC. He announced that the Town's Farmers Market would start Saturday June the 1<sup>st</sup> and he encouraged everyone to come out every Saturday from then to October 26<sup>th</sup> from 9:00 to 1:00. Mayor Halfacre announced that Council would start their combined summer schedule in June and dates and times could be obtained on the Town's web page. Mayor Halfacre congratulated all the teachers in the community during this National Teacher Appreciation Week. He added that he has three daughters who are teachers and his wife is also a retired teacher who is now teaching her grandchildren during the day. Mayor Halfacre congratulated all the community nurses, including Councilmember MacDougall's wife, during this National

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Nurse Appreciation Week. He announced that May 23<sup>rd</sup> is the 10<sup>th</sup> Annual Salute to Small Businesses at the Columbia Convention Center.

**Mayor Pro-Tem Hazel Livingston** congratulated her daughter during this National Nurse Appreciation Week. She added that she is very proud of her daughter and the job she does as a nurse. Mayor Pro-Tem Livingston encouraged everyone to go on-line and buy their Wine Walk ticket. She added that ticket purchases may be cut off at a certain attendance number because they have fortunately had huge crowds in the past. She added that the Lexington Beautification Foundation heads up the Wine Walk and have generated over \$60,000 which they put back into the community for beautification. She stated that her daughter is four weeks away from delivery, so she may be sitting down during the Wine Walk. She wished her grandson, Joey, a Happy 4<sup>th</sup> Birthday.

**Councilmember Kathy Maness** congratulated Mr. Sellars for being District Teacher of the Year. She wished all teachers a Happy Teacher Appreciation Week. Councilmember Maness stated that she attended Kids Day this year and she loved the new location because it was more spread out and allowed more space for sponsors. She expressed her sympathy to Councilmember Frazier and her thoughts and prayers would continue to be with him and his family. She wished Mayor Pro-Tem Livingston and Councilmember Frazier Happy Birthdays in May. She wished students good luck with their State testing this week.

**Councilmember Ted Stambolitis** expressed his deepest condolences to Councilmember Frazier in the loss of his brother. He wished a Happy Birthday to Mayor Pro-Tem Livingston and Councilmember Frazier. He wished all the Moms in Lexington a Happy Mother's Day, especially his wife, mother and mother-in-law.

**Councilmember Danny Frazier** thanked the Council and Staff for all their calls during the loss of his brother and for being there for him and his family. He added that the outpouring from the people in Lexington was unbelievable. He and his mother and sister-in-law appreciated all the support, especially the Police Department for assisting them.

**Councilmember Todd Shevchik** expressed his sympathy to Councilmember Frazier and his family during the loss of his brother. He added that he was able to see Billy Frazier a few days before he passed. He stated that Billy was in good spirits and got to throw the first pitch out at the White Knoll baseball game along with his son and step-son. He added that Billy had a big smile that day. Councilmember Shevchik wished his youngest son a Happy 6<sup>th</sup> Birthday. He thanked everyone for staying for this unusual meeting tonight and he thanked the Council and Staff for everything they do.

**Councilmember Steve MacDougall** announced that the Lawn Mower Exchange, through Green is Clean Earth Month, has been extended through May 13<sup>th</sup>. He added that Black and Decker is offering its non-trade in price on a new electric mower and lawn care equipment to residents. Those interested can call 785-8634 or go to the Town's web page for more information.

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**Town Administrator Britt Poole** extended his sympathy, as well as that of all Staff members, to Councilmember Frazier in the recent loss of his brother. He wished a Happy Birthday in May to Mayor Pro-Tem Livingston and Councilmember Frazier. He did wish to differ with Mayor Pro-Tem Livingston's statement and commented that he has worked with her daughter and he was certain that she would not sit down for long at the Wine Walk, pregnant or not.

**NEWS MEDIA:** None.

**PUBLIC COMMENTS**

**Mr. Leon Browder** stated that after Council's second Executive Session the direction for the Wildlife Club is to meet with the developer regarding fishing and meeting rights. He asked if the Executive Session addressed the bid process. Mayor Halfacre responded that SCANA would have their bid opening on May 17<sup>th</sup>. Mr. Browder stated that he was referencing the item up for second reading. Mayor Halfacre stated that the Town did not have to go through a bid process for the sale of the property. Councilmember Stambolitis stated that the item was discussed in Executive Session and they were going to obtain clarification from another legal opinion on the issue. Mr. Browder stated that this is a large decision and the results of the development could be disastrous. He added that the planners had not stopped to consider it. He stated that some developers come and leave a mess for others to clean up. He stated that Council's duty to the voters is to have properly disposed of assets in a business and fair process. He stated that if the vote results in the Club's loss of fishing rights, then all is lost. Mayor Halfacre stated that the process was done legally. Mr. Browder agreed that Council had the right, but is it the right thing to do and would they reconsider that and look at obtaining a fair market price for the property. Mr. Browder stated that fishing rights is the issue on the table. Councilmember Frazier stated that it was his philosophy to get the Club to go back and talk with the developer to determine if they could come up with a plan to resolve the issue. He stated that the Council will vote on it again, but if the Club cannot resolve it with the developer, it did not mean that they will have a right to the property. Councilmember Frazier stated that if the Club does not get completely happy with the developer he will not vote to sell the property. He wants to save it to make sure the Club has a right to it. He added that he was not going to change his vote and he could not say how others would vote. Councilmember Stambolitis stated that this is a very reasonable Council and they had deliberated for a long time because they want to do what is right. He added that the Council and Town Staff are very open-minded and realize there are still some questions that need to be answered factually. He added it is a good process and deserves admiration. Mr. Browder stated that this is his Town and he is very proud of it as well as proud of the Council and he hopes they will do the right thing.

**Ms. Miriam Atria, Capital City Lake Murray**, 3427 Kennerly Road, Irmo, S.C., stated that they have been in operation for 30 years, one of 11 State Department of Parks and Tourism regional tourism offices, and serve a four county area. She gave a brief summary of awards and how they are funded through nine government agencies to

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market their area. She added that her marketing budget is approximately \$300,000 to \$500,000. She announced that two confidential events are coming that she cannot yet announce. They will bring back the Oakley Bass Tour and this summer they will host WPIX television from New York who will film the purple martins as one of the top ten things to see in the region. Ms. Atria stated that a recent television campaign was called "Come Alive" which resulted in 870,000 responses to their web version and 209,000 to the television ad in a twelve week period. She added that they also painted a boat that travels to country to market the area. She stated that their Facebook page "likes" have increased to 20,707. She added that her numbers were verified through SCPRT. She realized that Council has tough decisions to make but she asked for consideration to receive the full amount requested (\$10,000) instead of the proposed amount (\$2,000). She added that they make everything come together and work for the Town of Lexington.

**Mr. Ben Knight** stated that the Wildlife Club had asked to meet with MWK properties and they were advised that they would not meet with them. He thought MWK should also have to advise Council on how they plan to work with the Wildlife Club since they were being asked to do the same thing. He stated that some discrepancies had come up tonight between what they said and what the developer said so they should have to send in a plan also. He added that a bid should also be taken like SCANA.

Mayor Halfacre stated that Council had asked the Wildlife Club to determine what they want and submit it to the developer and they could also give it to the Town. He advised that they do that before Council's next meeting. Mayor Pro-Tem Livingston stated that she thought they were asked to work together for something they could both live with. Councilmember Frazier stated that was also his impression. Mayor Halfacre asked the two groups to work together

**Mr. Bobby Jarvis**, 6527 Olde Knight Parkway, Columbia, S.C. and a member of the Wildlife Club for three years, stated that they had talked about money, legalities, fishing, water, etc, but there was one group they had not talked about – the people and children that their Club serves. He stated that he heard about Kids Day held in Lexington and the difference is that they serve approximately 50 children who come from broken homes and shelters. He added that the organization they serve requires a secure place for them to hold events for their children. He stated that there is limited access to their Club, but when the children show up there are 40 to 50 volunteer men and their wives who come out to help and put in 12 hours on a Saturday. He added that they furnish lunch, dinner, and fishing tackle and only ask that they come enjoy themselves. Mr. Jarvis stated that they have contact with teachers and they know that you can show a child something in a book, but one minute of hands on does more than one hour of schooling. He had a teenage boy who came to him Saturday and was afraid to fish because he was afraid of bugs, but during the day he touched a cricket and learned to fish. Mr. Jarvis stated that he is a combat Veteran and his Club also serves all Veterans. He stated that he fished as a young man and this may be his last chance to help others. He added that they are not the Club, the Club is what they do, and they serve groups they may be otherwise overlooked. He requested that Council consider this information when they vote

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because they need a place to serve the children. He welcomed any of the Council to come out to the Club. They had also received additional requests to host other events.

Mayor Halfacre stated that the Council understands what the Club does and he and Council appreciate what they do for the community. He added that the document that was sent to Council was very well done.

**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 Frazier to adjourn the Council Meeting. The motion was unanimously carried.

The Regular Council meeting was adjourned at 9:35 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.*