

MINUTES
Town of Lexington

REGULAR COUNCIL MEETING
June 3, 2013

Town Council held an Executive Session at 5:15 p.m. followed by a Council Work Session in the Eli Mack, Sr. room, followed by the Regular Council meeting in the Council Chambers on June 3, 2013. The meetings were attended by: Mayor Randy Halfacre, Council Members Kathy Maness, Ted Stambolitis, Todd Shevchik, and Steve MacDougall. Mayor Pro-Tem Hazel Livingston and Councilmember Danny Frazier were absent.

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 sixty (60) citizens and students present for the Council meeting and one member from the news media.

EXECUTIVE SESSION REPORT

Mayor Halfacre reported the *Executive Session* during the Council Work Session.

INVOCATION, PLEDGE OF ALLEGIANCE AND CALL TO ORDER: Mayor Halfacre welcomed everyone to the meeting and introduced the Council Members. He announced that Mayor Pro-Tem Livingston was not present tonight because she was at the hospital with her daughter awaiting the arrival of her new grandbaby boy. He added that Councilmember Frazier was out of town. Pastor Kevin Thumpston, Watershed Fellowship Church, gave the invocation. Councilmember Stambolitis led in the Pledge of Allegiance. Mayor Halfacre called the meeting to order at 6:42 p.m.

PRESENTATIONS

1. **Proclamation Congratulating the Lexington High School Wildcats State Championship Baseball Team – Mayor Randy Halfacre:** Mayor Halfacre read a proclamation commending the Lexington High School Wildcats Baseball Team for winning the State Championship against Blythewood. (Copy attached.) Councilmember MacDougall joined Mayor Halfacre in presenting the proclamation to the team and coaches.

MINUTES
REGULAR COUNCIL MEETING
June 3, 2013

Mayor Halfacre told the team that he and the Mayor of Blythewood had a friendly bet and he was proud to announce that Mayor Ross would have to carry his golf bag for at least one hole of golf.

SPECIAL ANNOUNCEMENT: Councilmember Maness announced that Mayor Pro-Tem Livingston had just texted and her new grandbaby, Tucker Dooley, was just born weighing 6 pounds, 14 ounces and he looks like his Mama! The proud parents, Jewitte and Rod Dooley, big brother, and baby are all doing fine.

2. **Presentations to Coach Jim Harpe, Principal FOCUS School and Ken Lake, Director of Lexington Technology Center – Police Chief Terrence Green:** Chief Green commended Coach Harpe and Mr. Lake for the many contributions to the community. They have a combined service of 80 years. The Lexington Police Department wished to recognize both leaders who will retire this year. Chief Green, along with Mayor Halfacre, presented each gentleman with a plaque naming them “Honorary Lieutenants” of the Lexington Police Department. Mayor Halfacre stated that both men are icons in our community and he thanked them for their service.
3. (Added.) **Proclamation to Municipal Attorney and “Voice of the Wildcats” Brad Cunningham – Mayor Randy Halfacre:** Mayor Halfacre requested to add this item and read a Proclamation commending Mr. Cunningham for his service as the sports announcer for Lexington High School sports. Mayor Halfacre thanked Mr. Cunningham for lending his talents as the “Voice of the Wildcats”. (Copy attached.)

VISION PLAN UPDATE

Mayor Halfacre gave a brief review of the Town’s Vision Plan. He stated that: (1) The Town of Lexington’s Farmers Market kicked off its third year this past Saturday with a great turnout. (2) The Town of Lexington Paw Park is set to open during the first quarter of 2014 which will be on the property near the water tower. The three acre park was possible with the donation of land from Lexington County.

TRAFFIC UPDATE

Mayor Halfacre gave the update as follows: (1) The Phase I Traffic Plan is under construction and is 25% complete. Crews are working on the sidewalks and will soon focus on underground retention on the former Riley’s Drug property. (2) The Town received the encroachment permit from SCDOT for the I-20/Highway 378 interchange. Bids are scheduled to be opened on July 3rd. (3) The Town expects to bid \$1.2 million in road resurfacing and repair projects by next week. Citizens were asked to call 359-1027 if anyone had any traffic issues. The next Traffic Committee meeting will be held on June 18, 2013 at 8:00 a.m. in the Eli Mack, Sr. Room.

PUBLIC HEARINGS

Mayor Halfacre called the Public Hearing to order and requested that those wishing to speak limit their comments to five minutes.

1. An Ordinance Adopting the 2013-2014 Budget.
2. An Ordinance to Provide for the FY 2013-2014 Tax Levy.
3. An Amendment to the Ordinance Regarding Roll Cart Compliance
4. An Amendment to the Zoning Ordinance Regulating Occupancy in Residences.
5. An Ordinance Annexing 297/301 Industrial Drive, Lexington County Tax Map #5498-05-108.
6. An Ordinance Annexing 293 Industrial Drive, Lexington County Tax Map #5498-05-020.
7. An Ordinance Annexing on Riverchase Way, Lexington County Tax Map #3698-03-101.
8. An Ordinance to Sell Property at Beechwoods Lift Station.

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 Stambolitis to approve **Final Reading of an Ordinance Adopting the 2013-2014 Budget**. The motion was unanimously carried by all those present.
2. A motion was made by Councilmember Stambolitis and seconded by Councilmember Shevchik to approve **Final Reading of an Ordinance to Provide for the FY 2013-2014 Tax Levy**. The motion was unanimously carried by all those present.
3. A motion was made by Councilmember Stambolitis and seconded by Councilmember MacDougall to approve **Final Reading of an Amendment to the Ordinance Regarding Roll Cart Compliance**. The motion was unanimously carried by all those present.
4. A motion was made by Councilmember Shevchik and seconded by Councilmember Maness to approve **Final Reading of an Amendment to the Zoning Ordinance Regulating Occupancy in Residences**. Councilmember Stambolitis stated that there were some unanswered questions regarding homes that are used for particular programs. Town Administrator Poole stated that homes regulated by the State and licensed are treated like single family homes and are excluded from this Ordinance. The motion was unanimously carried by all those present.

MINUTES
REGULAR COUNCIL MEETING
June 3, 2013

5. A motion was made by Councilmember MacDougall and seconded by Councilmember Shevchik to approve **Final Reading of an Ordinance Annexing 297/301 Industrial Drive, Lexington County Tax Map #5498-05-018**. The motion was unanimously carried by all those present.
6. A motion was made by Councilmember Shevchik and seconded by Councilmember Stambolitis to approve **Final Reading of an Ordinance Annexing 293 Industrial Drive, Lexington County Tax Map #5498-05-020**. The motion was unanimously carried by all those present.
7. A motion was made by Councilmember Maness and seconded by Councilmember MacDougall to approve **Final Reading of an Ordinance Annexing on Riverchase Way, Lexington County Tax Map #3698-03-101**. The motion was unanimously carried by all those present.
8. A motion was made by Councilmember Stambolitis and seconded by Councilmember MacDougall to approve **Final Reading of an Ordinance to Sell Property at Beechwoods Lift Station**. Councilmember Stambolitis expressed his sympathy to the Connolly family, who were present, for their loss. He thanked Staff for working hard to make this happen because it is a very honorable project. The motion was unanimously carried by all those present.

NEW BUSINESS

1. **First Reading Proposed New Rates for Wreckers on Rotation List:** The current six (6) wrecker companies on the Town of Lexington Police Department wrecker rotation list requested an increase in the fees charged to customers for towing services. The current rates listed below have not been increased since September 2007.

Current Rates:	Violation & accident tows for the general public	\$120
	Tows for Town of Lexington Vehicles	\$ 60
	Storage for the general public	\$20/day
Recommended New Rates:	Violation & accident tows for the general public	\$160
	Tows for Town of Lexington Vehicles	\$ 65
	Storage for the general public	\$25/day

A motion was made by Councilmember Maness and seconded by Councilmember MacDougall to approve First Reading of the proposed new rates for Wreckers on Rotation List as stated. The motion was unanimously carried by all those present.

2. **First Reading of an Ordinance Annexing Lexington County Tax Map #3500-04-068 (Stivers Realty):** Stivers Realty, LLC, owns 4.98 acres across from Northside Baptist Church on Sunset Boulevard and has petitioned for

MINUTES
 REGULAR COUNCIL MEETING
 June 3, 2013

annexation. The property is currently undeveloped. Properties in Town near this property are zoned General Commercial (GC) and Sunset Boulevard is classified as an Arterial Road. The Planning Commission will review this annexation during their June meeting.

A motion was made by Councilmember Shevchik and seconded by Councilmember Stambolitis to approve First Reading of an Ordinance Annexing Lexington County Tax Map #3500-04-068. Councilmember Shevchik asked if the use of the property was known. Town Administrator Poole stated he did not know the intended use of the property but a representative from the company was present and could answer questions. Mr. Mike Ray, HP Engineering representing Stivers Realty, stated that they were selling the property to an undisclosed buyer who did not want to release the property use at this time based on their contract, but wanted the property annexed prior to closing. Councilmember Maness stated that she was voting for the annexation but she prefers to know what will be on the site prior to voting. Mr. Keith Frost, Chairman of the Town's Planning Commission, commented that it helped to do zoning. The motion was unanimously carried by all those present.

3. **Accommodations Tax Committee Award Recommendations:** The Accommodations Tax Advisory Committee 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. Council discussed the item during their April 15, 2013 Work Session, May 6, 2013 Council meeting and May 20, 2013 Work Session. No changes to the Advisory Committee's recommendations were voted on at that time.

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

MINUTES
 REGULAR COUNCIL MEETING
 June 3, 2013

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

Councilmember MacDougall made a motion to approve funding as requested by the Committee. 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 Halfacre called on Councilmember MacDougall, as the Council Liaison to the Accommodations Tax Committee, to conduct the item.

Councilmember MacDougall stated that there was a motion on the floor to approve funding as requested by the Committee. Councilmember Shevchik wished amend the motion as follows:

	<u>Amended Council Recommendation</u>
Capital City Lake Murray Country	\$ 5,000
Columbia Metro Convention & Visitors Bureau	\$ 2,000
Columbia Museum of Art	\$ 0
Columbia Regional Sports Council	\$ 0
Crossover Athletics/Topspin Adult	\$ 2,000
Crossover Athletics/Topspin Junior	\$ 2,000
Community Open Land Trust	\$ 0
Cultural Council Richland/Lex	\$ 3,000
Lexington Chamber/Visitor Center	\$20,000
Lexington County Arts Asso.	\$ 0
Lexington County Choral Society	\$ 1,000
Lexington County Museum	\$ 6,000
Lexington County Soccer Club	\$ 2,000
Lexington Dixie Baseball	\$ 5,000
Town of Lex Snowball Festival	\$ 3,000
White Knoll High/Red Bank Baseball	<u>\$ 1,000</u>
	\$52,000

Councilmember Stambolitis stated that Dixie Baseball brings in more than the Snowball Festival. He did not see how the Snowball Festival brought in tourism dollars. Councilmember MacDougall called for a second to the amended motion. Councilmember Stambolitis stated that he hated to send the item back to a Work Session, even though there were good suggestions made, but it had been kicked back and forth and there is some serious money at stake to be shifted around. He asked if

MINUTES
REGULAR COUNCIL MEETING
June 3, 2013

Councilmember MacDougall thought the Committee's recommendations were better or Councilmember Shevchik's amendments. Councilmember MacDougall stated that this is the fourth time they have had this conversation and he sticks by the Committee's recommendations. Municipal Attorney Cunningham stated that Councilmember Shevchik's amended motion is on the floor and it has not yet received a second. He added that any additional motions should be made clear. Councilmember Maness seconded Councilmember Shevchik's motion for discussion purposes. Councilmember Stambolitis requested to send the item back to Council's July Work Session for further discussion because two Councilmembers were not present who would offer good input; he agreed that the Committee put a lot of work into their recommendations; and he would like to hear Councilmember Shevchik's reasons for the amendments because some of it agreed with and he was not sure about some of it. Councilmember MacDougall called for the vote on Councilmember Shevchik's motion. The motion failed with a vote of two (2) in favor of the motion (Maness, Shevchik), two (2) opposed to the motion (MacDougall, Stambolitis), and one recused (Halfacre). Municipal Attorney Cunningham directed that the vote would now go back to Councilmember MacDougall's motion. Councilmember MacDougall restated his original motion to approve funding as requested by the Committee. Councilmember Maness seconded the original motion as stated. Councilmember Stambolitis wished to amend the motion and send the item back to Council's July Work Session. Councilmember Maness seconded Councilmember Stambolitis' amended motion. Councilmember Stambolitis stated that there has been much debate over the item and he would like to further hear all sides of why the changes even though it is very frustrating to go back and forth. Councilmember Maness stated that the other two Councilmembers should be here to vote on the item and that is why she would go along with Councilmember Stambolitis to send it back to a Work Session. The motion to send the item back to Council's July Work Session was carried with a vote of three (3) in favor (MacDougall, Maness, Stambolitis), one (1) opposed (Shevchik), and one (1) recused (Halfacre).

Mayor Halfacre stated now that the item had been handled, he wanted to confirm that there were no issues with entities needing their funding since the next Council Work Session would not be until July 15th. Town Administrator Poole stated that he was not aware of any issues even though some events may be held prior to disbursements, which could not happen until Council's vote. Municipal Attorney Cunningham reminded Council that their next meeting would contain a Work Session followed by the July Council meeting and it would be difficult to add it to that night's agenda due to publication requirements, which would delay the vote until the August 19th meeting. Mayor Halfacre stated that they have some real issues with this item. Councilmember Stambolitis asked if it

MINUTES
REGULAR COUNCIL MEETING
June 3, 2013

could be added as a possibility. Town Administrator Poole recommended that the item be placed on Council's July agenda as an "Addition" to give Council the option to vote on it or remove it from the agenda at that time. Mayor Halfacre agreed and stated that there being no further discussion or questions Council would move to the next item.

4. **Accommodations Tax Application and Reporting Process:** Based on the recent request by Council to revise the Town of Lexington Accommodations Tax application and reporting process, Council was provided a revised Accommodations Tax application form and Final Report for consideration. (Copies attached.)

A motion was made by Councilmember MacDougall and seconded by Councilmember Stambolitis to approve the revised Accommodations Tax application form and Final Report as submitted. Councilmember MacDougall stated that the Committee was in agreement with Grant Administrator Crosby's revised forms and it is positive step in the right direction. Mayor Halfacre acknowledged Mr. Marvin Robinson, Chairman of the Accommodations Tax Committee, who was present. The motion was unanimously carried by all those present.

5. **Appointment to the Accommodations Tax Committee:** Mr. Suki Patel submitted a Talent Bank application to serve on one of the Town's Boards and Commissions. (Copy attached.) There is currently a vacancy on the Accommodations Tax Committee that Mr. Patel is qualified to fill.

A motion was made by Councilmember Maness and seconded by Councilmember Shevchik to approve the appointment of Mr. Suki Patel to the Accommodations Tax Committee. The motion was unanimously carried by all those present.

6. **Board Member Training Policy:** Recent concerns about Board Members obtaining the mandatory annual training required by the South Carolina Comprehensive Planning Act have yielded a request that Town Council formally adopt a policy to clarify the requirement for Town Board Members. Council was requested to adopt the following policy:

"All Board Members appointed to Boards covered by the South Carolina Comprehensive Planning Act are required to obtain the mandatory continuing education required by the law. Should a member fail to obtain this training he or she will automatically be suspended from their appointed Board for a period of thirty days. If the training is not obtained during the suspension period, the Board Member will automatically be removed from the Board."

A motion was made by Councilmember Stambolitis and seconded by Councilmember Shevchik to approve the new Board Member Training

MINUTES
REGULAR COUNCIL MEETING
June 3, 2013

Policy as stated. The motion was unanimously carried by all those present.

7. **Appointments to Boards and Commissions:** The terms for the following Boards and Commissions members will expire June 30, 2013. Council was requested to consider for reappointments:

Advisory Committee:

Eddie Harmon
Lauren Sponseller
Mary Stokes-Clark
John W. (Bill) Reese

Traffic Committee:

Susan Ruinen
Clyde Smith
Randy Edwards
Bob Ferrell
David McGehee
Rosemary Wilson
Larry Yon

Historic Preservation Review Board:

Amiel Maness

Planning Commission:

Frank Berry
Sammy Hendrix

A motion was made by Councilmember MacDougall and seconded by Councilmember Shevchik to approve all fourteen (14) reappointments as listed. Councilmember Maness recused herself from the discussion and vote due to her husband being on the Historic Preservation Review Board. (Copy of Recusal Form attached.) The motion was carried with a vote of four (4) in favor and one (1) recused (Maness).

8. **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.

A motion was made by Councilmember Shevchik to authorize a one-time only stormwater repair at 249 Teesdale Court contingent upon obtaining an easement. Mayor Halfacre asked if Councilmember Shevchik had left out part of the motion which referenced that performing work on private property was prohibited by State Law. He added that it is important for the public to hear that information. Councilmember Shevchik stated that he was just shortening the motion. Councilmember Maness stated that it was Councilmember Shevchik's motion to make. Mayor Halfacre stated that it was not transparent. Councilmember Maness seconded the motion. Councilmember Stambolitis asked why part of the motion was left out.

MINUTES
REGULAR COUNCIL MEETING
June 3, 2013

Councilmember Shevchik stated that he had shortened the motion because he thought that part would make it confusing, but he would be glad to read it. Mayor Halfacre offered to read the entire item as follows:

Performing work on private property is prohibited under State Law (see attached Attorney General Opinion). 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 considered the matter, the following items were to 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.*
- *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.*

Mayor Halfacre stated that this issue has been debated and kicked back to Work Session several times. He added that some Councilmembers see it as work done on one side of the property so it should be done here. He stated that Staff and the County had more than justified the reasons for not doing work on this property. Mayor Halfacre stated that he visited the property and talked to the owner and it is a confusing call. He was concerned that if the Town does this repair, it sets a very dangerous precedent when others who were denied in the past will now want to know about their property. He added that it is a close call and he had struggled with it.

Councilmember Stambolitis stated that the Mayor made some valid points, but the Town's stormwater basin is contributing to the

MINUTES
REGULAR COUNCIL MEETING
June 3, 2013

majority of the share of water that is going into the particular property. He added that an argument could be made that the Town is responsible and it is a debatable issue. Councilmember Stambolitis stated that the right thing to do is to spend \$2,000 and make the repairs and avoid court issues. He added that the Town is going to obtain the proper easement which Mr. Steed has agreed to grant. He stated that Mr. Steed is a citizen of the Town; it is a safety issue whether DHEC approved it or not; and, it gives a negative image for the Town. He added that if the property is allowed to erode, someone will get hurt and \$2,000 is a small amount to pay to avoid it.

Mayor Halfacre stated that \$2,000 was for material only and the total cost would be closer to \$6,000 - \$8,000. Town Administrator Poole stated that \$2,000 was for material plus it would cost approximately 200 man-hours for labor. Mayor Halfacre agreed with Councilmember Stambolitis that it is a debatable issue but when it comes to giving the public this debate, it is public funds; and he would weigh in on the public side. Mayor Halfacre stated that he is trying to protect the citizens from spending taxpayer dollars on private property. He stated that he had an honest conversation with the property owner and he understands. Mayor Halfacre stated that he would rather err on the taxpayers' side.

Councilmember Stambolitis stated that the properties on both sides of this property were repaired by the Town. He added that the work should continue and the Town should accept responsibility and make a positive effect since it is the same water drainage. He recommended that it should be done the right way and to follow the law.

Councilmember MacDougall stated that it was important to point out that the work on either side of Mr. Steed's property was done to protect the Town's sewer line. Town Administrator Poole that the work on one side was done by the Town to protect an exposed sewer line, but the work on the other side was not done by Town Staff. He added that it could have been done by the developer or property owner.

Councilmember Stambolitis stated that he saw an exposed sewer line on Mr. Steed's property also and was the Town willing to take the risk of a breakage in a sewer line and water contamination. Mr. Poole stated that it was a service line not owned by the Town and it was up to the owner to take the same precautions with his line as the Town does with their lines. Councilmember Stambolitis stated that the third bullet point read by the Mayor states: *"There are 19 catch*

MINUTES
REGULAR COUNCIL MEETING
June 3, 2013

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.” Councilmember Stambolitis stated that this means “individual” private commercial property, therefore the Town owns the lion’s share of the basins that are contributing to the water spillage into the stormwater area. He added that an argument could be made in a court of law that the Town does have some liability to maintain the stormwater runoff to protect the public good. He stated that whether it is one individual or hundreds of individuals, the Town should make an effort to protect the stormwater runoff so as not to cause any harm because Council is here to protect and serve.

Councilmember Shevchik stated that he remembered a situation where a citizen’s basement flooded near the Lexington Elementary School due to runoff. He stated that the Town paid approximately \$4,000 to make repairs and it was voted on by Council. He added that this situation is an erosion problem and the Town should be proactive regarding the sewer line that is adjacent to this citizen’s property and the Town should help the citizen as a one-time repair.

Councilmember MacDougall stated that based on the math, seven out of nineteen is not the lion share. He added that other citizens have approached the Town for similar repairs and were told no and that they had to spend their own money which in some cases were in excess of \$10,000 to fix their own property.

Mayor Halfacre agreed that the lion share is not seven out of nineteen. He wished to read a portion of the Attorney General’s conclusion comments: *“Your letter indicates that the City’s funds would be expended to remove a storm drain on church property, and that this cost would serve no public purpose. However, the State Constitution protects taxpayers against a governmental entity’s spending public funds for private purposes. As stated above, the constitutional requirement of public purpose was intended to prevent governmental bodies from depleting the public treasury by giving advantages to special interests or by engaging in non-public enterprises. Thus, assuming these facts, such an expenditure of public funds as described in your letter would be violative of the South Carolina Constitution.”* Mayor Halfacre stated that he is not willing to violate the law.

Councilmember Maness stated that she has visited the property and the Town did the work on the neighbors’ property. She stated that this citizen’s backyard is going away because of this situation and it is something that the Town needs to do. Mayor Halfacre stated that the Town only did work on one side of the property.

MINUTES
REGULAR COUNCIL MEETING
June 3, 2013

Councilmember Maness stated that she was told that the Town did both sides. Town Administrator Poole responded that he had asked the Utilities Director and the Parks Director, who have both been with the Town a long time, and neither department did the work on one side of the property. He added that if any work had been done it was more than 20 years ago.

Councilmember Stambolitis stated that all work is not documented and he has seen waterlines not mapped out. He added that mistakes can happen but this is about a safety issue and preventing further damage. He stated that \$2,000 is a minimal price to pay when no one can say 100% that the Town is not liable. Mayor Halfacre stated that the cost would be more than \$2,000.

Councilmember Shevchik stated that based on the study, fixing this problem would slow down the flow of the creek and keep things under control.

Councilmember MacDougall stated that it was important to point out that this problem has been going on for three years and the homeowner waited until it got to this point to ask the Town for help. He has visited the property and feels sorry for Mr. Steed, but the homeowner has some responsibility. Mayor Halfacre responded that Mr. Steed was in the real estate business so hopefully he knew what he purchased.

Councilmember Maness called for the question. Mayor Halfacre called for the vote to Councilmember Shevchik's motion, seconded by Councilmember Maness, to authorize a one-time only stormwater repair at 249 Teesdale Court contingent upon obtaining an easement. The motion carried with a vote of three (3) in favor and two (2) opposed (Halfacre, MacDougall).

9. **2014 and 2015 Dixie Youth World Series:** The Lexington Dixie Youth World Series Committee would like to produce a television commercial for the upcoming 2014 World Series which will be held in Lexington. They would like to also use the commercial as part of their bid to get the 2015 World Series in Lexington. Production cost of the commercial is estimated at \$6,000. The Lexington Chamber and the Lexington County Recreation Commission committed to \$2,000 each. The Committee requested a \$2,000 contribution from the Town.

A motion was made by Councilmember MacDougall and seconded by Councilmember Maness to approve a \$2,000 contribution as a portion of the cost for Dixie Youth Baseball to produce a

MINUTES
REGULAR COUNCIL MEETING
June 3, 2013

commercial for the upcoming 2014 World Series. The motion was unanimously carried by all those present.

10. **Municipal Solid Waste Schedule Change:** Advanced Disposal requested to reschedule the Town's collection days to Tuesday. They will collect all the residential municipal solid waste in one day with a saturation of forces. There will be a program of announcements to inform the public of the changed schedule.

A motion was made by Councilmember Shevchik and seconded by Councilmember MacDougall to approve the reschedule of trash collection days to Tuesday. Mr. Walker confirmed that the change would take place by the end of June or in July. He added that Advanced Disposal will place stickers on all the roll carts to advise citizens of when the new schedule will start. The motion was unanimously carried by all those present.

11. **"Ride for Kids" Benefiting the Pediatric Brain Tumor Foundation:** During Council's March 18, 2013 Work Session, Mr. Dan Hennigan made a presentation regarding "Ride for Kids" benefiting the Pediatric Brain Tumor Foundation. The motorcycle ride would be held on October 13, 2013 at 2:00 and start at Lexington High School and circle to Batesburg-Leesville. The ride has not previously been held in South Carolina and is estimated to bring 250 to 300 riders to the area. Council's discussion offered to help advertise the event and to consider a sponsorship.

A motion was made by Councilmember Maness and seconded by Councilmember Stambolitis to approve assistance with advertising the "Ride for Kids" on the Town's Channel 2, the Town's web page, Facebook, water bills and on the "Monday with the Mayor" radio show. Councilmember Stambolitis thanked Mr. Hennigan and the others involved in the event. He added that it hits close to home since two children in the area have brain tumors so any help toward cancer research is an admirable thing. The motion was unanimously carried by all those present.

12. **Rental Fee Waiver Request for Distinguished Young Women of SC:** Ms. Vicki Hudson with the Distinguished Young Women of SC requested a rental fee waiver for their dinner on July 25, 2013. Following is the value for the Distinguished Young Women of SC event:

Conference Center July 25, 2013			
Rental Fee	\$600	Technology Fee	\$75
Deposit of	\$250	Still required	

MINUTES
REGULAR COUNCIL MEETING
June 3, 2013

A motion was made by Councilmember Stambolitis and seconded by Councilmember Maness to approve the rental fee waiver request as stated. Councilmember Maness stated that this was previously called Junior Miss and since it helps with college scholarships it is a good idea to help with the program. Mayor Halfacre stated that he concurred. The motion was unanimously carried by all those present.

13. **Contribution Request Lexington High School Class of 1978 Reunion Walk:** During the May 20, 2013 Work Session, Deborah Hundt made a presentation regarding the Lexington High School Class of 1978 Reunion Walk. It was the consensus of Council to support the event through a contribution of \$210 to offset the cost of Police assistance.

A motion was made by Councilmember MacDougall and seconded by Councilmember Maness to approve a \$210 contribution to the Lexington High School Class of 1978 Reunion Walk as stated. The motion was unanimously carried.

COMMENTS

Mayor Randy Halfacre wished Happy Birthday to all employees celebrating birthdays in June. He wished all the Dads a Happy Father's Day. Mayor Halfacre expressed his condolences to the family of West Columbia Councilmember Abby Bray who passed away in May. He added that Abby was a good friend of his daughter and he was loved by everyone. Mayor Halfacre expressed his sympathy to the family of Mr. Leonard Price, who passed away yesterday. He stated that Mr. Price was instrumental in providing financial support to the Town's Palmetto Collegiate Institute by donating \$150,000 for the completion of the grounds and gardens, which today bear his name. Mayor Halfacre encouraged everyone to come out to the Town's Farmers Market which will be held every Saturday from 9:00 to 1:00 through October 26th. Mayor Halfacre announced that the Town had partnered with Lexington County Recreation Commission to host a free *Movie in the Park and Camp Out* to be held at Gibson Road Soccer Complex on June 21st starting at 7:00 p.m. Mayor Halfacre announced a ribbon cutting ceremony and grand opening at Avtec on June 26th. He added that it was great to attract a manufacturing company within the Town. He congratulated Jewitte and Rod Dooley on the birth of their baby boy Tucker tonight. Mayor Halfacre announced a press conference tomorrow at Ball Park Road to announce that on June 28th the Blowfish baseball team will host an exhibition game and hold a baseball camp. He stated that this would help raise funds for the 2014 Dixie Youth World Series and help promote the bid for the 2015 Dixie Youth games here in Lexington. He added that the games bring 8,000 to 10,000 people to the Lexington area for a four to five day event and that is good for everyone including the restaurants. Councilmember Stambolitis agreed that it is good for all Chamber members. Mayor Halfacre announced that his youngest daughter was getting married Saturday and they are a great couple.

MINUTES
REGULAR COUNCIL MEETING
June 3, 2013

Councilmember Ted Stambolitis congratulated Jewitte and Rod Dooley on the miracle birth of Tucker tonight. He wished his brother a Happy Birthday. He congratulated the Lexington Wildcats on winning the State Championship. Councilmember Stambolitis congratulated Mr. Ken Lake and Mr. Jim Harpe on their retirements and commended them for all the contributions they have made to the community. He wished the Council, Staff and citizens a happy and safe July 4th.

Councilmember Kathy Maness congratulated Mayor Pro-Tem Livingston on the birth of her newest grandson Tucker. She hopes to see everyone at the Town's Farmers Market this Saturday. Councilmember Maness congratulated Mayor Halfacre on his graduation from the Urban Land Institute (ULI) on May 23rd. She stated that the Institute brings leaders together to establish a shared vision for their communities. Councilmember Maness stated that school will be out Friday, so watch out for the children who will be outside more. She wished her husband a Happy Birthday. She congratulated her son and the Lexington Blues baseball team for winning their championship.

Mayor Halfacre stated that the ULI will soon have a Reality Check where the entire community, public and private for eight counties, will determine the region's future. He stated that it is estimated that the population will increase to half million within the next 30 years and we need to be ready.

Councilmember Steve MacDougall congratulated his son-in-law, one of the coaches for the Lexington Wildcats, and the entire team for their State Championship win. He also commended Brad Cunningham for everything he does for the team as he announces the games.

Councilmember Todd Shevchik congratulated the Lexington Wildcat Baseball team. He added that the catcher is probably going to be a first round draft pick for about \$2M and the team will be very excited about it. He stated that it is a good group of kids and Lexington is a baseball community. Councilmember Shevchik asked everyone to watch out for the kids this summer. He wished his son a Happy Birthday. He stated that Emma Longstreet would have had a birthday in May and he encouraged everyone to continue to pray for her family. Councilmember Shevchik congratulated Jewitte and Rod Dooley on the birth of their son tonight. He also congratulated Mayor Pro-Tem Livingston for being an honorary doctor and making sure everything was alright.

Town Administrator Britt Poole congratulated Jewitte and Rod on the birth of Tucker.

NEWS MEDIA: None.

PUBLIC COMMENT

Ms. Lisa Gibson, 349 Buckthorne Drive, stated that she is a taxpayer and member of the Town's Planning Commission. She thanked the Council for their service and she congratulated Mayor Pro-Tem Livingston on the birth of her grandson tonight. Ms.

MINUTES
REGULAR COUNCIL MEETING
June 3, 2013

Gibson wished to make a comment about agenda item #8 (Property in Coventry Lake Subdivision). She stated that Mayor Halfacre and Councilmember MacDougall were spot-on regarding setting precedent in this matter because as they were reading the item it could have been describing her property. She stated that she had the exact situation with her property and followed all the right procedures to inquire about assistance with repairs but was denied and told that she would have to use her own money which created a burden on her and her children. She added that she would look back into the issue.

Mr. Marvin Robinson, Chair of the Town's Accommodations Tax Committee, stated that the Committee met for approximately 6 hours and he assured the Council that they were thoroughly educated on the facts and figures which were recommended. He added that they also sat through 6 to 12 presentations. He thanked the Committee for taking the time out of their day to review the distribution of the Accommodations Tax.

Mayor Halfacre thanked Mr. Robinson for his service to the Accommodations Tax Committee. He added that Councilmember MacDougall had made previous comments about how hard the Committee works. He wished to personally apologize to Mr. Robinson for the item getting ripped up but that is the prerogative of this body.

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 Stambolitis to adjourn the Council Meeting. The motion was unanimously carried by all those present.

The Regular Council meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Becky P. Hildebrand, CMC
Municipal Clerk

APPROVED:

T. Randall Halfacre
Mayor

**MINUTES
REGULAR COUNCIL MEETING
June 3, 2013**

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.