

MINUTES
Town of Lexington

REGULAR COUNCIL MEETING
August 19, 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 August 19, 2013. The meetings were attended by: Mayor Randy Halfacre, Mayor Pro-Tem Hazel Livingston, Councilmembers Kathy Maness, Todd Shevchik, and Steve MacDougall. Councilmembers Danny Frazier and Ted Stambolitis were absent.

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

There were approximately ten (10) citizens present for the Council meeting and one member from the news media.

EXECUTIVE SESSION REPORT

Mayor Halfacre reported on 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. Pastor Ralph Schneck, First Baptist Lexington, gave the invocation. He added that they had offered the use of their building to the Wildlife Chapter and to the Town if needed. Councilmember Maness led in the Pledge of Allegiance. Mayor Halfacre called the meeting to order at 6:36 p.m.

PRESENTATIONS

1. **Reality Check/Gameday Presentation – Ms. Irene Dumas Tyson, Director of Planning, The Boudreaux Group:** Ms. Tyson, along with Boardmember Mr. Scott Adams, announced Urban Land Institute Midland's Chapter Reality Check Gameday event to be held on October 22, 2013 at the Columbia Convention Center. She stated the Midlands region has 860,000 citizens and a wonderful quality of life. She added that within 30 years there will be another 450,000 new residents and leaders need to be ready for the growth. Mr. Scott stated that based on the demographic patterns, the majority of that growth will come to Lexington. Ms. Tyson stated Reality Checks have been done across the country and it is an innovative way to do

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everything possible to prepare for growth. The event will bring 300 diverse leaders together for a day-long visioning exercise for the foundation of the next steps to assure quality growth including land use. Ms. Tyson stated that groups of ten would use area maps and Legos (yellow representing new jobs; red representing new households) and yarn to represent infrastructure and greenways. Following the event a Results Summit will be held on October 24 to report all findings and recommendations. Ms. Tyson stated that the Town of Lexington recently came together to form ideas with the Lexington Vision Plan. She thanked the sponsors of the event and encouraged anyone who wanted to participate to go to the web site (MidlandsRealityCheck.com) and sign up. (Copy of PowerPoint attached.)

Mayor Halfacre stated that ideas from the event are not iron-clad, but sensitivity and understanding of resources would be used to see how things fit within several counties. Mayor Halfacre thanked Ms. Tyson and Mr. Adams for the presentation.

VISION PLAN UPDATE

Mayor Halfacre gave a brief review of the Town's Vision Plan: A press conference was held today to announce Lexington's Adaptive Computerized Signalization System. The system will improve traffic flow and will utilize decorative light poles. The Town has a little over \$2M left from the recent asphalt project, along with other funding to make this happen. The system is expected to be in place within 18 months and it will reduce rear end collision, reduce gas consumption, and improve air quality. Twenty-seven Town intersections will be re-signaled along with five outside the Town. He added that this project was a result of the Town's Vision Plan to help revitalize downtown and keep the citizens safe. Mayor Halfacre thanked the entire team that worked on this effort.

TRAFFIC UPDATE

Mayor Pro-Tem Livingston gave the update as follows: (1) The Phase I Traffic Plan is under way and is over 35% complete. Some delays were experienced due to weather, but completion is expected by Spring of 2014. She talked to project supervisors to tell them what a wonderful job they are doing communicating to the area businesses. (2) Bids have been opened for the beautification project at I-20 and Highway 378 and construction should begin in early Fall. (3) The Town issued a notice to proceed with a \$1.2M road resurfacing project and a list of roads will be posted on the Town's web page. Citizens were asked to call 359-1027 if anyone had any traffic issues. The next Traffic Committee meeting will be held on August 20, 2013 at 8:00 a.m. in the Eli Mack, Sr. Room. Mayor Pro-Tem Livingston confirmed that the Town has 32 traffic lights and 45 were studied for the Signalization System.

PUBLIC HEARINGS

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

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1. Final Reading of An Ordinance Annexing 168 Highway 378.
2. Final Reading of An Ordinance to Purchase Property on Cromer Road.
3. Final Reading of an Ordinance Rezoning 294 Cedarcrest Drive.

Mr. Tom Whitacre, 212 Isobel Court, lives near the subject property. He stated that many other residents had attended the Planning Commission meeting to oppose rezoning 294 Cedarcrest Drive. He stated that he purchased his property seven to eight years ago and never imagined that one day he would be looking at commercial property. He stated that he understands zoning regulations and they are in place to provide orderly growth and to protect the citizens and other property owners. He stated that he was opposed to any commercial zoning at 294 Cedarcrest Drive because it does not fit in to the area. He stated that the area has a hodge-podge of businesses, but to chip away now on the residential properties is not fair. He did not think the Councilmembers would like to look out their back window and see commercial property. He stated that one person knew when he bought the property that it was residential and now he wants to make a profit, which he understands because he is a retired accountant. He asked that Council not change the zoning to any type commercial property. He added that what the Town would gain on the tax base would be lost as their residential properties go down in value.

Mr. Tommy Richardson, 292 Cedarcrest Drive, and 30 year resident on Cedarcrest. He requested to be the voice of those that could not be present. He stated that this has been a very serious and stressful situation for their neighborhood. They have not animosity toward the gentleman who wants to change his zoning, however, the property has been zoned residential for a long time. He stated that six or seven residents came before the first Planning Commission reading to oppose the rezoning. At the second Planning Commission approximately 16 to 18 residents appeared before the Planning Commission to oppose the rezoning. He stated that the Planning Commissioners shrugged their shoulders and one spoke in their favor, but the item would go before the Councilmembers to rule. He stated that the voice and the will of the people should dictate what is done. One young couple purchased a home 23 feet from the property line and they will be looking at a wall. He added that it depends on Council's decision and the residents would have to live with it forever, but the gentleman requesting rezoning will only be there to run a business or to collect the rental check. He stated that tonight they would also be discussing the noise of commercial trash trucks and they don't want to hear it out their back door. He asked that Council think about their position. He loves Lexington and wants to help see to it that all residents have a premium quality of life and that is real sensitivity.

Mr. Thomas Peele, owner of 294 Cedarcrest Drive, stated that the residents are trying to make it sound like his property is ugly, but he has very good looking buildings and they don't let bad business come on the property. He stated that he is a Christian and very active in his church. He thinks that several people that

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have come forward already have businesses in the area such as a junk yard, a laser company and a car repair business. He asked that Council allow him to put his business on the property. He added that the building would be similar to his building in West Columbia.

4. Final Reading of an Ordinance Amending Section 155.05.01 Addressing Residential Density.
5. Final Reading of an Ordinance Establishing Allowable Hours for Retail and Commercial Garbage Collection.

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

OLD BUSINESS

1. A motion was made by Councilmember Maness and seconded by Mayor Pro-Tem Livingston to approve **Final Reading of an Ordinance Annexing 168 Highway 378 West Lexington County TMS #4200-02-020**. The motion was unanimously carried by all those present. (Councilmember MacDougall was not present for the vote.)
2. A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Maness to approve **Final Reading of an Ordinance to Purchase Property on Cromer Road**. The motion was unanimously carried by all those present.
3. A motion was made by Councilmember Shevchik and seconded by Councilmember MacDougall to approve **Final Reading of an Ordinance Rezoning 294 Cedarcrest Drive**. Mayor Halfacre wished to share his understanding of the issue. He stated that this item was heard by the Planning Commission in May at which time they asked Mr. Peele to go back and work out some resolutions with the residents. He stated that when the item came back to the Planning Commission they tried to compromise because at one time the entire tract of land was under request to be rezoned as commercial. The motion tonight is to rezone the first 200 feet to Office Commercial and the remaining portion to be Protected Residential. Mayor Halfacre stated that the entire parcel could have been zoned commercial. He added that Staff advised him that Mr. Peele will place professional offices on the property and a storage facility. He stated that this body of government cannot do anything more than what the Planning Commission did in trying to work out a compromise. He stated that he fully understands that the residents do not want to be affected by commercial development and it is a tough call. Mayor Halfacre stated that based on his research the Planning Commission did not handle the request in a willy-nilly fashion, but considered the concerns of everyone.

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Councilmember Maness stated that she attended the Planning Commission as Council's liaison and the residents were given an opportunity to speak. She added that the vote did not go the way the neighbors wanted it, but the Planning Commission did give everyone a chance to voice their opinion before they took a good look at the request. Mr. Peele stated that he talked to neighbors and a compromise was obtained with the neighbor across the road.

Mayor Pro-Tem Livingston asked the Chairman of the Planning Commission, Keith Frost, if he felt comfortable with the compromise. Mr. Frost responded yes that he was good with the compromise based on properties in-town and out-of-town. He added that for seven years while on the Planning Commission, he tries to look out for all the residents, even out of the Town limits because one day those properties may be in-town. He stated that Mr. Richardson is out-of-town but they listened to his concerns. He stated that Cedarcrest is a mixture of business and residential and this is an appropriate use of the property. He added that access to the commercial piece of property will be on Cedarcrest and they made sure of that access.

Councilmember Shevchik stated that the Planning Commission is usually against split zoning and asked if this was an exception. He wanted to insure that buffers and set-backs would apply for Office Commercial and Protected Residential. Mr. Frost responded that they don't do much split zoning. He added that this was brought back to them as a split zoning request and all buffers and set backs would apply.

Councilmember MacDougall asked if the property to the right of the first two hundred feet was commercial. Mr. Frost confirmed the property across Freedom Drive is commercial and includes a Terminex and some box trailers. He also confirmed that the property to the left is commercial and includes a metal fabrication facility, a day care, coffee business and Bob Brandi's office. Councilmember MacDougall asked Mr. Whitacre to describe the location of his property. Mr. Whitacre stated that his property is left off Cedarcrest, right onto Freedom Drive, and approximately one block is a dirt lane and his house is the first one on the right. Councilmember MacDougall confirmed that Mr. Whitacre's property would still be contiguous to two residential properties. The motion to rezone the property as stated was unanimously carried by all those present.

4. A motion was made by Councilmember MacDougall and seconded by Mayor Pro-Tem Livingston to approve **Final Reading of an Ordinance to Amend Section 155.05.01 of the Zoning Ordinance, Density of Residential Development**. The motion was unanimously carried by all those present.
5. A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Maness to approve **Final Reading of an Ordinance Limiting**

the Time of Day that Commercial Garbage Collection Can Occur in Town.
The motion was unanimously carried by all those present.

NEW BUSINESS

1. **First Reading of an Ordinance Annexing 811 East Main Street, Lexington County Tax Map #5423-03-010:** Barkley Properties, LLC owns .85 acres located at 811 East Main Street and petitioned for annexation. Millcreek Animal Hospital is located on the property. Properties in Town near this property are zoned General Commercial (GC) or High Density Residential (HDR) and East Main Street is classified as an Arterial Road. The Planning Commission will review this annexation during their August meeting to recommend a zoning and road classification for this property.

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

2. **First Reading of an Ordinance Annexing 4935 Sunset Boulevard, Lexington County Tax Map #4496-02-003:** MSC Lexington, LLC owns 7.2 acres located at 4935 Sunset Boulevard and petitioned for annexation. Public Storage is located on the property. 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 August meeting to recommend a zoning and road classification for this property.

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

3. **First Reading of an Ordinance Annexing 5210 Augusta Road, Lexington County Tax Map #4498-01-051:** William and Susan McClam own 1.8 acres located at 5120 Augusta Road and petitioned for annexation. Southeastern Satellite is located on the property. Properties in Town near this property are zoned General Commercial (GC) and Augusta Road is classified as an Arterial Road. The Planning Commission will review this annexation during their August meeting to recommend a zoning and road classification for this property.

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

4. **South Carolina Virtual Charter School Rental Fee Waiver:** The South Carolina Virtual Charter School, part of the public school system, is required by State law to perform annual tests for students. The organization asked for a fee

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waiver for the following dates in the 2013-2014 Academic Calendar for use of facilities to ensure all students are properly tested:

October 22-24, 2013	Eli Mack Room, Boardroom
March 18, 2014	Conference Center, Eli Mack Room, Boardroom
April 1-3, 2014	Conference Center, Eli Mack Room, Boardroom
May 6-9, 2014	Conference Center, Eli Mack Room, Boardroom
EOC dates (to be determined based on availability)	Conference Room, Boardrooms A, B, C.

The following is the value for the South Carolina Virtual Charter School event:

Conference Center: \$600 (in-town) or \$1,000 (out of town)	=	max waiver \$9,000
Eli Mack Room: \$150 (in town) or \$100 (out of town)	=	max waiver \$2,200
Boardroom(s): \$25 (in town) or \$50 (out of town) per day	=	max waiver \$ 700

One deposit for Conference Center (\$250) and Eli Mack (\$100) would still be required. Deposit from 2012-2013 Academic Calendar has been rolled over pending Council approval. (Copy of request letter attached.)

A motion was made by Councilmember MacDougall and seconded by Councilmember Maness to approve the fee waivers as stated. Mayor Pro-Tem Livingston asked how many children attend. Councilmember Shevchik stated that if Lexington District One needed the rooms they would have to pay and if the Virtual Charter had a budget to pay because Council would be waiving \$11,000. Councilmember Maness stated that kids from all over the state attend to take testing just like in the public schools and it is part of the South Carolina Public School System in which funds are granted per student. She added that this is not Home School. Ms. Dowden stated that approximately 200 students attended in a staggered schedule by age groups. Mayor Halfacre stated that this is just another method of learning to meet people's needs and he predicted that the trend would continue. Mayor Pro-Tem Livingston stated that she would vote for it but she was still struggling with it. The motion to approve the rental waivers as stated was carried with a vote of four (4) in favor and one (1) opposed (Shevchik).

COMMENTS

Mayor Randy Halfacre wished Happy Birthday to all employees celebrating birthdays in August. He also wished his daughter a Happy 24th Birthday. Mayor Halfacre expressed his condolences to Kathy Roberts, Finance Director, in the recent loss of her husband. Mayor Halfacre announced that he and several others leaders recently went to Laurel, Mississippi, where they secured Lexington as the host city for the 2015 Dixie Youth World Series. The 2014 Dixie Youth World Series will also be held in Lexington. He added that this event brings over 6,000 visitors to the area and is an enormous economic boost for the community. Mayor Halfacre congratulated Wingate Hotel in Lexington for winning Best of Lexington Award in Hotels category by the U.S.

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Commerce Association for the third consecutive year. He announced that this Thursday is the grand opening of the City of West Columbia's Riverwalk Park and Amphitheater Dedication which is in memory of Mayor Mack Rish. Mayor Halfacre reminded everyone that the Town will be a partner along with the Lexington Chamber, Lexington County, Columbia Chamber, City of Columbia, and Richland County for a Welcome Breakfast for Fort Jackson's newly appointed General Becker on September 17th here at Town Hall. He announced that the Town will partner again with the Lexington County Recreation and Aging Commission to host a free Fall Camp Out and Movie in the Park Night on September 27 starting at 6:00 p.m. Mayor Halfacre stated that school has started back and he wished all the teachers and students a great year. He added that his wife posted "there is a difference between being tired and being teacher tired". He particularly wished good luck to the new high school, River Bluff High School.

Mayor Pro-Tem Hazel Livingston stated that the new high school was featured on television today. She added that her neighborhood is zoned for the new high school and many neighbors had let her know that they had absolutely no problem getting in and out to the new school. She wished all the teachers a great year and a special great year to her granddaughter who started first grade today. She wished her grandson a Happy 2nd Birthday. She wished her husband a Happy 2nd Anniversary. Mayor Pro-Tem Livingston stated that she knows people get frustrated sitting in traffic but on a recent trip to South Georgia they saw so many towns that had died and had nothing. She encouraged everyone to be thankful for the growth and the vibrant life going on in Lexington. She congratulated Councilmember Shevchik for Chairing the OktoberFest this year.

Councilmember Kathy Maness agreed that for the last two and half weeks she has traveled South Carolina and she has seen many towns in South Carolina that would love to have our traffic problems. She stated that Lexington is a great place to live, work and worship that that is why we continue to grow. Councilmember Maness expressed her sympathy to Kathy Roberts in the recent loss of her husband. She stated that summer has come to an end and she wished all the students good luck this year including her son's first day in fifth grade. She added that this is her last year as an elementary "momma" at Midway Elementary where she has been involved since the first year they opened. She wished the Gamecocks good luck this year as college football starts.

Councilmember Todd Shevchik wished to expand on the information from the press conference regarding the traffic solutions. He stated that it is so expensive to add lanes and asphalt. He stated that when you get on Council you soon learn how much poop and trash costs, how long roads take to build, and how expensive it is to run a police department. He added that it takes time to find the funds for projects and the Signalization System is cutting edge to make roads safer and for traffic to run smooth. He stated that it should be up and running in about a year. Councilmember Shevchik thanked the Planning Commission for reviewing the request on Cedarcrest. He added that there are businesses and residents and there is no right or wrong answer. He stated that it had to be broken down into smaller decisions and they made the right decision today. Councilmember Shevchik extended his sympathy to Kathy Roberts in the recent

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loss of her husband. He wished Councilmember MacDougall a Happy half-century Birthday! He stated that with school and football starting it would not be long before they would be listening to the Voice of the Wildcats, Brad Cunningham. Councilmember Shevchik thanked everyone for watching the Council meeting because "if you watch, you care".

Councilmember Steve MacDougall gave an update on the Town's Dog Park. He stated that Girl Scout Troop 2228 from Saxe Gotha will be assisting by painting seven donated fire hydrants which will be used as artwork at the park. He thanked the following businesses for their generous sponsorships: Birchwood Veterinary Hospital, Millcreek Animal Hospital and Cherokee Trail Veterinary Hospital.

NEWS MEDIA: None.

PUBLIC COMMENT: None.

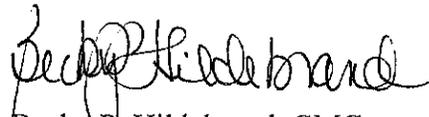
ADJOURNMENT

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

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

The Regular Council meeting was adjourned at 7:52 p.m.

Respectfully submitted,



Becky D. 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.