

MINUTES
Town of Lexington
Executive Session and
REGULAR COUNCIL MEETING
October 7, 2013

Town Council held an Executive Session at 5:15 p.m. followed by a Regular Council meeting in the Council Chambers on September 16, 2013. The meetings were attended by: Mayor Randy Halfacre, Mayor Pro-Tem Hazel Livingston, Councilmembers Kathy Maness, Ted Stambolitis, Todd Shevchik, and Steve MacDougall. Councilmember Danny Frazier was 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 twenty-five (25) citizens present for the Council meeting and two members from the news media.

EXECUTIVE SESSION REPORT

Mayor Halfacre reported that the *Executive Session* was called to order at 5:30 p.m. after a motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember MacDougall to go into *Executive Session*. The motion was unanimously carried by all those present. (Councilmember Shevchik was not present for the vote.) Council adjourned from *Executive Session* at 6:25 p.m. after a motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Stambolitis. The motion was unanimously carried by all those present. Mayor Halfacre reported that Council met in *Executive Session* to discuss: three routine personnel matters; two contractual issues related to the sale of two municipal properties; and, three legal updates on pending legal items. No vote was taken. A motion was made by Councilmember Stambolitis and seconded by Councilmember Maness to ratify Mayor Halfacre's *Executive Session* report. The motion was unanimously carried by all those present.

INVOCATION, PLEDGE OF ALLEGIANCE AND CALL TO ORDER: Mayor Halfacre welcomed everyone to the meeting and introduced the Council Members. Pastor Dr. Jim Glatz, Saxe Gotha Presbyterian Church, gave the invocation. Councilmember Shevchik led in the Pledge of Allegiance. Mayor Halfacre called the meeting to order at 6:40 p.m.

PRESENTATIONS

1. **Citizen Award to Mr. Charles Lutz – Chief Terrence Green:** Chief Green described a recent incident in Virginia Hylton Park when it was believed that someone had kidnapped a child, which sent fervors throughout Lexington. He received numerous calls stating that Virginia Hylton Park was not safe. He presented the video camera view of the park's back entrance showing a man going up the stairs and then back down the stairs with a child. Chief Green stated that if Mr. Lutz had not stopped the child when he did, the child could have ended up in the street or in the creek. He added that Mr. Lutz, also the brother of Alan Lutz, did not want any recognition for doing the right thing, but the Police Department wanted to present him with a plaque to thank him for his heroic deed in coming to the aid of a child on August 26, 2013. Chief thanked him for saving the Police Department much time and effort in that instead of looking for a kidnapper, they found a good Samaritan.

Mayor Halfacre wished to thank Town Administrator Poole for going back to the video tape and searching until he found the child being escorted back into the park.

2. **Proclamation to Columbia Sailing Club – Mayor Randy Halfacre:** Mayor Halfacre read a Proclamation to the Columbia Sailing Club for hosting the Championship of Champions regatta on Lake Murray from October 24, 2013 through October 27, 2013 where world renowned sailor Betsy Alison will participate. He presented the Proclamation to Jan Jernigan, and Bob and Vita Holloway.
3. **Proclamation of National Colonial Heritage Month – Councilmember Steve MacDougall:** Councilmember MacDougall read a Proclamation declaring October National Colonial Heritage month. He added that the Governor Robert Gibbs Chapter of the National Society Colonial Dames XVII Century of Columbia, South Carolina is the local sponsor. He presented the Proclamation to Ms. Carol McGee.
4. **Proclamation Alpha Delta Kappa Sorority Month – Councilmember Kathy Maness:** Councilmember Maness read a Proclamation declaring October Alpha Delta Kappa Sorority Month. She added that Alpha Delta Kappa is an international honorary organization of women educators. She presented the Proclamation to Ms. Casey Hallman, an educator and a Councilmember in West Columbia, S.C.
5. (Move to November, 2013) **Lexington County Recreation and Aging Commission – Ms. Lesley Reeves.**

VISION PLAN UPDATE

Mayor Halfacre gave a brief review of the Town's Vision Plan: (1) He announced that the Town's new Dog Park is schedule to open by the end of October. He also thanked the many sponsors of the Dog Park. (2) He thanked Councilmember Shevchik for Chairing Rocktoberfest this year, which will be held on East Main Street on October 26, 2013 from 4:00 p.m. to 10:00 p.m. (3) The Façade Program awarded this year's awards to several business in the Downtown area and another round of awards is scheduled for later in the year. (4) October 26, 2013 is the last Town Farmer's Market for this year. He thanked Jennifer Dowden and Darrell Jones for helping with the market each week. He added that one of the Town's vendors will participate in the Cupcakes Wars on television.

TRAFFIC UPDATE

Mayor Pro-Tem Livingston gave the traffic update as follows: (1) The Phase I Traffic Plan is under way and is over 56% complete. (2) The Town issued a notice to proceed for the beautification project at I-20 and Highway 378. Construction should begin by the end of October. (3) The resurfacing project should wrap-up next week in Golden Hills. A list of roads and resurfacing dates 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 October 15, 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. Final Reading of an Ordinance Annexing 351 Porsche Drive.

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 Annexing 351 Porsche Drive, Lexington Tax Map #005498-05-005**. The motion was unanimously carried by all those present.

NEW BUSINESS

1. **First Reading of an Ordinance Annexing 1100 West Main Street, Lexington County Tax Map #004326-08-006:** Worthy Family Trust owns one (1) acre located at 1100 West Main Street and petitioned for annexation. Lexington Florist is located on the property. Properties in Town near this property are zoned General Commercial (GC) and West Main Street is classified as an Arterial Road. The Planning Commission will review this annexation during their October meeting to recommend a zoning and road classification for this property.

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

2. **First Reading of an Ordinance Annexing 5041 Augusta Road, Lexington County Tax Map #005596-01-037:** Boral Bricks, Inc. owns a parcel located at 5041 Augusta Road and has petitioned for annexation. A sales office is located on the property. Properties in Town near this property are zoned General Commercial (GC) and August Road is classified as an Arterial Road. The Planning Commission will review this annexation during their October meeting to recommend a zoning and road classification for this property.

A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember MacDougall to approve First Reading as stated. The motion was unanimously carried by all those present.

3. **The Lexington Wildcat Athletic Booster Club Fee Waiver:** The Lexington Wildcat Athletic Booster Club will be hosting a silent auction fundraiser on August 23, 2014. The event will raise funds to support the athletes and athletic department of Lexington High School. The organization asked for a fee waiver for August 23, 2014 for the Conference Center. The event would be a weekend rental as requested for additional set-up and breakdown. (Copy of request letter attached.) Following is the value of the fee waiver: Rental Fee \$600 (In-Town) or \$1,000 (Out-of-Town). A \$250 deposit would still be required.

A motion was made by Councilmember Shevchik and seconded by Councilmember Maness to approve the fee waiver as requested. The motion was unanimously carried by all those present.

4. **Sewer Extension on Highway 378 West:** Mr. Jack Brazell owns a five (5) acre parcel at the corner of Westside Drive and Highway 378 West and plans to develop it for commercial use. Sewer is not immediately available and Mr. Brazell is looking at possibilities to get sewer to the property. There are two options for service to the property: (1) Gravity Sewer running west to 14 Mile Creek at an

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estimated cost of \$102,720; or (2) run a 2" or 4" force main east tying into a gravity line at 162 Highway 378 West. A 2" force main running east would be estimated at \$56,056 and would be limited in what could be served. The line could be increased to 4" at an estimated cost of \$83,600 and would be able to handle basically anything Mr. Brazell would develop on the property and have capacity for additional off-site development in the area. The force main option would require that Mr. Brazell install, own, and operate pumps in addition to the line costs. The initial cost of the pumps could be as high as \$30,000. Although the gravity line is estimated to initially be more expensive than the total upfront cost of the force main, the recurring O&M of the force main pumps makes the gravity option appealing to Mr. Brazell.

The option that most benefits the Town would be the 4" force main. The resulting higher capacity and location of the line would encourage future development. Mr. Brazell asked for 50% participation from the Town for the cost of the 4" force main (approximately \$42,000 in cost participation). Additionally, he stated that he would sign an easement needed by the Town for another project.

A motion was made by Councilmember Stambolitis and seconded by Councilmember Shevchik to approve the 50% cost participation in the upgrade to a four inch force main. Councilmember Stambolitis stated that this is the type partnership that the Council has been preaching to spur growth. The motion was unanimously carried by all those present.

5. **Appointment to the Traffic Committee:** The Traffic Committee has three vacancies for residents of the Town. Mr. Mark Churchill and Mr. Robert Diatkar submitted Talent Bank applications to serve on the Town's Traffic Committee. Mr. Churchill and Mr. Diatkar are Town residents. (Talent Bank applications attached.)

A motion was made by Mayor Pro-Tem Livingston and Councilmember Maness to approve both appointments to the Traffic Committee as stated. The motion was unanimously carried by all those present.

6. **Recommendation from the Historic Preservation Board to Apply a Historic Special Overlay to Eleven Properties Along Creps, Butler and Efird Streets:** The Historic Preservation Review Board received petitions from seventeen property owners requesting their properties be zoned with a historic overlay. The Board reviewed these petitions and recommended the overlay for eleven of the properties. The Board made this recommendation based on the fact that the properties are included in the Town's Historic Inventory and they believed these properties met the requirements to be designated as historic under paragraphs 5 and 9 of Section 152.02.18 of the Town Code. The recommended properties are: 501 East Butler Street, 503 East Butler Street, 504 East Butler Street, 508 East Butler Street, 511 East Butler Street, 403 East Butler Street, 410 East Butler Street, 303 Creps Street, 306 Creps Street, 202 Creps Street, and 207 Efird Street. The Planning

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Commission reviewed this recommendation during their September meeting and recommended denial of the rezoning because the properties are given protection by existing zoning designations.

A motion was made by Councilmember Maness and seconded by Mayor Pro-Tem Livingston to approve First Reading of the Historic Overlay for eleven properties as recommended by the Historic Preservation Review Board. Councilmember Stambolitis requested that the item be sent back to a Work Session for further discussion since the two Town Boards disagreed. He called on Mr. Chuck Corley to explain the Historic Preservation Review Boards recommendation. Mr. Corley stated that there were some citizens that wanted their homes rezoned to keep other property owners from intruding on their property. He talked to one citizen extensively and then received 17 applications. Mr. Corley stated that citizens view that area as a beautiful neighborhood and they wanted it to be recognized as such. He added that people are happy to be living downtown. He stated that one lady's family had owned her home since 1840. He added that it would benefit the Town down the road. Mr. Corley stated that his house is on the National Register and that did not preclude him from tearing his house down if he wished. He stated that there are some pretty homes on some of the streets mentioned and the new homes in that area were purchased very fast. Town Administrator Poole stated current zoning in the area already protects property. He also disagreed that you could not simply tear down a house because special approvals would have to be obtained. He confirmed that the overlay would prevent development with an additional layer of approval, but it would not prevent it on the property next door if it was not within the special district. Mr. Poole stated that he could only speculate regarding the Planning Commission's ruling but there was some discussion about a lot of the homes have been modified since being built. Mayor Pro-Tem Livingston confirmed that each homeowner made the request to the Town and it does not affect other homes. Councilmember Maness confirmed that the Historic Preservation Review Board held a Public Hearing. Mr. Corley stated that several came to the Public Hearing. He added that two requested to be removed from the petition and two asked to be added. Mr. Corley stated that seven homes that were not 50 years old or older could not be added, but seven of the new homes wanted to be added. Councilmember Stambolitis stated that if their request did not affect the Town's existing laws he would not have a problem with it. Mr. Corley stated that some attorneys in the area requested the overlay. He confirmed that the Board did not request it, the homeowners came to them. Mayor Halfacre stated that the designation is more of an honor and he was curious as to why the Planning Commission rejected it. Councilmember Maness requested that Mr. John Hanson speak about the issue. She confirmed that the Planning Commission did know that the people asked for the overlay district. She added that if Mr. Corley had

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been at the Planning Commission meeting he could have better explained the issue. Mr. Hanson stated that during the Planning Commission's work session they were concerned about some of the property owners not understanding and their concern for the motivation of the request. He added that during their regular meeting there was discussion about some of the buildings being modified. He stated that the citizens would receive another notice before Public Hearing. Mayor Pro-Tem Livingston stated that if the citizen had a problem with it they would be at the meeting tonight. Councilmember Maness confirmed that the people on the list were citizens that asked for the overlay. Councilmember Stambolitis asked for a better explanation for a denial of a request in the future without prompting Mr. Hanson for an explanation. Councilmember MacDougall stated that the Planning Commission's explanation was in the "background" section of Council's agenda item. Mr. Hanson confirmed that the overlay district would place the property under the purview of the Historic Preservation Review Board for any further modifications. Mr. Poole stated that if Council moves forward on the issue, the notification to the citizens could include the specifications of the overlay district so everyone would be aware of all the details. Mayor Halfacre agreed with Mr. Poole. He also confirmed that Keith Frost, Chair of the Planning Commission, was unable to attend tonight due to his father's illness. The motion was unanimously carried by all those present.

COMMENTS

Mayor Randy Halfacre wished Happy Birthday to all employees celebrating birthdays in October. He confirmed that the cupcake lady is Nicole Storey and people can find her at the Town's Farmers Market which will wrap up on October 26th. Ms. Storey is also on the show Cupcake Wars. Mayor Halfacre stated that he would attend the Urban Land Institute Game Day on October 22nd. The Police Department's Fall Festival is also on October 22nd and the Historic Preservation Review Board will present the annual Preservation Awards on the 22nd at 5:30 at the Palmetto Collegiate Institute. Mayor Halfacre encouraged everyone to come out to Sertoma's Big Thursday on October 24th here at Town Hall. He added that it is a great event and the proceeds go to the Town's Gibson Pond Park. He announced that the Town, along with Lexington Young Professionals, would host Rocktoberfest on October 26th from 4:00 to 10:00 on Main Street and Butler Street. He thanked Councilmember Shevchik for serving as Chairman of the event. Mayor Halfacre stated that the Veteran's Parade will be on Sunday, November 3rd at 3:00. He asked everyone to come out and vote in the Town's Mayoral Election on November 5th.

Mayor Pro-Tem Hazel Livingston thanked the contractors for the job they are doing on the Phase I Traffic Plan and for being ahead of schedule. She was excited about the

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I-20/Highway 378 project getting started. Mr. Poole confirmed that the project time is around two months.

Councilmember Kathy Maness thanked Charles Lutz for being a hometown hero and for getting a little boy back to his family. She added that it was scary but fortunately the Town has citizens that will look out for the little ones. She congratulated the educational professionals in Alpha Delta Kappa Sorority on their 65th year and for all they do for education. She looks forward to the opening of the Town's Paw Park. She thanked Councilmember MacDougall and Ms. Jennifer Dowden for their work on the project. She asked everyone to come out to the Town's Farmers Market. Her son made a candle with one of the vendors and she encouraged everyone to come out and see all the vendors. She welcomed one student to the Council meeting.

Councilmember Ted Stambolitis announced the Pediatric Brain Tumor Ride for Kids this Sunday at 2:00. He thanked Councilmember Shevchik for a great article in Lexington Life magazine and to Carolina Honda for being a sponsor. He stated that another group has been started by Zack Spence for organ and kidney transplants. Mr. Spence can be contacted at 606-6107. He wished his daughter a Happy 19th Birthday.

Councilmember Todd Shevchik announced that Rocktoberfest will be October 26th from 4:00 to 10:00. He stated that there will be something for everyone including televisions to watch the game, bands, food, and German fare. He added that tickets are \$8.00 and can also be purchased at Town Hall. Councilmember Shevchik encouraged everyone to come out to the Police Department's annual Fall Festival. He added that it is always a fun event. He asked citizens to get involved with the Ride for Kids and help with a good cause for pediatric brain tumors. He wished his daughter a Happy 12th Birthday. He added that there is a lot going on in Lexington in October, plus the election on November 5th.

Councilmember Steve MacDougall announced that Paw Park applications are on-line and there is also time to become a sponsor. He announced that the Town's Boards and Commissions dinner would be next week. He added that it is a great opportunity to thank the many citizens that give back to their Town.

NEWS MEDIA: None.

PUBLIC COMMENT: Mr. Chuck Corley thanked the Mayor and Council for all they do for the Town because they have the residents' interest at heart.

ADJOURNMENT

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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 7:43 p.m.

Respectfully submitted,

Becky P. Hildebrand, CMC
Municipal Clerk

APPROVED:

T. Randall Halfacre
Mayor

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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.