

MINUTES
Town of Lexington

COUNCIL WORK SESSION

February 19, 2013

Town Council held a Council Work Session preceded by an Executive Session and a Special Called Council Meeting on February 19, 2013 in the Council Chambers. The meetings were attended by: Mayor Randy Halfacre, Mayor Pro-Tem Livingston, Councilmembers Kathy Maness, Ted Stambolitis, Todd Shevchik, Danny Frazier and Steve MacDougall.

Staff members present were: Town Administrator Britt Poole, Assistant Town Administrator Stuart Ford, Municipal Attorney Brad Cunningham, Police Chief Terrence Green, Community and Economic Catalyst Johnny Jeffcoat, Utilities and Engineering Director Allen Lutz, Finance Director Kathy Roberts, Director of Parks, Streets and Sanitation Dan Walker, 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 fifteen (15) citizens present for the Council Work Session and two members of the news media.

APPROVAL OF MINUTES: A motion was made by Councilmember Maness and seconded by Councilmember MacDougall to approve the minutes as submitted for the following Council meetings: October 1, 2012, December 3, 2012, December 20, 2012 (Special), January 7, 2013 and February 4, 2013. The motion was unanimously carried.

BUSINESS ITEMS: (For Discussion and Recommendation for Council Meeting on March 4, 2013.)

1. **Larkin Woods Subdivision Request for Cost Participation – Utilities Director Allen Lutz:** Essex Homes decided to proceed with the development of the Larkin Woods Subdivision which is a 65 lot subdivision located at the intersection of Cromer Road and Mineral Springs Road. Mr. Frank Berry, Essex Homes, requested that the Town participate with the off-site sewer for the subdivision. Per the Town's policy, Council can approve participation up to 25% of the CCF's for the project not to exceed the total cost of the off-site construction. The estimated off-site sewer cost is \$104,600.00. The total CCF's for the development will be \$240,500.00 and 25% of that will be \$60,125.00 or 16.25 CCF's. Participation will be made in the form of CCF credits. (Copy of request letter attached.)

A motion was made by Councilmember Maness and seconded by Mayor Pro-Tem Livingston to place the item on Council's March 4, 2013 agenda for consideration.

MINUTES
COUNCIL WORK SESSION
February 19, 2013

Councilmember Frazier commented that the engineer for Larkin Woods Subdivision was Mr. John Stephenson, who was also the engineer and developer for Woodside Farms. He added that he did not have a problem with Mr. Frank Berry from Essex Homes, who also serves on the Town's Planning Commission, but he had an issue with the engineer for poor quality roads in Woodside Farms where he lives because Mr. Stephenson would not stand behind the road issues and fix them. He added that he does not have a problem with Essex Homes because he lives in one of their houses. He did not feel comfortable that now a "switch-a-roo" was being done by Essex buying the plans for Larkin Woods where Mr. Stephenson was the developer and engineer along with Power Engineering. Councilmember Frazier stated that the curbs in his neighborhood have cracks every 30 feet. He did not want it to turn into another Golden Hills with poor quality roads. He wanted to insure that Essex Homes would stand behind the entire development at Larkin Woods. He added that Mr. David Parr, with Power Engineering, is the engineer of record for Larkin Woods.

Mr. Frank Berry stated that Essex Homes bought all the plans and drawings for Larkin Woods. He added that Mr. Stephenson works for Power Engineering, not for Essex Homes. He added that they use an in-house engineer, Mr. Carl Haslinger. Mr. Berry stated that Essex Homes would stand behind the Larkin Woods Subdivision which is bonded for one year so they will handle it. He added that Essex Homes has built five to six developments without any problems. He stated that he lives in the same neighborhood as Councilmember Frazier and there is a problem with the roads; however, he and Essex Homes could not be held accountable for a development that they did not build.

Mayor Halfacre called for a vote on the item and stated that the matter is resolved in that Councilmember Frazier's neighborhood roads are yesterday's news and he was satisfied that Larkin Woods would be done right.

Councilmember Maness thanked Mr. Berry for serving on the Town's Planning Commission where he does an excellent job. Mayor Halfacre added that all the Commissioners do an excellent job.

The motion was carried with a vote of six (6) in favor of the motion to place the item on Council's March 4, 2013 agenda for consideration and one (1) opposed (Frazier).

- 2. Request for Sewer Service Extension on Steeple Chase Road off Highway 378 – Utilities Director Allen Lutz:** Mr. Shawn Graham, a resident of Steeple Chase Road, requested that the Town participate to extend sewer service to the residents in his neighborhood. He was in the process of contacting his neighbors to see how many were interested in having sewer service brought into their area. Mr. Graham had identified 16 property owners, out of 42, that want sewer service. The Town has participated in similar projects in the past with enough owners interested that prepaid CCF fees to cover the installation of the sewer extension (Hallmark Shores, Mallard Bay and Driftwood Point). Power Point Lane was another project where

MINUTES
COUNCIL WORK SESSION
February 19, 2013

there was not enough interest to cover the installation cost, but the property owners were willing to prepay for CCF's and pay additional cost to cover the installation.

The estimated cost to run a new four-inch force main to the end of Steeple Chase Road and two connector roads would be approximately \$54,208.00 (3,872 feet @ \$14.00 per foot). The prepaid CCF fees for 16 properties (\$3,700 each) would be \$59,200.00 if these property owners prepay. The estimate includes engineering, permits, driveway cuts and contingencies. There is a potential for 42 new sewer services with this line extension that eventually would need to tie on to the Town's system due to septic tank failures. If there is not enough participation to complete the extension to the end of Steeple Chase Road and two connector roads, the project would be done in phases.

Council was asked to place the request on their March 4, 2013 agenda for consideration and for approval of the concept and allow the Utilities Department to work with the neighborhood to collect the CCF's to have the new lines installed.

A motion was made by Councilmember Stambolitis and seconded by Councilmember Maness to place the item on Council's March 4, 2013 agenda for consideration. The motion was unanimously carried.

3. **Street Repairs Project – Assistant Town Administrator Stuart Ford:** Town Staff, in conjunction with consulting engineers, evaluated the Town's road system, estimated repair costs and prioritized repair projects throughout the Town. The prioritized list was provided to Council with a proposed project budget for street repairs. (Copy attached.) The intent of the prioritization is to get the most repairs completed on the roads with the worst conditions that impact the most traffic. The Town intends to develop the RFP in a manner to maximize total repairs performed within the overall project budget. The approved prioritized project list will be flexible to allow modification based upon results of the RFP process. The Project Sources and Use Budget provides that the 2013 GO BAN's will contribute approximately \$630,000 and designated Streets and Infrastructure Funds will contribute approximately \$335,680 for a total budget of \$965,680.

Mr. Ford presented a new offer from Golden Hills Home Owners Association. (Copy attached.) He gave a summary of the offer as follows:

- (1) GHHOA offered \$100,000 financial contribution for road repairs in Golden Hills.
- (2) Request to use Special Tax District funds (\$195,000) for road improvements in Golden Hills.
- (3) Town to match \$100,000 GHHOA contribution on a dollar for dollar basis.
- (4) Town to cover all costs to renovate Carnoustie Court.
- (5) Contracts negotiated and work performed this calendar year.

Councilmember Stambolitis asked if the Town owns Carnoustie Court. Mr. Ford responded that the Town accepted the road in 2005 and now owns Carnoustie Court.

MINUTES
COUNCIL WORK SESSION
February 19, 2013

Councilmember Stambolitis asked who approved the acceptance of the road and why it was not built to a standard. Mr. Ford stated that the road should not have been accepted, but now the road needs to be made right in order for it to have a useful life. Councilmember Stambolitis stated that it should be a lesson learned and the road should be torn down and rebuilt to code. He added that the developer should be held accountable and there should be an oversight in place by the Town to keep this from happening in the future. Mr. Ford added that the repairs may be less than expected in that the \$170,000 budgeted for Carnoustie Court may be \$100,000 too much. He stated that the new contribution offer would help offset the cost of repairs going forward in Golden Hills. Mr. Ford introduced Mr. Brad Arnold who was present if anyone had questions.

Mayor Halfacre stated that all that is a moot issue now. He added that roads are done differently now and with good results. He stated that new techniques are used and not asphalt as everyone is familiar. Town Administrator Poole added that the Town no longer accepts roads and the County, which has a standard code in place, is now responsible. He stated that Golden Hills was an unusual situation in that they had an Innovative Development Status and that status no longer exists.

Councilmember MacDougall confirmed that the cost to repair Carnoustie Court would be “a wash” by using the budgeted amount of \$968,000 (which includes Carnoustie Court – which may cost less than \$170,000); plus GHHOA’s \$100,000; plus the Town’s match of \$100,000; plus the Golden Hills Special Tax District funds of \$195,000. Mr. Ford stated that it would put a total of \$400,000 into roads in Golden Hills, which would result in getting even more done than originally budgeted.

Councilmember Frazier stated that the engineer, Power Engineering, was the same one as in Woodside Farms. He had Mr. Johnny Jeffcoat and Ms. Debbie Summers go look at the roads in Woodside Farms and in Golden Hills. Mr. Berry confirmed that Power Engineering has four or five engineers. Mr. Poole stated that the problem was a lack of responsibility on the part of the developer, and he was unaware of a problem with the engineer. Councilmember Frazier stated that he knew a little bit about roads and a control joint would have solved the problem in Woodside Farms. He added that he is in full support of Golden Hills and thanked them for the new offer.

A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember MacDougall to place the request, including the new offer from Golden Hills Home Owners Association, on Council’s March 4, 2013 agenda for consideration. The motion was unanimously carried.

4. **Roll Cart Compliance Issues – Director of Parks, Streets and Sanitation Dan Walker:** 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. Most

MINUTES
COUNCIL WORK SESSION
February 19, 2013

of the time the offending residents comply after receiving the warning letter. (Copy of current Ordinance attached.)

Council was asked to approve that after a warning letter is mailed to the resident and the resident refuses to comply, to allow the Parks, Streets and Sanitation Staff to go to the location and retrieve the roll cart. The resident would have to apply for a new cart and pay a \$10.00 fee. This would save on payroll since there would not be numerous visits to non-complying residence.

Mayor Halfacre asked what was being done now; if a letter is sent; and, if other municipalities had been surveyed as to how they handle the roll cart situation. Mr. Walker responded that currently his Staff tries to coach citizens through what they need to do; a letter is sent; and he had not surveyed other municipalities. Mayor Halfacre confirmed that the County also has roll carts and they have a procedure in place by mailing a ticket.

Mayor Pro-Tem Livingston asked what if a citizen put a regular trash can out. Mr. Walker responded that it would be picked up. He added that they can get around it and put their trash in someone else's roll cart. Councilmember Shevchik confirmed that this rarely happens. Mr. Walker stated that he rides the Town route to insure that roll carts are put back in a non-conspicuous location.

Mayor Halfacre recommended that the MASC list-serve be used to survey other municipalities, including Lexington County, and their policy regarding roll carts and bring the item back to Council's next Work Session.

5. **“It's All About Herbs Festival” Contribution – Municipal Clerk Becky Hildebrand:** The “Herb Bunch”, a non-profit club affiliated with the Clemson Extension Service, is organizing its second “It's All About Herbs Festival”. The festival will be held Saturday, April 13, 2013 on the grounds of the Lexington County Museum. Contributions will provide funds, not only for the festival organization itself, but also for a scholarship to a Lexington County student for study in the agricultural or horticultural field. The levels of contributions and advertisements for the Town are as follows: Silver Level: \$150.00; Gold Level: \$250.00; Platinum Level: \$350.00 or more.

A motion was made by Councilmember Stambolitis and seconded by Councilmember Shevchik to place the item on Council's March 4, 2013 agenda for consideration. Councilmember Stambolitis wished to contribute the same amount as last year (\$150.00) and added that he wanted to encourage and support small festivals in Town. The motion carried unanimously.

6. **Moving for Meals Campaign Request for Sponsorship – Municipal Clerk Becky Hildebrand:** The Lexington County Recreation and Aging Commission's Council on Aging is kicking off their 20th Annual Moving for Meals Campaign to support the Meals on Wheels program and heighten awareness of the circumstances

MINUTES
COUNCIL WORK SESSION
February 19, 2013

that face many of Lexington County's aging individuals. No specific dollar amount was requested.

A motion was made by Councilmember Stambolitis and seconded by Mayor Pro-Tem Livingston to place the item on Council's March 4, 2013 agenda for consideration. Councilmember Stambolitis stated that this is a great program. Mayor Halfacre stated that this is a good example of government flowing to the people. The motion was unanimously carried.

COUNCIL/STAFF COMMENTS

Mayor Halfacre told Councilmembers Stambolitis and Frazier that he did not mean to cut them off earlier and he understood where there were coming from on the road issues, but it was time to move on.

Councilmember Stambolitis thanked the Town's great Staff for their hard work.

Councilmember Frazier stated that Mr. Poole usually makes good decisions for the Town, but he still had a problem with a developer who would use their own engineer. Mr. Poole responded that the Town had previously used the engineer and there was no problem.

QUESTIONS FROM THE NEWS MEDIA: None.

PUBLIC COMMENTS: None.

ADJOURNMENT: There being no further comments or questions, a motion was made by Councilmember Stambolitis and seconded by Councilmember Shevchik to adjourn the Council's Work Session at 2:00 p.m. The motion was unanimously carried.

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.