

MINUTES
Town of Lexington
Executive Session and
COUNCIL WORK SESSION
March 18, 2013

Town Council held a Council Work Session preceded by an Executive Session on March 18, 2013 in the Eli Mack, Sr. Room. 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, Assistant Municipal Clerk Karen Hanner, and Municipal Clerk Becky Hildebrand.

There were approximately thirty (30) citizens and Boy Scouts present for the Council Work Session and one member of the news media.

EXECUTIVE SESSION REPORT

Mayor Halfacre reported that the *Executive Session* was called to order at 5:15 p.m. after a motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember MacDougall to go into *Executive Session* to discuss four contractual matters related to economic development; three routine personnel matters; and, two legal updates on pending legal issues. The motion was unanimously carried by all those present (Shevchik was absent for the vote). Council adjourned from *Executive Session* at 6:14 p.m. after a motion was made by Councilmember Shevchik and seconded by Councilmember MacDougall. The motion was unanimously carried. No vote was taken during the Executive Session. A motion was made by Councilmember Frazier and seconded by Councilmember Stambolitis to ratify the Mayor's *Executive Session* report. The motion was unanimously carried.

INVOCATION, PLEDGE OF ALLEGIANCE AND CALL TO ORDER: Mayor Halfacre introduced the Council Members and welcomed everyone to the Council Work Session. Councilmember Maness gave the invocation and Councilmember MacDougall led in the Pledge of Allegiance. Mayor Halfacre called the meeting to order at 6:20 p.m. He later welcomed Boy Scout Troop #309. Scout Caughman introduced the troop and stated that they were working on their Citizenship and Communications badge.

APPROVAL OF MINUTES: A motion was made by Councilmember Maness and seconded by Councilmember Stambolitis to approve the minutes as submitted for the March 4, 2013 Regular Council meeting. The motion was unanimously carried.

PRESENTATION

“Ride for Kids” Benefiting the Pediatric Brain Tumor Foundation – Mr. Dan Hennigan: Mr. Hennigan gave an overview of the motorcycle ride to be held on October 13, 2013 at 2:00 p.m. to benefit the Pediatric Brain Tumor Foundation, a non-profit 501(c)(3). He stated that he had met two children (Richard and Kennedy) from the area who were battling this very serious disease. He had several committee members with him including the owner of Carolina Honda who has participated in the program for many years. The “Ride for Kids” had not previously been held in South Carolina and the October 13, 2013 ride would be the first. The route of the location would start at Lexington High School and circle through Batesburg-Leesville and back to the high school. Mr. Hennigan stated that the “Ride for Kids” would bring 250 to 300 riders to the area, which would have a positive economic impact. He added that the Foundation was also seeking sponsorships.

Councilmember Stambolitis stated that this is a good program and provides much support to families when they need it. He proposed that the Town find some funds for a sponsorship and to provide advertisement for the ride on the Town’s Channel 2, web page and Facebook. He added that he would also like to see it included in the Town’s water bills. He confirmed that the Foundation’s deadline is the end of May.

Mayor Halfacre stated that this was a new request for the Town and he asked that Council be given some time to look through the information provided (copy attached) to determine if it could fit in the upcoming budget. He also offered to advertise on the “Monday with the Mayor” radio show. Mayor Halfacre also congratulated Mr. Hennigan on recently receiving the Honorary Battalion Chief award from the New York Fire Department.

BUSINESS ITEMS: (For Discussion and Recommendation for Council Meeting on April 1, 2013.)

1. **Rental Fee Waiver for 5th Annual Neighborhood Reunion Celebration – Events and Media Coordinator Jennifer Dowden:** The Neighborhood Reunion Committee is hosting the 5th Annual Celebration and Block Party on Friday and Saturday, September 13 and 14, 2013. The organization asked for a Fee Waiver for Friday, September 13th for the Eli Mack, Sr. Room. The event would take place after business hours. Following is the value for the 5th Annual Neighborhood Reunion Celebration: Rental Fee \$150 (In-Town) or \$200 (Out-of-Town). A deposit of \$100 would still be required. (Request letter attached.)

A motion was made by Councilmember Stambolitis and seconded by Councilmember MacDougall to place the item on Council’s April 1, 2013 agenda for consideration. The motion was unanimously carried.

2. **Rental Fee Waiver for the American Cancer Society – Events and Media Coordinator Jennifer Dowden:** Ms. Staci Little and Ms. Lisa Couture with the

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American Cancer Society – Relay for Life Lexington County requested a rental fee waiver for their annual Cancer Survivor Dinner on April 30, 2013. Following is the value for the American Cancer Society: Conference Center Rental Fee \$600 and Technology Fee \$75. A \$250 deposit would still be required. (Request letter attached.)

A motion was made by Councilmember Maness and seconded by Councilmember Frazier to place the item on Council's April 1, 2013 agenda for consideration. The motion was unanimously carried.

3. **Town of Lexington Dog Park Guidelines/Contract/Name – Events and Media Coordinator Jennifer Dowden:** As part of the Vision Plan, the Town of Lexington will introduce new green space amenities to be enjoyed by the Town citizens. The newest park is for four-legged family members – the Town of Lexington Dog Park. The Advisory Committee spent the last five months researching neighboring parks and creating rules, regulations, annual fees, and a contract. A copy of the final rules, regulations, and contract were presented to Council. (Copies attached.) The Advisory Committee also selected the name *Lexington Paw Park*. Ms. Dowden thanked the Advisory Committee for working on the project.

A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember MacDougall to place the item on Council's April 1, 2013 agenda for consideration. Mayor Halfacre confirmed that the Council could make additions to the regulations should the need arise. Town Administrator Poole confirmed that the park could start in May based on Town's budget. He reminded Council that the item would require two readings, a Public Hearing and an ordinance since fees are attached. Councilmember Stambolitis confirmed that the rules were be primarily self-enforced by citizens using the park and a number would be posted if there were any problems. Ms. Dowden stated that several other area dog parks had been reviewed and they had similar rules and enforcement. Mayor Pro-Tem Livingston confirmed that there would be a permit fee and application, which included verification of vaccinations, in order to receive a tag and code access to the park. She added that the sculpture of K-9 Ice would be shipped in about three weeks. Mayor Halfacre asked if a recent seminar on dog parks was helpful to Staff. Mr. Walker stated that he had a book on dog parks which was helpful. Mayor Halfacre stated that he had learned that dog parks are not just for dogs, but they are also for people to come together and connect and to provide green space. Councilmember MacDougall stated that the park is a total of four acres. Mr. Walker stated that it would be surrounded by an 8-foot fence and there would be a hedge row planted inside the fence for shade. He stated that a creek runs through the property and they would have to stay 50 feet from the creek. He added that there would be a section for small dogs and another section for large dogs. Councilmember Stambolitis requested that the sign at the park state that it is a partnership between the Town and the County. The motion was unanimously carried.

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4. **Sale of Property Interest at Barr Pond – Municipal Attorney Brad Cunningham:** The Town received an offer of \$60,000 (less its share of customary seller's closing costs) for its interest at Barr Pond (a/k/a Wildlife Pond). The Town owns water rights and a small parcel of land adjacent to the pond. Prior to the water contract with West Columbia, it appeared the Town might need the pond as a water source. However, that no longer appears to be the case and the Town may wish to dispose of its rights in the pond. (Copy of Contract of Sale attached.)

A motion was made by Councilmember Shevchik and seconded by Mayor Pro-Tem Livingston to place the item on Council's April 1, 2013 agenda for consideration. The motion was carried with a vote of six (6) in favor and one (1) opposed (Frazier).

5. **Re-Appointment of Assistant Municipal Judge:** Judge Leigh Leventis has worked part-time for the Town of Lexington for two years after his initial appointment, which has now expired. State Law allows the Municipal Judge to be appointed to a term of not less than two years, but not more than four years.

A motion was made by Councilmember Maness and seconded by Councilmember MacDougall to place the item on Council's April 1, 2013 agenda for consideration. The motion carried unanimously.

6. **Regulating Occupancy in Residences – Director of Planning, Building and Planning John Hanson:** A Councilmember asked for some research on regulating the number of people that can live in a home. Regulations are usually handled in two ways: (1) Through the use of the Building Code, currently in place by the Town. (2) By including a definition of a *family* in the Zoning Ordinance, which is not currently in place by the Town. Two sample definitions are listed below which may be considered:

1. *Family* means an individual; or two or more persons related by blood or marriage living together; or a group of individuals, of not more than three persons, not related by blood or marriage, but living together as a single housekeeping unit.
2. *Family* means one or more persons related by blood, marriage, adoption or guardianship, and not more than four persons not so related, except that nine mentally or physically handicapped persons for whom care is provided on a 24-hour basis shall be construed to be a family, in accordance with the provisions of S.C. Code 1976, § 6-7-830, including approval or licensing of the home in which they are located by a State agency for that purpose.

Mr. Hanson stated that the issue should go to the Planning Commission if Council wished to consider a new definition for the Zoning Ordinance. He added that this is not yet a large issue in the Town, but it would be better to have it in place. He stated that this is usually an issue near colleges. Mr. Hanson agreed to add

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“adopted” and “guardianship” to the Town’s proposed ordinance prior to it going before the Planning Commission.

Councilmember Stambolitis confirmed that Columbia’s ordinance allows three (3) not related and the Town’s would allow four (4) not related. He also confirmed that mentally or physically handicapped and elderly persons did not apply if in a licensed home.

A motion was made by Councilmember Shevchik and seconded by Councilmember MacDougall to defer the item to the Planning Commission for review and recommendation for Council. The motion was unanimously carried.

7. **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 of the time, the offending residents comply with the ordinance after receiving the warning letter. The idea is to save on payroll by eliminating the tracking down of residents who are repeat offenders. Council previously requested that research be done to determine how other municipalities handle this issue. Research findings were as follows:

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| <i>Central, S.C.</i> | <i>Must have roll carts off the curb by sunset. Fine is \$500.00.</i> |
| <i>West Columbia, S.C.</i> | <i>Do not have an ordinance dealing with the issue.</i> |
| <i>Chester, S.C.</i> | <i>Tag the cart with the ordinance printed on the tag; two warnings; after second warning the cart is picked up; a \$5.00 fine is levied to get a roll cart back; the fine increases \$10.00 for each additional failure to respond to the ordinance.</i> |
| <i>North Augusta, S.C.</i> | <i>\$5.00 fine on each violation; can is tagged; and, the fine is attached to their water bill.</i> |
| <i>City of Fountain Inn, S.C.</i> | <i>Places a notice on the roll cart and sends a certified letter.</i> |
| <i>Aiken, S.C.</i> | <i>They roll the cart back; attach a \$5.00 ticket notice to the cart; add fine to the water bill.</i> |
| <i>Kiawah, S.C.</i> | <i>The Judge allows a certified letter to be sent with the ticket.</i> |
| <i>Orangeburg, S.C.</i> | <i>Issue tickets and pick-up roll carts for repeat offenders.</i> |

Mayor Halfacre recommended that the cart be rolled back and a \$5.00 fine be issued. Mr. Walker confirmed that his Staff currently handles the issue and they would know the habitual offenders. He added that Staff could start placing a flyer on the roll cart to

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inform the resident of the ordinance. Mr. Walker had confirmed with the Finance Director that the fines could be included in the water bill.

A motion was made by Councilmember Frazier and seconded by Councilmember Shevchik to place the item on Council's April 1, 2013 agenda for consideration. Councilmember Frazier stated that he agreed with Mr. Walker's plan. Mayor Halfacre stated that he would support the item being placed on Council's agenda, but he was not in full support of the issue because he disliked another level of government rules and he preferred to cogitate on it. The motion was unanimously carried.

COUNCIL/STAFF COMMENTS

Town Administrator Poole reminded everyone about the Flashlight Easter Egg Hunt that would be held on the evening of March 22nd from 6:00 p.m. to 9:00 p.m. at the Gibson Road Soccer Complex in partnership with Lexington County Recreation and Aging Commission.

Councilmember Maness asked about the Financial Report and the "Other Income" that was added in January. Finance Director Roberts responded that the Town sold several old generators. Mr. Poole stated that the Town has been using a government web page to sell surplus equipment. Councilmember Maness also asked Council to review the summer dates for a shortened summer schedule.

Mayor Halfacre thanked Councilmember Maness for giving him the information on the first ever Mayors Day of Recognition for National Service to be held on April 9th. He added that Mayors can participate in several ways and he recommended doing a Proclamation. Mayor Halfacre read a thank you note from Mr. J.R. Fennell, thanking the Town for the use of the Conference Center for their annual fundraiser.

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 7:05 p.m. The motion was unanimously carried.

Respectfully submitted,

Becky P. Hildebrand, CMC
Municipal Clerk

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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.