

MINUTES
Town of Lexington
Executive Sessions and
COUNCIL WORK SESSION

April 15, 2013

Town Council held a Council Work Session preceded by an Executive Session and followed by an Executive Session on April 15, 2013 in the Eli Mack, Sr. Room. The meetings were attended by: Mayor Randy Halfacre, Mayor Pro-Tem Hazel 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, Grants Administrator Wesley Crosby, Events and Media Coordinator Jennifer Dowden, Assistant Municipal Clerk Karen Hanner, and Municipal Clerk Becky Hildebrand.

There were approximately fifteen (15) citizens present for the Council Work Session and no one from the news media.

EXECUTIVE SESSION # 1 REPORT

Mayor Halfacre reported that *Executive Session #1* was called to order at 5:31 p.m. after a motion was made by Councilmember MacDougall and seconded by Councilmember MacDougall to go into *Executive Session* to discuss two legal updates regarding the sale of property and a storm drainage issue; one contractual matter regarding the donation of property to the Town; and two routine personnel matters. The motion was unanimously carried by all those present (Frazier and Shevchik was absent for the vote). Council adjourned from *Executive Session #1* at 6:26 p.m. after a motion was made by Councilmember Stambolitis and seconded by Councilmember Maness and to return to Executive Session following the Work Session. The motion was unanimously carried. No vote was taken during Executive Session #1. A motion was made by Councilmember Stambolitis and seconded by Councilmember MacDougall 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. He read an opening statement to explain the procedures of a Council Work Session which stated: "*Work Sessions are less formal business meetings that enable Council to obtain and discuss information regarding Town issues from Staff members and/or consultants. Like Regular Council Meetings, citizens are encouraged to attend and observe Work Sessions; however, they do not include Public Hearings, but do allow for public comment at the end of the Work Session unless otherwise called on by*

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Council. Council does not take an action vote on items during a Work Session other than to vote to place an item on Council's next Regular Council Meeting agenda for consideration and an official vote. Council Work Sessions are not tape recorded, but Minutes are taken and posted on the Town's web page following approval of Council".

Councilmember Maness gave the invocation and Councilmember Shevchik led in the Pledge of Allegiance. Mayor Halfacre called the meeting to order at 6:31 p.m.

APPROVAL OF MINUTES: A motion was made by Councilmember Maness and seconded by Councilmember Shevchik to approve the minutes as submitted for the April 1, 2013 Regular Council meeting. The motion was unanimously carried.

PRESENTATION

1. **After The Prom Project, Inc. – Mr. Oakley Dickson, President:** Mr. Dickson thanked the Mayor and Council for previous support of the “After The Prom” events held for Lexington High School, Gilbert High School, Pelion High School and White Knoll High School. He added that they had listened to citizen/student input and would move the events to Harmon Tree Farm this year in order for the event to be closer to the area high schools. He described all the activities planned this year and added that it would be a lot of fun, a safe place for the students, and cheaper with the cost being reduced from \$20.00 per person to \$10.00. He stated that their goal this year is to raise \$10,000.00 and if funds allowed, ATP would continue to help with Senior parties following graduations.

Councilmember Stambolitis thanked Mr. Dickson for bringing the event back to Lexington and the shorter route the students would have to take to the event. Mayor Halfacre stated that Council was inclined to support the event and, as in the past, Chief Green had been gracious to offer financial support since it is an event that offers a safe environment for high school students.

2. **Regarding Annexation of 189 West Highway 378 – Mr. James Bundrick:** Mrs. Marilyn Bundrick wish to speak in opposition of the annexation of her property at 189 West Highway 378. She and her husband, Mr. James Bundrick, have owned the 7 ½ acres of commercial property for many years and have three business on the site. She stated that several of the tenants are having financial difficulty staying in business and the further expense of Town Business Licenses would put them out of business. Mrs. Bundrick stated that she preferred to dig a well in order to keep her tenants and to keep them in business. She added that they made good income on the property for ten to fifteen years, but during the last several years small businesses had suffered. Mrs. Bundrick stated that it was not feasible for them to pay anymore just for water. She added that they were misled when they got city water in that they were told by a lady at Town Hall that they would have to hire an engineer, contact DHEC and hire someone to put one pipe under the road to serve three to four businesses. She added that later the Town required two pipes which her husband paid for. She stated that she never understood why one large pipe could not have three meters. Mrs.

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Bundrick pleaded with the Council to help them because they wanted to appeal the annexation. She confirmed that she had received a letter from the Town and that they would install a well to stay out of Town. Mr. Bundrick responded that they already had a well, but Clayton Homes could not afford to have their business license fee doubled.

Mayor Halfacre stated that the Bundricks probably signed an agreement with the Town that when their property became contiguous they would annex into the Town. He stated that the water would be almost half their current cost if they annexed into the Town. He preferred to cogitate on the request. Ms. Bundrick stated that her husband had signed the agreement but the property is now in her name.

Councilmember Stambolitis asked about the cost of the business licenses. He stated that it would be based on their sales. He added if the Bundricks wanted to dig a well they could cut the Town off because they did not have sewer.

3. **Regarding a Property in Coventry Lake Subdivision – Mr. Mike Steed:** Mr. Steed requested the Town's help with the erosion problem on his property at 249 Teesdale Court. He presented five pages of photographs to Council for their review. (Copy attached.) He added that when he saw the drastic difference between the 2010 photograph and the 2013 photograph, he would have cried if he were a woman. He stated that the ditch behind his house is now a creek and the storm water that runs through it is massive and has cost him six to eight feet of real estate. He added that several Councilmembers and Staff have seen the damage including Danny Frazier, Kathy Maness, Dan Walker and Johnny Jeffcoat. Mr. Steed stated that the Town did work on the property before he purchased it and the Town had done work to the properties on each side of his lot. He added that the rock that was placed behind 240 Teesdale had not been successful. Mr. Steed pleaded that Council could help with the damage on his property and he would like for them to at least stop the erosion and he was not even asking for them to fill it back in. He later advised Council that he had first emailed the Town about the situation in February and lost another chunk of property last week which made the creek approximately two to three feet wide.

Mayor Halfacre stated that Council had discussed this issue in Executive Session and it is an issue that is not easily solved since it is private property. He added that it was a consensus of Council to help and to also preserve the Town's investment, but they had to do it legally. He stated that it is still a situation of private/public property.

Councilmember Stambolitis stated that if the Town had an easement they could help repair the property.

A motion was made by Councilmember Maness to place the request on Council's May 6th agenda for consideration. She added that the sooner they could vote on the issue the better. The motion was seconded by Councilmember

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Frazier. Councilmember Frazier stated that the Town should go out on a limb and solve this problem. He added that it is a problem that the Town has because a larger pipe should have been installed and it somehow got by the Town by the engineers. He stated that there is too much water flow in the area for a 36 inch pipe. Councilmember Frazier added that no one fussed about the \$9 to \$10 million that was brought into the Town through business licensing from all the growth on Highway 378. He added Mr. Steed's erosion problem was a direct result of the Town and they should review these issues on a case by case basis. He later stated that it would cost less to fix it than to get an estimate. He added that right is right. He requested to add this to tonight's agenda as Item #9.

Councilmember Stambolitis stated that Councilmember Frazier had a point and there was no way to know who was responsible, but the Town should look for a way to help. He added that it could simply be an act of nature.

Mayor Halfacre concluded that he appreciated Mr. Steed's positive attitude about the situation. Municipal Attorney Cunningham confirmed that it was the consensus of Council to place the item on tonight's agenda as Item #9 to vote to place it on Council's May 6th agenda for consideration.

BUSINESS ITEMS: (For Discussion and Recommendation for Council Meeting on May 6, 2013.)

- Accommodations Tax Committee Award Recommendations – Grants Administrator Wesley Crosby:** The Accommodations Tax Advisory Committee (Marvin Robinson, Chairman) 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 to place on their May 6th agenda. (Copy attached and summarized below.) Award amounts totaled \$52,000.

	<u>Requested</u>	<u>Committee</u>
Capital City Lake Murray Country	\$ 10,000	\$2,000
Columbia Metro Convention & Visitors Bureau	\$ 3,000	\$2,000
Columbia Museum of Art	\$ 5,000	\$ 0
Columbia Regional Sports Council	\$10,000	\$ 0
Crossover Athletics/Topspin Adult	\$ 2,000	\$1,000
Crossover Athletics/Topspin Junior	\$ 3,000	\$1,000
Community Open Land Trust	\$ 5,000	\$ 0
Cultural Council Richland/Lex	\$10,000	\$1,000
Lexington Chamber/Visitor Center	\$35,000	\$30,000
Lexington County Arts Asso.	\$25,000	\$ 0
Lexington Cty Choral Society	\$ 4,000	\$1,000
Lexington County Museum	\$ 6,000	\$5,000

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

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 Pro-Tem Livingston called for a motion.

A motion was made by Councilmember Stambolitis and seconded by Councilmember Shevchik to place the item on Council's May 6th agenda for consideration. Councilmember Frazier asked to change the amounts to: Lexington Chamber \$35,000 and to move more money to Lexington Dixie Baseball. Mayor Pro-Tem Livingston advised that an applicant could not be awarded more money than they had asked for on their application. Councilmember Frazier then asked to move \$2,000 from Capital City Lake Murray and \$2,000 from Lexington Soccer to the Lexington Chamber. Councilmember Maness stated that she could not support moving funds from Lexington Soccer because they "put heads in beds" and the Accommodations Tax is about bringing tourists to Lexington.

Councilmember MacDougall, Council Liaison to the Accommodations Tax Committee, stated that the Committee recommends awards based on the required criteria and to those that deserve it. He added that to move any of the recommended funds around would be wrong and could potentially break the law. Councilmember Frazier stated that he was entitled to his opinion and it was not his intent to break the law. Councilmember MacDougall stated that the Committee meets once a year for eight hours and they work hard and their recommendations are fair. He added that he supports the Committee's recommendation. Councilmember Stambolitis stated that when Council appoints members to a committee they have to have faith in their recommendations and not disrespect them. He recommended that the awards be left as requested by the Committee and move forward.

Councilmember Frazier recommended that \$2,000 be moved from Capital City Lake Murray to the Lexington Chamber making their total \$32,000.

Councilmember Stambolitis stated that Councilmember's Frazier recommended changes had not received a second; therefore, the original motion to place the item on Council's agenda for May was still on the floor. Councilmember Stambolitis recommended that the motion be amended for \$2,000 more to be given to Lexington County Soccer since they asked for \$5,000 and were only given \$2,000. Councilmember Frazier seconded the motion. Councilmember MacDougall requested that Council not change the Committee's recommended amount. He added that the Committee had made their recommendations based on qualifications and how the law was written. He stated that if Council would take

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the time to read the applications they would see that only a certain percentage of the amounts requested qualify. Councilmember MacDougall stated Lexington Arts Association as an example in that their request was for a classroom and the classroom would not bring tourists to the area.

Councilmember Maness asked Mr. Crosby to explain why Lexington Soccer could not receive additional funding, even though she wished they could receive more money, she did not think the \$6,955 to the Tournament Director qualified under State Law. Mr. Crosby stated that the Tournament Director could not be paid through Accommodations Tax, but the \$1,800 for their web page did meet the guidelines. He added that the total amount they qualified for would be based on the other expenses shown on the application. Mr. Crosby stated that "promotion" may qualify in that vendors attend their event but they must also advertise outside a 50 mile radius. He added that they did not qualify for more based on their presentation and responses to the committee's questions.

Mayor Pro-Tem Livingston requested that next year applicants are provided the opportunity to attend a work day so they will understand how to fill out the application and to understand the legality of the Accommodations Tax Funding. She added that Wine Walk was called to explain their advertising when they received funding. Town Administrator Poole clarified that Wine Walk had decided not to apply for funding because they did not want to deal with the rules.

Councilmember MacDougall stated that the Town is liable for the decisions. Councilmember Frazier stated that this had never been pointed out to Council in the past. Mayor Pro-Tem Livingston responded that the Council would do it right and they were better educated this time in that a Councilmember now serves as Liaison to the committee and sat through eight hours of presentations and committee decisions. She requested that Council respect the decisions of the committee. Mayor Halfacre wished to state that Councilmember MacDougall has a very strong background regarding Accommodations Tax and he had previously served on a similar committee for the City of Columbia.

Mayor Pro-Tem Livingston called for a vote on the amended motion. Councilmember Stambolitis withdrew his amendment and requested to go back to the original motion to submit the amounts as recommended by the committee for Council's May 6, 2013 agenda. Councilmember Shevchik seconded the motion. Councilmember Stambolitis stated that the Lexington Chamber would still get funding on the front-end in the amount of \$33,000 and \$30,000 on the back-end which was similar to last year. Councilmember MacDougall stated that visitors centers qualify differently in that requested funding may be used for operations. He added that the Lexington Chamber is the designated visitor's center for the Town and therefore qualify for 30% to be used for advertising and promotion. Councilmember Shevchik stated that the Chamber's front-end advertising funds should still reach beyond the 50 mile radius. Mr. Crosby agreed that funding for visitor centers is less restricted than a

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sports tournament. Mr. Poole added that the Chamber Visitors Center can use the funds for capital. Councilmember MacDougall stated that the Chamber's first 30% is for advertising and promotion. He added that the Lexington Arts Association has a smaller scope than a sports event that usually brings people in from out of town. Mayor Pro-Tem Livingston agreed that people go to the Chamber office to get information about the area. The motion was carried with a vote of six (6) in favor and one (1) recused (Halfacre) to place the committee's recommendations on Council's May 6, 2013 agenda for consideration.

2. **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. Council requested that the Director research how other entities handle this, which was discussed during the March Work Session. Council was requested to change the Ordinance to read: *"A warning will be issued one time every six months. The Town representative will place a warning on the roll cart and move it to a non-conspicuous location. Multiple occurrence violators will receive a \$5.00 fine in their water bill."* The new Ordinance will save on payroll by eliminating the tracking down of residents who are repeat offenders.

A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Shevchik to place the item on Council's May 6, 2013 agenda for consideration. Mayor Halfacre stated that he was becoming more comfortable with this issue in that it is a property and a health issue. He did not see a problem to place the fine on the water bill in order to get the citizen's attention. The motion was unanimously carried.

3. **Commercial Dumpster Collections – Director of Parks, Streets and Sanitation Dan Walker:** The Town received a complaint from a resident about dumpsters being picked up by 5:00 a.m. disturbing his sleep. The citizen reported the business as 14 Carrot Whole Foods. Their carrier is Allied Waste. The Director of Parks, Streets and Sanitation contacted the Operations Manager of Allied Waste to request that the pickup happen after 7:00 a.m. It was corrected for about two weeks. It was reported that they are back to collecting early. The Police Department was asked to investigate the noise and issue a ticket if it broke the Noise Ordinance. It was suggested by a Councilmember that the Town ban commercial collections in areas that abut residentially zoned property before 7:00 a.m. The Planning Commission would have to review the request prior to Council's recommendation for an Ordinance since it would be a Performance Zoning Ordinance.

Councilmember Maness stated that this was near her neighborhood and Mr. Tom Mack let her know that the trash was picked up today at 5:40 a.m. Councilmember MacDougall stated that trash is picked-up near his house at Publix very early in the

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morning also. Mayor Halfacre stated that he thought the Town had asked the carriers to install a softer opening device on their trucks. Mr. Walker confirmed that there is a policy for plastic tops but the noise sometimes comes from the bracket arm. Mayor Pro-Tem Livingston asked about the disadvantage to the carrier to pick the trash up earlier and could they be asked to come at 6:00 a.m. Mr. Poole stated that the trucks can get into place easier when there is less traffic and the businesses do not want trash trucks blocking their parking during business hours. He added that 7:00 a.m. was the time selected since it coincided with the Noise Ordinance. Mayor Halfacre stated that the pick-up at the Chamber backs up traffic. Chief Green stated that if the time is moved up there would be trucks in neighborhoods during the heat of the day and in the summer they would stink. He added that Officers monitored the pick-up at 14 Carrot and the Ordinance called for no more than 85 decibel level and their level was 78. Chief Green stated since no law was broken there was nothing they could do. Mr. Poole stated that Mr. Walker could reach out to the carrier owners and ask them to adjust the times. He added that Uno's would stop the carrier if they came too early; however, if it difficult when there may be a different driver which made it hard to control. He pointed out that he had asked Mr. Loy Dillon, GIS Analyst, to determine how many businesses adjoin residential property. The result was 132 businesses out of 1,000's. Municipal Attorney Cunningham confirmed that the item would have to go to the Planning Commission since regulating the time to do business is a zoning issue and it could also be part of the Noise Ordinance.

A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Maness to send the item to the Planning Commission for consideration. The motion was unanimously carried.

- 4. Appointment to the Accommodations Tax Committee – Grants Administrator Wesley Crosby:** Mr. Scott Wilhide submitted a Talent Bank application to serve on one of the Town's Boards and Commissions. There is currently a vacancy on the Accommodations Tax committee that Mr. Wilhide could fill. (Copy of Talent Bank application attached.)

A motion was made by Councilmember Frazier and seconded by Councilmember Stambolitis to place the item on Council's May 6, 2013 agenda for consideration. Councilmember Maness inquired if you had to live in Town to qualify. Mr. Crosby stated that the law allows out of town applicants. He added that the committee must be seven members with the majority being selected from the hospitality industry of the municipality with at least two from the lodging industry and one member can represent cultural organizations. Mr. Crosby stated that Ms. Virginia Hylton's spot was still open and Mr. Wilhide qualified. The motion was unanimously carried.

- 5. Appointment to the Advisory Committee – Events and Media Coordinator Jennifer Dowden:** Mr. John (Bill) Reese requested to serve on the Town's Advisory Committee. The committee has one vacancy left by former Chair Don

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Horton who resigned in January when he moved out of Lexington. His term is due to expire this year.

A motion was made by Councilmember Stambolitis and seconded by Councilmember Maness to place the item on Council's May 6, 2013 agenda for consideration. The motion was unanimously carried.

6. **“After The Prom” Contribution – Municipal Clerk Becky Hildebrand:** After The Prom Project, Inc. requested support from the Town of Lexington to help provide a positive place for over 1,000 students to have fun after their prom. This year's events will take place at Harman's Tree Farm on April 20th for Lexington and Gilbert High Schools and on May 18th for White Knoll and Pelion High Schools. Last year Council approved a contribution of \$1,000.00 with funding coming from Council's Contribution budget.

A motion was made by Councilmember Stambolitis and seconded by Councilmember Maness to place the item on Council's May 6, 2013 agenda for consideration. Councilmember Shevchik confirmed that the amount to be considered was \$1,000.00. The motion was unanimously carried.

7. **Vision Plan Development Team – Town Administrator Britt Poole:** In connection with the Vision Plan, the Town will be engaging in efforts to attract businesses to Downtown Lexington, specifically in connection with the Ice House Project. Council may wish to designate a team composed of Councilmembers and Staff to take charge of the efforts in dealing with these entities. Some limited travel is expected.

Mayor Halfacre stated that people want to see the Mayor of a Town, so he requested that he be on the team and allow him and Mr. Poole to make recommendations for the others. He would limit it to two Councilmembers because various Councilmembers may have different knowledge of businesses. Mr. Poole recommended that other Staff members include Mr. Johnny Jeffcoat and Mr. John Hanson and allow additional Staff if needed.

Councilmember Stambolitis made a motion to proceed with the team and requested that the team increase the search to include residential developers also. He added that he would like it to be part of the mission statement. Mayor Halfacre stated that he did not disagree, but the Town doesn't have to recruit them, they are asking to come here. He added that all ideas for development would have to come back to Council anyway. Mr. Poole responded that the Vision Plan already covers that request by stating a goal of mixed use property in the downtown area. He added that it would be the scope of the team to bring anything they found back to Council for consideration and the team would not have the authority to promise the moon. Councilmember Frazier stated that residential buildings cost more and the Town would have to come up

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with incentives. Councilmember Stambolitis stated that he liked the spirit of having a team and they should go after businesses to include residential developers and to include some incentives. He further requested that they look for someone to develop the old Liverman property which could include a condo complex. Mayor Halfacre stated that the Town was not looking for a 500 home development, but rather a mixed-use development where citizens could walk to services, which was spelled out in the Vision Plan. He confirmed that the two Councilmembers on the team would depend on the nature of the proposed business. He agreed that Staff members should be Mr. Poole, Mr. Jeffcoat and Mr. Hanson, but he wanted it open so they could include others outside the Town such as Mike Briggs or Smokey Davis. Mr. Poole stated that he needed a consensus of Council to proceed. Councilmember MacDougall seconded the motion for Council's consensus which was unanimous.

8. **Resolution Appointing Custodian for 2004 Renewal and Replacement Bank - Finance Director Kathy Roberts:** Currently the Town has a Repair and Replacement account for the 2004 Revenue Bonds at Ameris Bank. At this time, the interest earned is less than the account service fee charged. The Director would like to place this money where there will be no fees charged. Currently First Community Bank is offering 0.20% interest with no account fees. To make the transition, it is required that Council approve a Resolution to appoint the new Custodian.

Mayor Halfacre asked when the Town's banking contract would expire. Ms. Roberts responded that the banking contract is on-going. Mr. Poole added that the Town checks competitive rates periodically and local and larger commercial banks are always reviewed. Councilmember Stambolitis asked if the Town could change banks. Ms. Roberts asked that she be allowed to compare rates after the Tyler conversion.

A motion was made by Councilmember Stambolitis and seconded by Mayor Pro-Tem Livingston to place the request on Council's May 6, 2013 agenda for consideration. The motion was unanimously carried.

9. (Added.) **Erosion Problem at 249 Teesdale Court:** Councilmember Maness requested to add this item to the agenda based on the presentation by Mr. Mike Steed in order for Council to address the storm water erosion issue and look at possible solutions.

Discussion: Mr. Poole stated that Staff should obtain an estimate for the work and make a recommendation to Council including any easement issues. He added that the Town has been reviewing the issue since February and he estimated the work would cost approximately \$1,500 to \$1,600. Mr. Jeffcoat stated that the County Engineer reviewed the property and sent a letter to the Homeowners Association denying assistance on private property and gave no further reason. Councilmember

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Frazier stated that the only way to deny assistance would be due to the easement issue. He added that there is too much water flow for the way it was built. Mr. Poole clarified that the County Engineer made on-site recommendations to the Homeowners Association on how to fix the problem. Mayor Halfacre stated that he needed to get comfortable with this issue and advised others to not get emotional because of an election. He added that he wanted a report on why and where an error was made concerning storm water in this area. Mayor Halfacre stated that the Council should vote on this in public since it is private property. He compared it to Carnoustie Court in Golden Hills. Municipal Attorney Cunningham confirmed that this item was given proper notice by being on the agenda in order to move it to the next Council meeting for consideration if that was the consensus of Council. Councilmember Stambolitis agreed that there were a lot of unanswered questions. Councilmember Shevchik stated that they knew an easement was on one side of the property. Mayor Pro-Tem Livingston asked if the Town had done any work on property in this area prior to 2007. Mr. Poole responded that the neighbor's property was repaired. He clarified that the estimate of \$1,500 was material only and did not include the estimated 100 man hours. Councilmember MacDougall estimated that it could cost \$6,000 to build the property back up.

A motion was made by Councilmember Maness and seconded by Councilmember Frazier to place the request for assistance at 249 Teesdale Court on Council's May 6, 2013 agenda for consideration. The motion was unanimously carried.

FOR YOUR INFORMATION

1. **Emergency Procurements – Finance Director Kathy Roberts:** A summary of emergency purchases from the first quarter of 2013 was presented to Council to accept as information and to direct the summary be recorded in the minutes of this Work Session. Councilmember MacDougall stated that if Town equipment has an inventory number on it; that number should appear on invoices such as Day Star Truck and Trailer Repair.

PUBLIC COMMENTS

Ms. Kathy Miller, Lexington Old Mill Village, wished to oppose the destruction of two houses on Efird Street and Butler Street by Lexington Baptist Church. She stated that the two properties would be turned into parking lots and Lexington had enough parking lots. She added that steel beams were already in place to move one of the homes. Ms. Miller stated that she had notified Mr. John Hanson and Mr. Chuck Corley. She added that Mr. Corley told her that the church did not need permission to move the houses. She was saddened that Lexington is losing so many homes that are over 100 years old because when they are removed, they are gone for good. She was concerned that she and her 32 neighbors were losing the atmosphere of their neighborhood. Ms. Miller stated that Mr. Corley told her she should get a petition signed by the neighbors to oppose the houses being moved. He further told her to turn the Petitions in to the Town's Historic Preservation Board. She added that would not help the house that was

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already in the process of being moved, but it might help to stop future moves. She had inquired if there was a historic overlay district. Ms. Miller stated that she had lived in Lexington for 10 years and she did not want this town to be like Irmo. She asked Council to advise her as to what she should do next because she needed some help.

Mayor Halfacre stated that Public Comments during a Council Work Session are usually reserved for items that are on the agenda, but since Ms. Miller had waited so long to speak he was going to allow it this time. He asked Staff what else Ms. Miller could do. Mr. Poole responded that several Staff members had already met with Ms. Miller and had explained that there is a process to follow for her request. He added that she was advised to get on the agenda of the Historic Preservation Review Board who would in turn review the request and submit it to the Planning Commission and/or Council accordingly. Ms. Miller stated that she had talked to Mr. Corley and they could put it on their agenda but she was told she needed more community involvement. Mr. Hanson stated that he had discussed the issue with Mr. Corley last week. Mr. Crosby stated that he was the Staff Liaison and he would take the Petitions to the Historic Board. Mayor Halfacre stated that it sounded like Staff was moving the item forward and that was the process.

COUNCIL/STAFF COMMENTS

Mayor Halfacre announced that he had just received a text requesting all United States of America and State flags be lowered to half-staff immediately in memory of those who lost their lives today in the Boston Marathon bombings.

QUESTIONS FROM THE NEWS MEDIA: None.

ADJOURNMENT: There being no further comments or questions, a motion was made by Councilmember Stambolitis and seconded by Mayor Pro-Tem Livingston to adjourn the Council's Work Session at 8:10 p.m. and to return to Executive Session #2. The motion was unanimously carried.

EXECUTIVE SESSION # 2 REPORT

Mayor Halfacre reported that *Executive Session #2* was called to order at 8:12 p.m. after a motion was made by Councilmember MacDougall and seconded by Councilmember Maness to go into *Executive Session* to complete their discussion on a contractual issue related to the Vision Plan and a routine personnel matter. The motion was unanimously carried. Council adjourned from *Executive Session* at 8:37 p.m. after a motion was made by Councilmember Stambolitis and seconded by Councilmember Shevchik. The motion was unanimously carried. No vote was taken during Executive Session #2. A motion was made by Councilmember Stambolitis and seconded by Councilmember MacDougall to ratify the Mayor's *Executive Session #1* report. The motion was unanimously carried.

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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.