

**MINUTES**  
***Town of Lexington***  
***Executive Session and***  
**COUNCIL WORK SESSION**

June 3, 2013

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Town Council held a Council Work Session preceded by an Executive Session and followed by a Regular Council meeting on June 3, 2013 in the Eli Mack, Sr. Room and Council Chambers. The meetings were attended by: Mayor Randy Halfacre, Councilmembers Kathy Maness, Ted Stambolitis, Todd Shevchik, and Steve MacDougall. Mayor Pro-Tem Hazel Livingston and Councilmember Danny Frazier were absent.

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, 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 Work Session and one member from the news media.

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**EXECUTIVE SESSION**

Mayor Halfacre reported that the *Executive Session* was called to order at 5:15 p.m. after a motion was made by Councilmember Maness and seconded by Councilmember MacDougall to go into *Executive Session* to discuss: two legal updates on two condemnation lawsuits related to the Utilities Department; two contractual matters regarding potential purchase of property by the Town and potential sale of Town property; and, one routine personnel matter. The motion was unanimously carried by all those present. (Councilmember Shevchik was not present for the vote.) Council adjourned from *Executive Session* at 6:04 p.m. after a motion was made by Councilmember Maness and seconded by Councilmember Shevchik. The motion was unanimously carried by all those present. No vote was taken during Executive Session. A motion was made by Councilmember Maness and seconded by Councilmember Shevchik to ratify the Mayor's *Executive Session* report. The motion was unanimously carried by all those present.

**CALL TO ORDER:** Mayor Halfacre welcomed everyone to the Council Work Session and gave an opening statement to explain the procedures of a Council Work Session.

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**APPROVAL OF MINUTES:** A motion was made by Councilmember Maness and seconded by Councilmember Shevchik to approve the minutes as submitted for the May 6, 2013 Regular Council meeting and the May 20, 2013 Special Called Council meeting. The motion was unanimously carried by all those present.

**BUSINESS ITEMS:** (For Discussion and Recommendation for Council Meeting on July 15, 2013.)

1. **Appointment to the Board of Zoning Appeals – Municipal Clerk Becky Hildebrand:** Mr. Timothy Wicker requested to serve on the Town's Board of Zoning Appeals. (Copy attached.) The Board has one vacancy left by former Vice-Chair Jim Fadell.

A motion was made by Councilmember Shevchik and seconded by Councilmember MacDougall to place the item on Council's July 15, 2013 agenda for consideration. Councilmember Shevchik stated that he knows Mr. Wicker and he is a good fellow. The motion was unanimously carried by all those present.

2. **Rental Fee Waiver, New Bethel AME Church Sponsorship Banquet – Events and Media Coordinator Jennifer Dowden:** The New Bethel AME Church Sponsorship Committee is sponsoring a scholarship banquet for award recipients to assist in funding their college education. (Letter attached.) The organization asked for a fee waiver for Saturday, November 16, 2013 for use of the Conference Center. Following is the value for the New Bethel AME Church Scholarship event:

Conference Center (11/16/13) Rental Fee \$600 and Technology Fee \$75. Deposit of \$250 would still be required.

A motion was made by Councilmember Shevchik and seconded by Councilmember Stambolitis to place the item on Council's July 15, 2013 agenda for consideration. Mayor Halfacre confirmed that Council had not previously received a church request. The motion was unanimously carried by all those present.

3. **Proposed Policy for the Sale of Town Property – Town Administrator Britt Poole:** Town Council asked Staff to consider adopting a policy for the sale of Town owned property. Council was asked to give direction to Staff on how to proceed or to consider no changes. There are three proposed types of sales where a policy may be beneficial:

- (1) Town owned properties that are being actively marketed for sale, with no specific intention for the property on the part of the Town. In this case, it is suggested that the property simply be posted for sale and that any offers be considered.

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- (2) Town owned properties that are not being actively marketed but where a prospective buyer approaches the Town with an offer. In these instances, Council may wish to then advertise that the property is for sale and that anyone may choose to bid on it.
- (3) Town owned properties which may have a specific use or intent as part of an Economic Development Plan. In this case, Council needs the freedom to choose whatever method is in the best interest of furthering the Economic Development Plan.

NOTE: State Law does not require that the Town take public bids for the sale of property.

DISCUSSION

Mayor Halfacre pointed out the “Note” which stated that the Town did not have to take public bids, just like with Barr Pond. He added that in some minds it back fired, but Council did nothing wrong.

Councilmember Stambolitis stated that there was no public announcement stating that the property was for sale. He wished to add two items to the ordinance: (1) that a public announcement/classified ad should be made when selling Town property so the public can read about it; and (2) an appraisal should be obtained before the Town buys or sells any property.

Town Administrator Poole stated that Council had a Public Hearing and a First and Second Reading, all of which were notified through the newspaper and other postings as required based on the Town’s ordinance. He added that the ordinance on selling property could be modified if it was the desire of Council. He explained that a public notice and classified ad were the same thing and asked if the Council wanted it to appear twice.

Councilmember Stambolitis responded that would be redundant if they were the same thing. He added that it could also be placed on the Town’s web page. Mayor Halfacre stated that the web was available to everyone. He asked how that would have changed the sale of Barr Pond. Councilmember Stambolitis responded that the Town should have received an appraisal which may have shown the property worth \$80,000 to \$100,000 and then others could have determined if they were interested in the property. He stated that the developer probably wanted to use the pond in their marketing plan as an amenity which would bring a larger price, even with the dam repair costs. Councilmember Stambolitis stated that if the changes had been adopted a year ago, and no one else put a bid on the property, then Council could at least say they tried. He added that the Town couldn’t give the property to the Wildlife Club several years ago because they were strapped by SCE&G but the agreement was in perpetuity and the Town is not released from liability. Councilmember Stambolitis stated that it had been an education but now the Council could be

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more transparent. He concluded that other towns are watching the Town of Lexington and follow the Town's lead on many issues. Mayor Halfacre responded that the Town could have put the property up for sale a long time ago when it was realized that the Town did not need it for a water source. He stated that he did not have a problem being transparent.

Councilmember Shevchik stated that Barr Pond already had a buyer in process. He stated that when the Town lists a property it should have a separate ad.

Town Administrator Poole recommended that the item be brought back to Council's next Work Session for further discussion and to research the costs of additional public notices. It was the consensus of Council to bring the item back to the July 15, 2013 Work Session.

**PUBLIC COMMENTS:** None.

**COUNCIL/STAFF COMMENTS:** None.

**QUESTIONS FROM THE NEWS MEDIA:** None.

**ADJOURNMENT:** There being no further comments or questions, a motion was made by Councilmember MacDougall and seconded by Councilmember Shevchik to adjourn the Council's Work Session at 6:22 p.m. and move to the Council Chambers for the Council's Regular June meeting. The motion was unanimously carried by all those present.

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.*