

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

July 15, 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 July 15, 2013 in the Eli Mack, Sr. Room and Council Chambers. 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, 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 twenty (20) citizens present for the Council Work Session and one member of the news media was present.

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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 MacDougall and seconded by Councilmember Maness to go into *Executive Session* to discuss: two legal updates on a condemnation and pending legal matters; three contractual matters regarding sale of Town property, road improvements plan and an open RFP; and, one routine personnel matter. The motion was unanimously carried by all those present. (Mayor Pro-Tem Livingston and Councilmember Stambolitis were not present for the vote.) Council adjourned from *Executive Session* at 6:05 p.m. after a motion was made by Councilmember MacDougall and seconded by Councilmember Stambolitis. The motion was unanimously carried by all those present. No vote was taken during Executive Session. A motion was made by Councilmember MacDougall and seconded by Mayor Pro-Tem Livingston 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.

**APPROVAL OF MINUTES:** A motion was made by Councilmember Maness and seconded by Councilmember MacDougall to approve the minutes as submitted for the

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May 20, 2013 Council Work Session and the June 3, 2013 Council Work Session and Regular Council meeting. The motion was unanimously carried by all those present.

**BUSINESS ITEMS:** (For Discussion and Recommendation for Council Meeting on July 15, 2013 or August 19, 2013.)

1. **Purchase of Property on Cromer Road – Assistant Administrator Stuart Ford:**

The Town negotiated the purchase of approximately one (1) acre of property on Cromer Road for a future pump station for \$88,650. The parcel is a portion of TMS #004497-03-002. The pump station will expand the Town's flow capacity from the Mill Stream Pump Station to the Cayce Wastewater Treatment Facility. Purchase price is a budgeted item in the Town's Capital Improvement Plan for the Water and Sewer Enterprise Fund. Mr. Ford confirmed that the Town had received an appraisal in the amount of \$80,000.

A motion was made by Councilmember Shevchik and seconded by Councilmember Stambolitis to place the item on Council's July 15, 2013 agenda for First Reading approval of an ordinance to purchase approximately one (1) acre of property on Cromer Road and authorize execution of a contract for purchase contingent upon final adoption of the ordinance. The motion was unanimously carried by all those present.

2. **Amendment Restricting the Location Items Defined in the Town's Drug Paraphernalia Ordinance Can Be Sold – Director of Planning Building and Technology John Hanson:**

Recently concerns were raised regarding where retail establishments, that sell or market items defined in the Town's Drug Paraphernalia Ordinance, can be located. While it is legal to sell these items, an establishment whose primary purpose is to sell or market them could have a detrimental effect on the surrounding community. Council may wish to consider restricting the location of these establishments similar to how the Town already restricts the location of sexually oriented businesses, bail bond businesses, or title pawn businesses.

A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Stambolitis to send the item to the Planning Commission for consideration. Town Administrator Poole confirmed that some other municipalities had made similar adjustments. The motion was unanimously carried by all those present.

3. **Lexington County Capital Projects Commission Municipal Appointment – Mayor Randy Halfacre:**

Under the legislation allowing Lexington County and other counties to place on a referendum the One Cent Capital Projects Tax, the municipality with the largest number of residents gets to appoint one member of a six member commission that will decide which projects to list on the referendum for county residents to vote on. The commission members need to have a broad knowledge/understanding of the county, its needs, the economic benefits of proposed projects, credibility, integrity, leadership, etc. Mr. Mike Crapps, President/CEO of First Community Bank, whose corporate headquarters are located

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in Town, would be an ideal choice. County Council would like to announce the Town's appointee at their Council meeting two weeks after the Town Council Monday meeting.

Mayor Halfacre stated that he had forwarded an email regarding this matter and had not received any additional recommendations. Councilmember Stambolitis stated that he had not received the email; would like to know the term of the appointment; and, would like to nominate Scott Adams. He would also like to have a selection of nominees to choose from and a list of all the requirements and restrictions for the nominee. Mayor Halfacre stated that it is an ad-hoc committee with a term of seven years. He added that the County would like to move forward with their appointments as soon as possible. Councilmember Maness stated that she is a "Scott Adams fan" but his business is not in Town. Councilmember Shevchik stated that he had not received the email and would like to nominate Brent Rewis. Mr. Adams was present and stated that Mr. Mike Crapps would be an excellent choice. He added that his office is in Town at 112 Haygood Street. Mayor Pro-Tem Livingston stated that Mr. Crapps would be a good choice but she did not understand why all Councilmembers were not included in the discussion with County Councilmembers Banning and Jeffcoat. County Councilmember Banning was present and stated that they had met with Mike Crapps and asked him if he was willing to serve on the committee because they needed someone who could lead the committee and help educate the public on the new tax. Mayor Halfacre responded that he did not want to divide Council and he was asked to move forward with the Town's nominee of Mike Crapps. After further discussion, Mayor Halfacre agreed to postpone naming a nominee until Council could submit their selections; receive a copy of the legislation; and then they would call a Special Meeting in July.

4. **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.
- (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.

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- (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.

It was also suggested, as a possibility, in any contract for the sale of property by the Town that a clause be included in the contract allowing the Town to continue to accept bids on the property for a specified number of days. This would be most applicable to situation (2) as described above as it would keep the bidding “open” as long as possible.

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

Town Administrator Poole stated that the Town would receive the offer regardless of how a property was marketed. Then Council would discuss the offer in Executive Session and the sale would be kept private until after the closing. Council would have a First Reading, Public Hearing and Final Reading during which time citizens could provide another offer. He added that the highest offer may not necessarily get the bid depending on the best use of the property by the Town. Councilmember Stambolitis wished to add that an appraisal would be obtained. Mr. Poole agreed to withdraw the item until the new agreement could be drafted. Mayor Halfacre requested that Council send any of their proposal requests to Mr. Poole.

5. **South Carolina Virtual Charter School Rental Fee Waiver – Events and Media Coordinator Jennifer Dowden:** The South Carolina Virtual Charter School, part of the public school system, is required by State law to perform annual tests for students. The organization asked for a fee waiver for the following dates in the 2013-2014 Academic Calendar for use of facilities to ensure all students are properly tested:

October 22-24, 2013 Eli Mack Room, Boardroom  
March 18, 2014 Conference Center, Eli Mack Room, Boardroom  
April 1-3, 2014 Conference Center, Eli Mack Room, Boardroom  
May 6-9, 2014 Conference Center, Eli Mack Room, Boardroom  
EOC dates (to be determined based on availability) Conference Room, Boardrooms A, B, C.

The following is the value for the South Carolina Virtual Charter School event:

Conference Center: \$600 (in-town) or \$1,000 (out of town)	=	max waiver \$9,000
Eli Mack Room: \$150 (in town) or \$100 (out of town)	=	max waiver \$2,200
Boardroom(s): \$25 (in town) or \$50 (out of town) per day	=	max waiver \$ 700

One deposit for Conference Center (\$250) and Eli Mack (\$100) would still be required. Deposit from 2012-2013 Academic Calendar has been rolled over pending Council approval. (Copy of request letter attached.)

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A motion was made by Councilmember Stambolitis and seconded by Councilmember Maness to place the item on the August Council meeting for consideration. The motion was unanimously carried by all those present.

6. **Approval of Proposal to Provide a Corridor Study for Sunset Boulevard – Director of Planning, Building and Technology John Hanson:** In April, the Town requested proposals for a corridor study of Sunset Boulevard. The purpose of the study is to create a template for developing welcoming “front porch” entrances/gateways and thoroughfares around the Town of Lexington. The finished product is intended to establish a distinct feel that will define the Town. In June, the Town’s Architecture and Appearance Board was asked to review the five submittals received. After reviewing each submittal, the Board recommended that the Town award the project to Kenneth B. Simmons and Associates if their firm could complete the study within the proposed budget for the project. Staff met with Mr. Simmons and he agreed to provide the study for \$24,418 which is under budget for the project. The Board recommended Mr. Simmons’ firm because of the landscape architecture based approach that their proposal utilized and because the firm is located in the area.

A motion was made by Councilmember MacDougall and seconded by Councilmember Maness to place the item on Council’s July agenda for consideration. The motion was unanimously carried by all those present.

7. **Accommodations Tax Committee Award Recommendations – Grants Administrator Wesley Crosby:** The Accommodations Tax Advisory Committee met on March 20, 2013 to review and make recommendations regarding the allocation of FY 2013 Town of Lexington Accommodations Tax funding. A copy of the spreadsheet listing the applicants who applied and the Accommodations Tax Committee’s award recommendations was provided to Council. (Copy attached.) Award amounts total \$52,000. At the June 3, 2013 Council meeting, Council voted to send the item back to Work Session for discussion.

Mayor Halfacre recused himself from discussion or vote on the item based on his position with the Lexington Chamber, one of the applicants. Mayor Pro-Tem Livingston presided. A motion was made by Councilmember MacDougall and seconded by Councilmember Stambolitis to place the item on tonight’s Council meeting agenda for approval. Councilmember Shevchik stated that he had adjusted the awards during Council’s last meeting moving some funding from the Lexington Chamber in order to fund other requests. Councilmember MacDougall stated that he stood by the Committee’s recommendations in that some of the groups did not qualify for additional funds based on their request. He added that the Committee met for approximately eight hours, listened to presentations from the applicants, and made their recommendations based on what State law allows. Mayor Pro-Tem Livingston confirmed that if a group was not present during the

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presentations they were still allowed to request funding. She confirmed that a training session would be held next year for the applicants. Councilmember Maness wished to move some of the funds and was concerned about a large portion of the pot going to one entity. She would like to see the Town's Snowball Festival receive additional funds. Councilmember Stambolitis recommended additional changes to give more money to the soccer tournaments and to the RBI. Councilmember MacDougall stated that the soccer club had not filled out the application correctly and the Dixie Youth baseball was already fully funded based on State law. He read the list of applicants and the amount they were allowed based on their request and the law as follows:

1.	Capital City Lake Murray	\$10,000
2.	Columbia Metropolitan Convention	\$ 3,000
3.	Columbia Museum of Art	\$ 5,000
4.	Columbia Regional Sports Council	\$10,000
5.	Crossover Athletics Adult	\$ 2,000
6.	Crossover Athletics Youth	\$ 3,000
7.	Community Open Land Trust	\$ 3,000
8.	Cultural Council of Richland/Lex	\$ 9,000
9.	Lexington Chamber	\$35,000
10.	Lexington Cty Arts Asso.	\$ 0
11.	Lexington Cty Choral Society	\$ 1,000
12.	Lexington County Museum	\$ 6,000
13.	Lexington County Soccer Club	\$ 2,500
14.	Lexington Dixie Baseball	\$ 5,000
15.	Town of Lex Snowball Festival	\$ 3,000
16.	White Knoll High Baseball	\$ 1,000

Mayor Pro-Tem Livingston stated that a motion had been made by Councilmember MacDougall and seconded by Councilmember Stambolitis to place the item on the July agenda for approval as presented. Councilmember Maness called for the vote. The motion carried with a vote of three (3) in favor (Livingston, MacDougall, Maness); two (2) opposed (Shevchik, Stambolitis); and one (1) recused (Halfacre).

8. **Oakleaf Assisted Living Land Donation – Director of Parks, Streets and Sanitation Dan Walker:** Oakleaf Assisted Living has adjoining wetlands that they would like to donate to the Town. There is no public access to the property for maintenance purposes so they have offered a deeded easement across their property for the Town to use.

A motion was made by Councilmember MacDougall and seconded by Mayor Pro-Tem Livingston to postpone the item. The motion was unanimously carried by all those present.

**FOR YOUR INFORMATION**

1. **Boards and Commissions Vacancies – Municipal Clerk Becky Hildebrand:**  
Information as requested by Council, the following Boards and Commissions have vacancies:

Advisory Committee	One Vacancy
Board of Zoning Appeals	One Vacancy
Building Codes Board of Appeals	One Vacancy
Election Commission	One Vacancy
Historic Preservation Review Board	One Vacancy
Traffic Committee	Three Resident Vacancies

**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 Mayor Pro-Tem Livingston to adjourn the Council's Work Session at 7:10 p.m. and move to the Council Chambers for the Council's Regular July 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.*