

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

October 21, 2013

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Town Council held a Council Work Session preceded by an Executive Session on October 21, 2013 in the Eli Mack, Sr. Room. The meetings were attended by: Mayor Randy Halfacre, Mayor Pro-Tem Hazel Livingston, Councilmembers Kathy Maness, Todd Shevchik, Ted Stambolitis 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, Economic Development 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 five (5) citizens present for the Council Work Session and no one from the news media was present.

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**EXECUTIVE SESSION**

Mayor Halfacre reported that the *Executive Session* was called to order at 5:30 p.m. after a motion was made by Councilmember Maness and seconded by Councilmember Shevchik to go into *Executive Session* to discuss: two legal updates regarding a pending lawsuit and the Golden Hills Litigation; two contractual matters regarding the sale and the purchase of Town property; and, one personnel matter regarding appointments to Boards and Commissions. The motion was unanimously carried by all those present. (Councilmember Stambolitis was not present for the vote.) Council adjourned from *Executive Session* at 6:00 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 Stambolitis to ratify the Mayor's *Executive Session* report. The motion was unanimously carried by all those present.

**INVOCATION, PLEDGE AND CALL TO ORDER:** Mayor Halfacre welcomed everyone to the Council Work Session and gave a brief opening statement to explain the procedures of a Council Work Session. Mayor Halfacre gave the invocation and Councilmember MacDougall led the Pledge of Allegiance. Mayor Halfacre called the meeting to order at 6:05 p.m.

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**APPROVAL OF MINUTES:** A motion was made by Councilmember Maness and seconded by Councilmember Stambolitis to approve the minutes for the September 16, 2013 Regular Council meeting and Work Session and the October 7, 2013 Regular Council meeting. The motion was unanimously carried by all those present.

**PRESENTATION**

**Ms. Cathy Miller**, 206 Millcreek Road and owner of property at 410 East Butler, wished to remove her name from a Petition submitted to the Historic Preservation Review Board on July 9, 2013 from 18 homeowners in the Old Mill Village area requesting to create a Historic Overlay District. The Planning Commission heard the recommendation from the Town's Historic Preservation Review Board at their September 2013 meeting and denied the request for rezoning because the properties are given protection by existing zoning designations. Town Council heard the item at their October 2013 meeting and approved First Reading of the Historic Overlay for eleven properties as recommended by the Historic Preservation Review Board.

Ms. Miller stated that she moved here two years ago and her neighbors asked her to help with a petition to get the historic overlay and she talked to Mr. Chuck Corley to see what needed to be done. She stated that she should have done more research but she did not want anyone else to be misled. Ms. Miller stated that when she attended the Planning Commission meeting she thought it was a done deal, only to find out that Council would vote on it again November 4, 2013 when she would not be available. She wants to build a garage at the house on Butler Street and does not want to have to go through the Historic Preservation Review Board for approvals; therefore, she would like to take her name off the list and maybe she would ask for it later. She added that it is an old house that she cannot make new but she did not want it torn down like a house near her in order to make a parking lot for the church. She stated that Mr. Corley gave her the paper to sign and she felt backed in a corner. Ms. Miller stated that several people that signed the petition were only renters and not the property owner.

Mayor Halfacre asked Staff if Ms. Miller would have another opportunity to withdraw her name. Mr. Hanson stated that she could withdraw her name at the final reading and he could use her written request since she could not attend the meeting. He added that he has several other written requests from property owners to withdraw their names and he will include them in the final reading documentation.

Councilmember Stambolitis stated that the Chairman of the Planning Commission was not present at Council's October meeting to help explain why the Planning Commission denied the request.

Councilmember MacDougall asked Ms. Miller if it had been explained to her that the overlay district would protect her even more than the regular zoning of the property. Ms. Miller responded yes, but she did not feel it was explained and none of the neighbors understood either. She said on Sundays people are parked everywhere. Councilmember MacDougall asked her if she had been misled. Ms. Miller responded yes.

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Councilmember Maness asked Ms. Miller if she had started the petition drive. Ms. Miller responded no that others had started it, but she got involved to help stop old homes from being torn down, even though most homes had been modified. Mr. Hanson confirmed that the guidelines would apply to the exterior of the homes and that letters had been sent explaining the guidelines. Councilmember Maness was concerned if two Staff members were present at the Historic Preservation Review Board Public Hearing meeting, why it had not been adequately explained. Ms. Miller stated that she asked during that meeting for it to be explained. She added that now she wants to build a garage, so she would like to withdraw her name. Councilmember Maness asked for letters to be sent again to those wishing to be in the Historic Overlay District. She added that it is an unusual situation for one Town Commission to go against another Commission, but citizens should have the overlay district if they want it. Mr. Hanson stated that he had heard from some other homeowners in the area and that the list is down from 17 to 6. Ms. Miller stated that it was probably down to 2 homeowners. Councilmember Maness recommended pulling the item from Council's November agenda. Town Administrator Poole stated that the item is already on a path making it necessary for it to be on the agenda in November since it concerns a zoning request. He stated that if only one or two want the overlay district, Council could deny the request and those individuals could apply separately.

Mayor Halfacre stated that Council should have listened to the Planning Commission in the first place. He added that everyone knows Chuck Corley and he does a lot for preservation in the Town. He stated that he was sure Staff had adequately explained the process. Mayor Halfacre stated that the Historic Overlay District is more about being recognized, such as an honor to be in a particular district, but it does not protect a home any more than the Town's regular zoning requirements.

Councilmember Stambolitis stated that even after two committees looked at the request, there are still unanswered questions. He stated that he would still like to get a clarification from the Planning Commission. Ms. Miller stated again that no one had explained the process to her and she did not know the law. Councilmember Stambolitis assured her that he would get her some answers.

Councilmember Shevchik confirmed that if Council denied the few citizens who were left wanting the Historic Overlay District, then those individuals could apply separately.

**BUSINESS ITEMS:** (For Discussion and Recommendation for Council Meeting to be held on November 4, 2013.)

1. **Purchase of Real Estate for Meter Station – Municipal Attorney Brad Cunningham:** The Town reached a tentative agreement to purchase 0.4 acres from Charles R. Jackson. The property is on Methodist Park Road in West Columbia. The Tax Map Number for the parcel is 004531-02-016. The intended price is \$20,000. The Town needs the property for a meter station.

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A motion was made by Councilmember Maness and seconded by Councilmember Shevchik to place the item on Council's November 4, 2013 agenda for consideration. Councilmember Stambolitis confirmed with Mr. Ford that the appraised amount was \$56,000. Mayor Halfacre thanked Mr. Jeffcoat. The motion was unanimously carried by all those present.

2. (Item deferred to a later date.) **Appointment to the Planning Commission – Municipal Clerk Becky Hildebrand:** Ms. Donna Miranda submitted a Talent Bank application to serve on the Town's Planning Commission. (Copy of Talent Bank application attached.)
3. **Pennies for Progress Commission – Town Administrator Britt Poole:** Alliance Consulting Engineers, Inc. was commissioned by the Pennies for Progress Commission to prepare a Master Plan document for the voters of Lexington County and to assist in the administrative tasks of the Pennies for Progress Commission. The Commission will conduct a workshop in late October or early November. The Commission's task is to prepare a list of Capital Projects to be voted upon in conjunction with the proposed Capital Projects Sales Tax Initiative.

Mayor Halfacre thanked Mr. Kyle Clampitt for the information on Pennies for Progress. (Copy attached.) Mr. Poole stated that the required workshops would be held so the Town, as well as other municipalities, could obtain information on how to submit their projects to the Commission prior to the deadline of January 30, 2014.

Mr. Clampitt stated that the Commission will develop a scoring sheet in order to prioritize projects for the entire County of Lexington. They would also develop how the ballot would look because citizens will see the list of prioritized projects on the ballot along with the cost of each. He added that the meeting would be informative and their company was hired to look at as many projects as submitted. He added that they may also place an estimate on a project and all projects would be vetted through Alliance Consulting Engineers. He added that some projects may not be eligible. He stated that they hope to have the projects scored by May or June and all would be based on the SC Code of Law 40-310.

Councilmember Stambolitis wished to ensure that Town Council would have input in deciding the Town's projects. He added that even though Staff knows what Council wants, he would still like to have a dialog with Staff about the proposed projects. Mr. Poole stated that there are plenty of projects in the Town and he suggested that Council think about the projects they would like to submit. Councilmember Stambolitis asked Mr. Clampitt if his group had a plan to promote the penny tax because there is a group already well organized to fight against it because they see it as another slush fund. Mr. Clampitt stated that they were not hired to promote a yes or no vote. Mr. Poole stated that as a government organization, the Town could not put together a pro-vote effort or expend any money toward an effort because that would have to come from the citizens. Mayor Halfacre agreed that the private sector would have to drive that train.

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Councilmember Maness confirmed that when she was involved with a previous tax issue, she was a volunteer as a parent. She stated that they could speak individually for the tax or against it, but not as elected officials.

Mayor Pro-Tem Livingston asked for two dates to choose from for the meeting. Mayor Halfacre stated that the meetings were for information about how the process works, and then Council would decide on projects. Councilmember Maness requested that the meeting time be early in the morning or after 5:00 so she could attend. She added that she would also like for the Planning Commission Chairman, Keith Frost, to attend the meeting. Mr. Poole stated that he would get with Mr. Clappitt and come up with several dates and times.

4. (Added.) **Farmers Market Extension – Mayor Randy Halfacre:** Mayor Halfacre stated that one of the Farmers Market vendors had approached him about extending the Town's Farmers Market for another month and a half, until December 13<sup>th</sup>. He added that the vendor told him that several others vendors also wanted to extend the time. Mayor Halfacre asked the vendor to call the other Councilmembers and he asked the Councilmembers to go to the Farmers Market and talk to the vendors. He stated that this is about what the vendors want and they seem to want it extended.

Councilmember Shevchik asked if the Staff budget could support the market being extending until December 13<sup>th</sup>.

Events and Media Coordinator Dowden stated that the market could be extended if there was need for it; however, the farmers are local with local produce which would be limited during that time of year. She stated that four of the produce vendors had already ended their season. Ms. Dowden added that without the vegetable vendors it would primarily be a craft market. Ms. Dowden stated that since the building was being sold it may not be available. She stated that the vendors had not asked her anything about extending the time, but some had asked her about the other seasonal events such as the Snowball Festival and the Jingle and Mingle Market at the Chamber.

Parks, Streets and Sanitation Director Walker stated that it cost \$150 per week in overtime for his staff to monitor the market.

Councilmembers Maness, MacDougall, Shevchik, and Stambolitis stated that the vendor had also called them and indicated that 14 vendors wanted to extend the market to December 14<sup>th</sup>. Councilmember Maness stated that she had talked to Mr. Jumper, a produce vendor, and he said he would come if the market was extended, if it was not 40 degrees outside.

Councilmember MacDougall asked if Staff kept a count of how many citizens attended the Farmers Market. Ms. Dowden responded that she had not kept a count since some visitors only come to the outside vendors and others also come inside the building.

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Mayor Pro-Tem Livingston stated that there are usually two Staff members at the Farmers Market. She did not want to obligate Staff if they were not prepared to extend the market and their schedules. She added that the vendors could come to the four day Snowball Festival. Mayor Halfacre stated that Darrell Jones, Parks Department, told him that he works seven days a week and would always rather work at the Farmers Market and he could handle it if the market was extended to December. Mr. Walker confirmed that Mr. Jones also works at the zoo. Ms. Dowden stated that she is there to open the market and sometimes returns to the office to work on other projects.

Mayor Halfacre instructed Town Administrator Poole to call Dr. Rick Singh, the purchaser of the property, and ask him if the Town could use the building through December. Councilmember Stambolitis asked if the sale of the property could be delayed. Mayor Halfacre responded that the property had already been sold. He requested that no pressure be put on the request and if Dr. Singh said no then that would be the end of it. Councilmember Stambolitis added that it would be fine with him and he requested that Mr. Poole find out before the next Farmers Market. It was the consensus of the remaining Councilmembers to ask if the Town could use the building through December.

**FOR YOUR INFORMATION**

1. **14 Mile Creek Trail – Grants Administrator Wesley Crosby:** The Town recently took bids for the construction of the 14 Mile Creek Trail. The results were as follows:

Martin & Son Contracting, Inc.	\$214,693.78
Henley’s Construction Co., Inc.	\$239,350.00
Sodfather, Inc.	\$289,002.80
Dennis Corporation	\$310,516.00
Wiley Easton Construction Co., Inc.	\$450,000.00
AOS Specialty Contractors, Inc.	\$469,898.00
BES Construction, LLC	\$548,000.00

Martin and Son Contracting will be awarded the project as they were the lowest bidder and most responsive to the project’s requirements. State procurement requirements were followed in this bidding process as required by the SC Parks Recreation and Tourism grant guidelines.

Mayor Halfacre commented that it was all “good stuff”. Councilmember MacDougall stated that there was a big difference in the bids. Mr. Crosby responded that one bidder included metal bridges.

2. **Emergency Procurements – Finance Director Kathy Roberts:** A summary of emergency purchases made in the third quarter of 2013 was provided to Council. They were asked to accept the summary as information and direct that the summary be recorded in the minutes of this Work Session.

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**COUNCIL/STAFF COMMENTS**

**Mayor Halfacre** thanked Mr. Walker and his Staff for cleaning up the overgrown house on Elm Street. Councilmember Maness indicated that there was another overgrown house in Mallard Lakes that needed to be cleaned up. Mr. Poole stated that if she could provide the address the Parks Department would clean it up. He added that overgrown homes are handled on a complaint basis. Mr. Walker stated that the address could be emailed to him and then he would follow the procedure to handle the complaint.

**PUBLIC COMMENTS**

Mr. Keith Frost, Chairman of the Town's Planning Commission, stated that Councilmember Stambolitis had made several comments publicly about his absence from the last Council meeting in order to answer questions about the Historic Overlay District. Mr. Frost stated that his father was released from the hospital that day after a heart procedure; therefore, he was unable to attend. Mr. Frost stated that the issue had been discussed now during four different meetings and the Planning Commission had discussed it at length. He added that Ms. Miller was the only one that attended the meeting in an attempt to stop the church from expanding.

**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 7:07 p.m. 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.*