

**MINUTES**  
***Town of Lexington***  
*Executive Session and*  
**REGULAR COUNCIL MEETING**  
November 3, 2008

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Town Council met in a Regular Council Meeting on November 3, 2008 at 7:00 p.m. in Council Chambers following an Executive Session attended by Mayor Randy Halfacre, Mayor Pro-Tem Hazel Tyndall, Council Members Richard Thompson, Kathy Maness, Ted Stambolitis, and Danny Frazier. Councilmember Todd Shevchik did not attend the Executive Session. The Executive Session was also attended by Town Administrator Jim Duckett, Assistant Town Administrator Britt Poole, Municipal Attorney Brad Cunningham, and Municipal Clerk Becky Hildebrand. Attending the Regular Council meeting was: Police Chief Terrence Green, Director of Utilities and Engineering Allen Lutz, Finance Director Kathy Roberts and Municipal Clerk Becky Hildebrand.

One member of the news media and approximately seventy (70) citizens, students and scouts were present.

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**EXECUTIVE SESSION REPORT**

Mayor Halfacre reported that the *Executive Session* was called to order at 6:00 p.m. after a motion was made by Councilmember Maness and seconded by Councilmember Stambolitis to go into *Executive Session*. The motion was unanimously carried by all those present. Council adjourned from *Executive Session* at 7:00 p.m. after a motion was made by Mayor Pro-Tem Tyndall and seconded by Councilmember Maness. The motion was unanimously carried by all those present. Mayor Halfacre reported that Council met in *Executive Session* to discuss: one contractual issue related to economic development and several pending legal matters. No vote was taken. A motion was made by Councilmember Maness and seconded by Councilmember Thompson to ratify the Mayor's *Executive Session* report. The motion was unanimously carried.

**INVOCATION AND PLEDGE:** Mayor Halfacre introduced the Council Members and called on Councilmember Thompson to give the invocation. Councilmember Stambolitis led in the Pledge of Allegiance.

**CALL TO ORDER:** Mayor Halfacre called the Regular Council meeting to order at 7:12 p.m. He later recognized Constance Flemming as his opponent in the Mayor race and Boy Scout Troop #425 from Zion Lutheran Church. Councilmember Maness recognized Ms. Lynn Hamilton, science teacher at Lexington Middle School, and her son as part of the Boy Scout Troop.

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**ADDITIONS/DELETIONS:**

Mayor Halfacre requested that New Business Item #9 (Contribution to Mission of Faith Gospel Singers) be added to the agenda. There being no objections from Council the item was added as requested.

**APPROVAL OF MINUTES:** Councilmember Maness made a motion to approve the minutes from the Council's Work Session on October 20, 2008 as presented. Councilmember Stambolitis seconded the motion which was unanimously carried.

**PRESENTATIONS**

1. **National Hospice and Palliative Care Proclamation – Mayor Randy Halfacre:**  
Mayor Halfacre read a proclamation recognizing November as National Hospice and Palliative Care Month. Ms. Teeshla Curtis, Community Relations Director for Hospice Care of SC and Mr. Jeff Plummer, Regional Marketing Director were present to accept the proclamation. (Copy attached.)

**PUBLIC HEARINGS**

Mayor Halfacre called Public Hearings to order and requested that those wishing to speak limit their comments to three minutes.

1. An Ordinance Annexing Approximately 28 Acres on August Road.

There being no comments, Mayor Halfacre declared the Public Hearings closed.

**TRAFFIC UPDATE**

Mayor Pro-Tem Tyndall provided an update on the Town of Lexington's continuing efforts to improve traffic including: (1) The Town will award the traffic count bid by next week. It will be the second time that the Town has paid for 12-hour traffic counts at 23 intersections in and around Town on SCDOT owned streets. The counts are used to optimize timings at signals in Town. (2) The Town has requested that SCDOT examine the exit ramp from I-20 onto SC #6. SCDOT Chief Engineer for Operations has reviewed the request. He has committed to reducing the vegetation for better visibility and to adding a flashing beacon to alert motorists to the sharp curve. (3) The widening of Old Cherokee Road from US #378 to SC #6 has been awarded to the successful bidder. The project is expected to begin in January, 2009. (4) There have been no accidents at the Publix's entrance that was modified by the Town to a right-in right-out only intersection. This makes three months with no accidents at what was one of the top three most dangerous intersections in Town. (5) SCDOT agreed to paint a "do not block intersection X" at the intersection of US #378 and George Street as requested by the Traffic Committee. The work was completed last week. (6) The Traffic Committee is exploring the idea of a ride share program. If interested, contact Inspector Wally Bledsoe at [cbledsoe@lexsc.com](mailto:cbledsoe@lexsc.com). (7) Home Depot authorized Saluda

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Hill to begin construction on the Coventry sign today. All permits have been pulled and a flyer was delivered to the residents last month showing the design of the sign. Work is expected to begin this week and be completed in three weeks.

Mayor Halfacre commented that even though the Town does not have the authority to address major corrections to our road systems, the Traffic Report does show that the Town can make minor revisions that do help traffic flow and the prevention of accidents. He commended the Traffic Committee, Chief Green and the Police Department for all their efforts in this regard.

**OLD BUSINESS**

1. A motion was made by Mayor Pro-Tem Tyndall and seconded by Councilmember Frazier to **approve Final Reading of an Ordinance Annexing approximately 28 acres on Augusta Road.** Mayor Pro-Tem Tyndall stated that the property is located in front of Woodcreek subdivision and a letter was sent to all the residents explaining that it would be better to have the property annexed. She read a portion of the letter which explained that the owner of the property requested zoning of General Commercial which will allow only commercial or single family residential use. The plan for development is to use the front portion for retail which may include a bank, restaurant or grocery store. The plans include selling the rear portion of the property for future development as an office park, hotel site or residential development. Any future residential development, other than a single family residential neighborhood, would require a rezoning of the property and would require Council's approval. Mayor Pro-Tem Tyndall thanked Mayor Halfacre for his support on this issue. The motion was unanimously carried. (Copy of Ordinance attached.)

**NEW BUSINESS**

1. **First Reading of an Ordinance Amending the Budget for Water Tank Maintenance:** The Town's current budget has \$193,800.00 in Capital Improvements Plan (CIP) to clean, sandblast, repaint, and conduct other repairs needed on the Porsche Drive water tank. It was the opinion of the Director of Utilities that the Town would benefit more by obtaining a maintenance agreement with a tank management firm on all three Town water tanks. A maintenance agreement would give the Town preventative maintenance on the tanks, provide a longer paint life, and reduce overall costs. Approval is requested to move \$193,800.00 to the operating budget for professional services and to continue with advertising for requests for qualifications to select the firm that will be used for the water tank maintenance agreement. A funds transfer would come from CIP to the Operating Budget for Professional Contractual Services.

A motion was made by Councilmember Thompson and seconded by Councilmember Frazier to approve First Reading. Councilmember Stambolitis confirmed that the actual cost of the contract has not yet been obtained and a blanket approval has not been issued. Town Administrator Duckett clarified

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that the approval is to move CIP funds to the Operating Budget and thereafter whatever contract is recommended would have to come to Council for approval. The motion was unanimously carried. (Copy of ordinance attached.)

2. **First Reading of an Ordinance Annexing 1091 Three Chop Run:** Mr. Hugh Simril petitioned for annexation of 1091 Three Chop Run. He uses the property residentially and requested a zoning district of Protected Residential (PR). The Planning Commission will make a recommendation about the zoning district and road classification associated with the request on November 19, 2008. An ordinance will be prepared for Final Reading.

A motion was made by Councilmember Maness and seconded by Councilmember Stambolitis to approve First Reading. The motion was unanimously carried.

3. **First Reading of an Ordinance Annexing 414 Old Cherokee Road:** Genie Shealy and Lynn Baldwin petitioned for annexation of 414 Old Cherokee Road. A residence currently sits on the property. The owners would like to rent the residence out for either residential or commercial use and are requesting Limited Commercial (LC) zoning. The Planning Commission will make a recommendation about the zoning district and road classification associated with the request on November 19, 2008. An ordinance will be prepared for Final Reading.

A motion was made by Councilmember Stambolitis and seconded by Councilmember Shevchik to approve First Reading. The motion was unanimously carried.

4. **Gibson Pond Park Funds:** As Gibson Pond Park was completed under budget by \$50,000, it was requested to place the funds in a generic park improvement fund. This would allow those funds to be used for projects in any Town of Lexington park.

A motion was made by Councilmember Frazier and seconded by Mayor Pro-Tem Tyndall to approve the request as stated. Councilmember Stambolitis confirmed that some of the Hospitality Tax funds were used at Gibson Pond Park and future approvals would come before Council. He added that he would like for Council to have more control of the money which may assist with the project that Council discussed in Executive Session tonight. Town Administrator Duckett responded that as Council had discussed in the last Work Session, the funds could be used at any of the parks and staff would have the approval to use the funds in the appropriate way. He added that it would give staff the flexibility to put the funds where needed such as sidewalks in front of the Palmetto Collegiate Institute. Mayor Halfacre confirmed that if Council had a specific request they would make that known to staff and he felt it best to let staff make the decisions to maintain the existing four parks and two more that are on the drawing board. Mayor Pro-Tem Tyndall stated that the Town should finish the parks that have already been started with the

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majority of the funds going to Caractor Park and the remainder going to a few needs in the other parks. The motion was unanimously carried.

- 5. Belle Lindler/Cherry Lane Sewer Change Order:** The Town installed a new force main on Belle Lindler and Cherry Lane to meet SC DHEC requirements. There were some field changes made during construction totaling \$10,333.00 with a deduction of \$900.00 making the final change order amount \$9,433.00. Funds would come from the Capital Improvement Plan.

A motion was made by Councilmember Shevchik and seconded by Councilmember Thompson to approve the change order. Councilmember Frazier stated that the change order “was going in the right direction”. The motion was unanimously carried.

- 6. Appointments to the Advisory Committee:** Ms. Lauren Sponseller and Mr. Jerry Werries submitted Talent Bank applications to serve on the Advisory Committee. There are four vacancies on the Advisory Committee.

A motion was made by Mayor Pro-Tem Tyndall and seconded by Councilmember Maness to approve the two appointments. The motion was unanimously carried.

- 7. Funding for the Purchase of 301 South Church Street:** Council approved the purchase of 301 South Church Street at its meeting on October 6, 2008 for \$129,000. To fund this purchase, it was recommended to use Alcohol Permits money. Use of the Alcohol Permits fund is restricted with one of the allowed uses being the acquisition of property to expand public parks. As of June 30, 2008, this fund had approximately \$50,000. It collects about \$30,000 per year. The Alcohol Permits fund could borrow the \$79,000 difference (\$129,000 purchase price less \$50,000 available balance) from the General Fund and pay it back over a three (3) year period.

A motion was made by Councilmember Thompson and seconded by Mayor Pro-Tem Tyndall to approve funding the purchase as stated. Municipal Attorney Cunningham stated that he expects the closing on the property to be next week. Mayor Halfacre stated that the property would be a nice addition to the Virginia Hylton Park and the Palmetto Collegiate Institute. He added that if anyone would like to contribute additional property, Council would welcome the offer. The motion was unanimously carried.

- 8. Rental Fee Waiver Request for Kids Day of Lexington 2009:** Dr. Jud Heldreth requested the use of Town Hall facilities for Kids Day 2009. He requested, as in years past, that the fees associated with these facilities be waived as a continuing gesture of Kids Day. Dr. Heldreth asked for the Eli Mack, Jr. Room for the week of April 20 – 26, 2009 for delivery, storage, meetings and event day use; the Conference Center on Tuesday, April 21, 2008 from 4:00 p.m. – 8:00 p.m. for the Kids Day/Kiwanis Pancake Supper; the front atrium area halls of the Municipal

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Complex for the Kids Day Art Show (no charge); and the Conference Center and Virginia Hylton Park (including stage area) for Saturday, April 25, 2009 from 7:00 a.m. until 3:00 p.m. for the Kids Day of Lexington event. The following is a list of the values for the Kids Day requests:

Eli Mack Room (4/20 – 4/26)	Deposit \$100 and Rental Fee \$1,050 (\$150 x 7)
Conference Center (4/21 and 4/25)	Deposit \$250 and Rental Fee \$1,200 (\$600 x 2)
Virginia Hylton Park Shelter	Deposit \$100 and Rental Fee \$ 50
<b>Total Deposits:</b>	<b>\$ 450.00</b>
<b>Total Rental Fees</b>	<b>\$ 2,300.00</b>

A motion was made by Councilmember Maness and seconded by Councilmember Frazier to approve the request. Councilmember Shevchik recused himself from the vote since he is a Board Member of Lexington's Kids Day. Mayor Halfacre stated that this has turned into a huge event and he thanked Councilmember Frazier for helping to cook hotdogs and pancakes. He also thanked Dr. Heldreth for coming up with the ideas several years ago. The motion was carried with six (6) in favor and one (1) recused (Shevchik).

9. **Mission of Faith Gospel Singers Contribution:** The Town received a request from the Mission of Faith Gospel Singers for a contribution to their annual Seniors Christmas Dinner (request letter attached). The Town has helped fund the event since 2002 in the amount of \$300.00 each year. Funding would come from Council's Contribution Budget.

A motion was made by Councilmember Stambolitis to contribute \$300 to the Mission of Faith dinner. Mayor Halfacre amended the motion and stated that he would like to increase the amount this year to \$400.00. The amended motion was seconded by Councilmember Thompson. Councilmember Maness encouraged all the Council members to attend this great event to get in the Christmas spirit. The motion was unanimously carried.

**COMMENTS**

**Mayor Randy Halfacre** He wished a Happy Birthday to all Town employees celebrating birthdays in November. He expressed his sympathy to the family Chief Dennis Tyndall in the recent loss of his brother-in-law in Florida. He read a thank you note from Riley Poole thanking the Council for the get well bear and balloons sent to her in the hospital. Mayor Halfacre thanked Chief Terrence Green and the Lexington Police Department for a great Fall Festival last week. He encouraged everyone to remember our veterans and the Veteran's Day parade on November 9, 2008 at 3:00 p.m. Mayor Halfacre wished everyone a safe Thanksgiving holiday coming up soon. He considered himself blessed to be able to live in the great Town of Lexington. Mayor Halfacre thanked the men and women that work with the Lexington County Voters Registration Department. They have worked tirelessly to ensure a smooth election and they also processed over 15,000 absentee ballots. They handle the National, State and Local

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elections for us. Mayor Halfacre read from The State paper regarding an article entitled "Tis the Season for Tricking Voters" regarding tricks to confuse voters about how and where to vote. Some information is intimidating and misleading. He stated that citizens sometimes see it at a National level and State level, but now it has raised its head in Lexington. He referenced a postcard that was sent to Town citizens this past weekend insinuating conflict and wrong doing on the part of his wife. Mayor Halfacre stated that as an elected official he is "fair game" but not his wife or his family. He stated the postcard was nothing but a smear campaign and it impugns her creditability and integrity. He added that those who know his wife know that as a teacher she is honorable, of high integrity and credibility. Mayor Halfacre stated that for those who are behind the card or running for election as the name appears on the card, and attack his wife, he is appalled. He stated for those involved to not attack his wife regarding a "conflict" when she openly and fairly won an award at an annual gala at the Chamber which was managed by a CPA firm and the Board of Directors of the Chamber. He asked those behind the despicable postcard to come forward and apologize to his wife. Mayor Halfacre encouraged everyone to get out and vote tomorrow and be ready for long lines and possible bad weather.

**Mayor Pro-Tem Hazel Tyndall** stated that the Traffic Committee is a very dedicated group and have made a lot of improvements happen. She added that the roads in Town belong to SC DOT and the Town cannot choose to do anything to the roads. She stated that every request that is sent to the Traffic Committee is acknowledged and at times sent to SC DOT several times to request improvements. She encouraged citizens to contact the Traffic Committee with suggestions. Mayor Pro-Tem Tyndall visited the third grade class at White Knoll Elementary and they had great political questions. She encouraged everyone to get out and vote tomorrow. Mayor Pro-Tem Tyndall congratulated her daughter, Jewitte Dooley and Zoning Administrator Leah Youngblood, both USC Law School graduates, on recently receiving word that they had successfully passed the South Carolina Bar Exam. She added that both women are very deserving. She wished her husband a Happy Birthday.

**Councilmember Richard Thompson** encouraged everyone to go out and vote tomorrow. As a public servant, he offered to give anyone a ride if they needed it to get to the voting polls. Councilmember Thompson announced a BBQ at the new Veteran's Rehabilitation Center on Duffie Drive on November 11, 2008. Everyone was invited to attend and tour the facility and meet some of the veterans.

**Councilmember Kathy Maness** wished to comment about how polite the "Trick or Treaters" were this year and thanked them and their parents for being so well behaved. She encouraged everyone to get out and vote in the election tomorrow. She expressed good luck to everyone on the ballot. She added that her prayer tonight would be for all of them to have the strength to get through a very hard day. Councilmember Maness thanked all the Veterans in Lexington County for their service to our country. She asked everyone to attend the Veterans Parade on Sunday at 3:00. She announced that she looks forward to representing the Town next week in Orlando, Florida at the National

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League of Cities Conference. Councilmember Maness wished everyone a Happy Thanksgiving and added that we are all truly blessed to live in Lexington.

**Councilmember Ted Stambolitis** thanked Mayor Pro-Tem Tyndall and the Traffic Committee for all their hard work on dealing with issues regarding roads and traffic in Lexington. He added that citizens have noticed the difference at several intersections regarding traffic lights and turn lanes. He encouraged them to continue their efforts because people do notice. Councilmember Stambolitis congratulated Jewitte Dooley and Leah Youngblood on passing the Bar Exam. He added that both young women add a great deal to our community. He wished a Happy Birthday to his wife. Councilmember Stambolitis knew everyone would be thankful to get through the election tomorrow. He wished everyone a Happy Thanksgiving.

**Councilmember Danny Frazier** stated that he is a person that speaks his mind and he encouraged everyone to get out and vote tomorrow. As he stated last month, he again asked that the citizens vote for Randy Halfacre as Mayor. He added that Randy Halfacre is a fine Mayor and his integrity cannot be questioned and they don't make a better person than his wife. Councilmember Frazier stated that whoever would send out a flyer against Mrs. Halfacre is a pitiful person and does not belong in Lexington. He also encouraged everyone to vote "yes" tomorrow for our school district.

**Councilmember Todd Shevchik** stated that there has been a lot said about the postcard that was recently sent out. He also received the postcard as a Town resident and there have been allegations that he sent the postcard. He did not see the postcard as a "smear campaign" or against Mrs. Halfacre. He stated that if you read the postcard, there is nothing disparaging in it. He stated that it has a picture of Mrs. Halfacre winning \$5,000 at the Chamber's Annual Diamond Gala with a statement that Randy Halfacre is the Mayor of the Town and the President of the Chamber with comment of "conflict" with a question mark. He understands that this is a sensitive time and emotions are high, but he did not see the postcard as a smear, but as a thought provoking statement sent to the voters as a political postcard leaving the opinion up to the voter. He added that this is a democracy and we are voting. Councilmember Shevchik stated that many on Council do not think this is a conflict. He thinks it is a conflict and he will support Constance Flemming as Mayor.

**STAFF COMMENTS:** None.

**QUESTIONS FROM THE MEDIA**

Ms. Vickie Shealy, Lexington County Chronicle, was present and the Mayor wished her well in her upcoming surgery. She had no questions.

**PUBLIC COMMENTS**

Ms. Constance Flemming, 604 Hendrix Street, stated that she is a citizen and candidate for the Mayor of Lexington. She was surprised by the postcard when she received a

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telephone call on Saturday from her mother who was concerned about receiving the card. Ms. Flemming stated that she knew nothing about it then and she did not know anymore about it until she returned home on Sunday. She too finds that the election has gone in a direction that she never dreamed possible. She is faced with retrieving signs today so she will have some tomorrow to place near the voting precincts. She added that she has been dealing with missing signs during the entire election and she did not understand what has been going on with that issue. Ms. Flemming stated that implications are that she had something to do with the postcard, yet she had to stretch her pennies just to get one letter out to some of the citizens so they could get to know her better. She stated that several months ago some older Lexington citizens warned her to watch her back because elections get very challenging during the last few weeks. She did not think much about it until last weekend when another large number of her signs became missing and now the postcard also appeared. Ms. Flemming stated that she is praying about the entire situation because she took the position to run for Mayor because she was asked by some citizens to run. She added that she has taken that position very seriously, but it is just a campaign for an office and some of the things that have taken place should not happen in "little ol' Lexington". She may have expected it when she lived in Washington, D. C. but not here. Ms. Flemming stated that she is at home now and she encouraged everyone to be prayerful about the elections. She encouraged everyone to keep in mind that we are all citizens of Lexington and have Lexington's best interest at heart.

Mayor Halfacre personally appreciated Ms. Flemming's comments, but he stated that unfortunately Ms. Flemming's name appeared on the postcard. He added that four years ago he and Dan Breazeale differed on issues when they ran for Mayor, but it was "clean" and they dealt with the issues. He stated that political campaigns should be run on your record, what you have accomplished, your experience, qualifications and what you will do in the future. He hoped this situation is "nipped" now before the next election in two years.

**ADJOURNMENT:** Mayor Halfacre thanked the citizens for watching the Council meeting on Channel 2. There being no other business, a motion was made by Councilmember Maness and seconded by Councilmember Shevchik to adjourn the Council Meeting. The motion was unanimously carried.

The Regular Council meeting was adjourned at 8:06 p.m.

Respectfully submitted,

Becky P. Hildebrand, CMC  
Municipal Clerk

APPROVED:

T. Randall Halfacre  
Mayor