

MINUTES
Town of Lexington
Executive Session and
REGULAR COUNCIL MEETING
June 1, 2009

Town Council met in a Regular Council Meeting on June 1, 2009 at 6:00 following an Executive Session attended by Mayor Randy Halfacre, Mayor Pro-Tem Hazel Tyndall, Council Members Richard Thompson, Kathy Maness, Ted Stambolitis, Danny Frazier and Todd Shevchik. The Executive Session was also attended by Town Administrator Jim Duckett, Municipal Attorney Brad Cunningham, Assistant Town Administrator Britt Poole, Assistant Town Administrator Stuart Ford and Municipal Clerk Becky Hildebrand. Also attending the Regular Council meeting was: Police Chief Terrence Green, Director of Utilities and Engineering Allen Lutz, Finance Director Kathy Roberts, and Parks Streets and Sanitation Director Dan Walker.

One member of the news media was present and approximately fifteen (15) citizens.

EXECUTIVE SESSION REPORT

Mayor Halfacre reported that the *Executive Session* was called to order at 5:45 p.m. after a motion was made by Councilmember Maness and seconded by Councilmember Thompson to go into *Executive Session*. The motion was unanimously carried by all those present. Council adjourned from *Executive Session* at 6:29 p.m. after a motion was made by Mayor Pro-Tem Tyndall and seconded by Councilmember Shevchik. The motion was unanimously carried. Mayor Halfacre reported that Council met in *Executive Session* to discuss: one contractual issue related to a downtown economic development opportunity; one contractual and legal issue regarding an agenda item; and one legal update on a pending legal issue. No vote was taken. 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.

INVOCATION, PLEDGE OF ALLEGIANCE AND CALL TO ORDER: Mayor Halfacre introduced the Council Members and welcomed everyone to the Council meeting including Boy Scout Alex Long, Troop 307, who was working on a merit badge. He called on Councilmember Thompson for the invocation. Councilmember Shevchik led in the Pledge of Allegiance. Mayor Halfacre called the meeting to order at 6:38 p.m.

ADDITIONS/DELETIONS

Mayor Halfacre requested to add New Business Item #8 (Cayce Sewer Contract) to the agenda and to defer New Business Item #3 (Main Street Crosswalk Bids) to the next Council Work Session.

There being no objections from Council, the items were added/deleted as requested.

**MINUTES
REGULAR COUNCIL MEETING
June 1, 2009**

APPROVAL OF MINUTES: Councilmember Maness made a motion to approve the minutes from the Special Council Meeting and Council Work Session on May 18, 2009. Councilmember Shevchik seconded the motion. The motion was unanimously carried.

PRESENTATIONS

1. **Proclamation to Lexington Elementary School – Mayor Randy Halfacre –** Mayor Halfacre read a proclamation honoring illustrator E. B. Lewis' acknowledgement of Lexington Elementary School. Ms. Janet S. Wong's new book, "Homegrown House" was illustrated by Mr. Lewis using people and places in Lexington. (Proclamation copy attached.)

Ms. Nancy Lind, Literacy Coach, Lexington Elementary School, provided some background information about the book. In March, 2007 E. B. Lewis visited Lexington Elementary School to provide assemblies for the students. During his visit he noticed Ms. Lind's mother, Ann Lind, who had recently moved to Lexington and asked her if she would pose for the next book that he was to illustrate. He also received permission to use student, Erica Leaphart, as the little girl in the book's story, along with her mother and father, Courtney and Phil Leaphart. Their son, Craig Leaphart became Mr. Lewis' assistant during photo shoots at the Lexington County Museum, the home of Libby Rauch, and the Leaphart family home. The book, "Homegrown House" was written by Janet S. Wong and is scheduled for release this summer. The story is about a little girl who has to move again but wants to live in a homegrown house like her grandmother's. Ms. Lind introduced her mother and the Leaphart family. Mayor Halfacre also welcomed School Board Member Cindy Smith and Lexington Elementary Principal, Ruth Rish.

2. **Lexington Police Department, SC Police Accreditation Coalition (C.A.L.E.A) Award – Mr. John Tucker, President, SC Police Accreditation Coalition:** Mr. Tucker stated that the CALEA consists of members that are state and nationally accredited. He added that he also serves as Chairman of the SC State Accreditation Association. He is retired from SLED after 35 years in law enforcement and currently teaches Criminal Justice at Limestone College and Midlands Tech. Mr. Tucker stated that in his position as an assessor for eleven years, he has visited many law enforcement agencies across the country which gives him an opportunity to compare 400 compliance standards equally to the agencies when they apply for accreditation. Mr. Tucker announced that the Lexington Police Department is a fine, outstanding department and the Town should be proud of them. He commended Chief Green for having the foresight to go to the next level of excellence by going from a state accredited department to a nationally accredited department. Mr. Tucker stated that the Lexington Police Department is one of the first cities to obtain national accreditation in the state in the past several years. Some of the other agencies to obtain the honor include SLED, Lexington Sheriff's Department, City of Columbia and Department of

**MINUTES
REGULAR COUNCIL MEETING
June 1, 2009**

Public Safety. Mr. Tucker presented the C.A.L.E.A Award to Chief Green and seven other officers and staff who were present.

Mr. Tucker wished to relay a little antidote about Chief Green in the hopes that it would not embarrass him. He stated that about two years ago, Chief Green contacted him to help analyze a report that had come to his attention. Chief Green indicated that he had a concern about the use of force in the Town. A particular area of the Town had experienced more reports regarding use of force than other areas and he asked for help to determine the cause and if it involved the officers, training, residents, location, or the time of day. Mr. Tucker reviewed the information for a couple weeks and did a complete analysis of the report. He let Chief Green know that he could not find anything that the officers were doing wrong; in fact he found several things that the officers were doing right. Mr. Tucker brought this to everyone's attention because it demonstrated how comfortable Chief Green was to even allow "an outsider" to look at the department. His primary concern was for the citizens and to know that they were being treated in an equal and impartial manner.

Mayor Halfacre expressed how proud he and the Council were of the police department for their accomplishments and he was proud to let the world know about this elite group. He added that just looking at the members present, you could tell they are a notch above and truly professional. He stated that the police vehicles have a decal that states "building partnerships" and that is what the police department does everyday which represents what the Town is all about. Following the presentation by Mr. Tucker and a standing ovation, Mayor Halfacre stated that this was truly a special moment for the Lexington Police Department and the Town.

Chief Green thanked Mr. Tucker and added that he did not receive this award by himself, but with the dedication of the entire department. He wished to acknowledge the Command Staff, including Dianne Craps, who were present for the award presentation. He wished to particularly recognize Inspector Wally Bledsoe and Officer Art Rish who were instrumental in the process. He added that a national accreditation usually takes three years and these gentlemen made it possible in eighteen months.

3. (Not present.) **Update on SC Remembers 9/11 Essay Contest – Mr. Dan Hennigan.**

PUBLIC HEARINGS

Mayor Halfacre called the Public Hearing to order and requested that those wishing to speak limit their comments to five minutes.

1. An Ordinance Adopting the FY 2009-2010 Budget.
2. An Ordinance Providing for the FY 2009-2010 Tax Levy.

**MINUTES
REGULAR COUNCIL MEETING
June 1, 2009**

3. An Ordinance Amending the Nonconformities Sections of the Zoning Ordinance.
4. An Ordinance Renewing the Time Warner Cable Contract.

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) SCDOT has completed the resynchronizing process on the 21 studied signals. (2) Lexington County modified the installation dates of the rails on Black Avenue to June. (3) SCDOT contracted an engineering firm to perform bore samples on US 378 near Lizard's Thicket and also near Riley's Drugs which will result in lane closures on Saturday June 13, 2009 from 6:00 a.m. to 9:00 a.m. and Sunday June 14, 2009 from 6:00 a.m. to 11:00 a.m. (4) On May 21, 2009, SCDOT Commission approved matching all federal earmarks that the Town has acquired for the Unified Traffic Plan. Vice Chairman Henry Taylor made the motion for approval which was unanimously approved to provide \$1.4 million to release a total of \$6.5 million. With the recent \$8 million from COATS guide share monies, Phase I of the traffic plan is more than fully funded. The Town extended a special thank you to Commissioner Taylor who was instrumental in this process. (5) Right-of-way plans are scheduled for completion by SCDOT in late August for the Phase I project. Right-of-way acquisition is scheduled for September. (6) The Town submitted testimony for Congressman Joe Wilson who will request \$54 million to be included in the reauthorization of the Federal Transportation Bill which would pay for 80% of the other three phases of the traffic plan. The Town would be responsible for the remaining 20%. (7) The next Traffic Committee meeting will be June 16, 2009 at 8:00 a.m. in the Council Chambers.

Mayor Halfacre added that he had met in Rock Hill with Congressman John Spratt, Chair of the Budget and Appropriations Committee. Congressman Spratt spoke very favorable of the Town's traffic project. He was impressed that the Town had acquired \$15 million with the cooperation between Federal, State and County funding for Phase I. He felt strongly that the Town should begin to see additional Federal transportation funding. Congressman Spratt added that they would submit the request as a non-partisan item which means that he will support it. Mayor Halfacre stated that Congressman Joe Wilson is submitting \$54 million for the upcoming Transportation Reorganization Act 2010. He also wished to again thank SCDOT Commissioner Henry Taylor.

OLD BUSINESS

1. A motion was made by Mayor Pro-Tem Tyndall and seconded by Councilmember Frazier to **approve Final Reading of an Ordinance Adopting the FY 2009-2010 Budget**. The motion was unanimously approved. Mayor Halfacre thanked Town Administrator Duckett and Finance Director Roberts for their work on the budget.
2. A motion was made by Councilmember Thompson and seconded by Councilmember Stambolitis to **approve Final Reading of an Ordinance to Provide for the FY 2009-**

**MINUTES
REGULAR COUNCIL MEETING
June 1, 2009**

- 2010 Tax Levy.** Mayor Halfacre stated that this means no tax increases for the Town for the 18th year which is a result of being in a growing community. The motion was unanimously approved.
3. A motion was made by Councilmember Maness and seconded by Councilmember Shevchik to **approve Final Reading of an Ordinance Amending the Nonconformities Section of the Zoning Ordinance.** Mayor Halfacre confirmed that this was not the recommendation of the Planning Commission. The motion was unanimously approved.
 4. A motion was made by Councilmember Stambolitis and seconded by Councilmember Thompson to **approve the Mayor to sign the Renewal of Time Warner Cable application notice with the intended franchise fee increase to five percent (5%).** (Note: First Reading of the Ordinance was approved in May 2009. The Town must respond to the attached application and approval must be granted before passage of the final reading which may take place in July 2009.) The motion was unanimously approved.

NEW BUSINESS

1. **First Reading of an Ordinance Annexing 1.26 Acres on Sunset Boulevard Adjacent to Northwood Baptist Church:** Cam Smith of Insite Longs Pond, LLC, petitioned for annexation of 1.26 acres on Sunset Boulevard adjacent to Northwood Baptist Church (TMS #004496-01-020). This land is currently undeveloped. Mr. Smith plans to develop the property commercially. Mr. Smith requested a zoning district of General Commercial (GC) with the commercial corridors and Preservation corridors special overlay districts. The Planning Commission will recommend a road classification and zoning districts for the property later this month. An ordinance will be prepared for final reading.

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

2. **Harmon Street Sewer Replacement:** The Town of Lexington contracted G. H. Smith Construction to relocate and replace some of the Town's old sewer lines off Harmon Street for \$98,271.00. During construction additional manholes had to be added to reroute the line on one of the properties and increase the diameter of a few others. There were some deducts as well on this project. With deducts the change order is \$1,626.00 making the new total \$99,897.00.

A motion was made by Councilmember Shevchik and seconded by Councilmember Frazier for approval. The motion was unanimously carried.

3. (Deferred to June Work Session.) **Main Street Crosswalk**

**MINUTES
REGULAR COUNCIL MEETING
June 1, 2009**

4. **Friends of the Lexington County Museum Room Rental Fee Waiver:** The Friends of the Lexington Museum requested Council's consideration of waiving the Conference Center rental fee for their annual fundraiser on Saturday, January 16, 2010. The theme for the 2010 fundraiser is "Remembering – Lexington's Main Street". The in-town rental fee for the Conference Center is \$600. A refundable deposit will be paid.

A motion was made by Councilmember Thompson and seconded by Councilmember Maness to approve the fee waiver as requested. Three Council Members simultaneously seconded and two agreed to defer to Councilmember Maness. Councilmember Maness stated that she needed her friends at the museum to realize that she supported them and baseball. She was disappointed that Mr. Flach was not present from The State newspaper so he could write about it. The motion was unanimously carried.

5. **Appointment to the Traffic Committee:** Randy Edwards submitted a talent bank application to serve on the Town's Traffic Committee. There are three vacancies on the committee. Council's approval was requested for the appointment. (Talent Bank application attached.)

A motion was made by Councilmember Maness and seconded by Mayor Pro-Tem Tyndall to approve the appointment of Randy Edwards to the Traffic Committee. The motion was unanimously carried.

6. **Boards and Commissions Term Expirations:** The following members of the Town's Boards and Commissions have terms that expire June 30, 2009. Council approval is necessary for reappointments.

Advisory Committee

Terry Samuels
Andrew Streit*
One Vacancy

Historic Preservation Review Board

Amiel Maness
Three Vacancies

Board of Zoning Appeals

Mary Watts
Carl Berry*

Planning Commission

Frank Berry
Sammy Hendrix

Building Codes Board of Appeals

Bill Lafferty*
Gene Smith

Election Commission

Fred Sons

(* Filled the unexpired term of previous committee member.)

A motion was made by Councilmember Stambolitis and seconded by Councilmember Frazier. Councilmember Maness recused herself from the discussion and vote as her husband serves on the Historic Preservation Review

**MINUTES
REGULAR COUNCIL MEETING
June 1, 2009**

Board. The motion was carried with six (6) in favor and one (1) recused (Maness). Mayor Halfacre thanked each of the Board members for serving the Town.

7. **Request for Sewer Tap at #7 Taylor Street:** During the May 18, 2009 Council Work Session, Mr. Rob Hamzy from RPM Engineers, requested one sewer tap for the easement across his property at #7 Taylor Street.

A motion was made by Councilmember Frazier and seconded by Councilmember Stambolitis to approve the request for one sewer tap at #7 Taylor Street as requested. The motion was unanimously carried.

8. (Added.) **Cayce Sewer Contract:** The Town is currently in litigation over the location of the proposed Twelve Mile Sewer Line. The Town would prefer to place the line on the south side of the creek, away from the Golden Hills Golf Course, largely on property already owned by the Town. However, years of work and engineering reports indicate the north side of the creek is less environmentally damaging and must be explored. Consequently, the Town filed a condemnation suit to gain potential access to the land on the north side of the creek. Completion of the line is necessary to enable the Town to take advantage of the capacity upgrade in the Cayce Sewer Plant in which Town Council recently approved participation. Once the line is complete and flowing, the Town will be able to close the Coventry Woods Plant. Council's consideration was requested to accept this report as information and ratify filing and continuation of Condemnation suit.

A motion was made by Councilmember Shevchik and seconded by Councilmember Maness to accept the report as information and ratify filing and continuation of the Condemnation suit. The motion was unanimously carried.

COMMENTS

Mayor Randy Halfacre wished a Happy Birthday to all Town employees celebrating birthdays in June. He wishes get well wishes to the many employees from the Police Department, Utilities and Parks Department, along with several family members, who have been seriously ill during the past month. He added that our prayers go out to them during these very difficult times. Mayor Halfacre wished Lauren Cunningham a speedy recovery next week when she has her tonsils removed. He hopes she gets plenty of ice cream. He read a thank you note from George Jacobs thanking the Town for sending flowers during his recent illness. Mayor Halfacre was glad to see Councilmember Shevchik back for this meeting. He has had to travel to New Jersey several times during the past couple months during his mother's illness. He expressed his sympathy to County Council members Johnny Jeffcoat and John Carrigg who both recently lost their mothers. Mayor Halfacre wished to report some good news. A baby boy was born to Detective Cameron Mortenson and his wife Melissa on May 3, 2009. His name is Hayden Finneus Mortenson and he will be called "Finn". Mayor Halfacre reminded

**MINUTES
REGULAR COUNCIL MEETING
June 1, 2009**

everyone of the three Teacher Appreciation Lunches. One was held last week at Lexington Intermediate School and Lexington Elementary School will be held this Wednesday at 10:00 and Lexington Middle School will be on Thursday at 12:00. Mayor Halfacre encouraged everyone to come out for the grand opening of Caractor Park on June 14, 2009 from 3:00 to 5:00 with a ribbon cutting at 4:00. He added that it was developing very nicely and it will be a great addition to the Town's parks. He thanked Director of Parks, Streets and Sanitation Walker and Assistant Town Administrator Poole for all their hard work on the project. He wished everyone a Happy July 4th in that the next Council meeting would be July 6, 2009 and Town Hall will be closed July 3rd in observance of Independence Day. He wished the USC Gamecocks good luck tonight over the ECU Pirates.

Councilmember Todd Shevchik requested to be excused from the remainder of the Council Meeting in order to attend another function. He thanked everyone for their thoughts and prayers during his mother's illness. He congratulated Councilmember Frazier and Cynthia Browder on their recent wedding. He hoped everyone enjoys a good summer.

Mayor Pro-Tem Hazel Tyndall thanked SC DOT Commissioner Henry Taylor for helping the Town obtain funding for the traffic plan. She thanked Assistant Town Administrator Poole for his fast response to Council's requests regarding the traffic plan issues. Mayor Pro-Tem Tyndall congratulated Chief Green and the Police Department for the C.A.L.E.A Award. She expressed best wishes to Councilmember Frazier and Cynthia Browder on their recent wedding. She welcomed her new son-in-law to the family. She congratulated her son on his graduation from high school this month.

Councilmember Richard Thompson congratulated the Lexington Police Department on receiving their national award. He added that Council knew Chief Green could do it and that is why they hired him from the start. He also thanked all the Town staff for the great job they do. He stated that he always says that the Town has the greatest staff and that is why the Town has flourished so well.

Councilmember Kathy Maness congratulated the Police Department and she appreciates all that they do for the Town. She stated that she will again represent the Town at Palmetto Girls State to be held Sunday at Columbia College. She added that hundreds of rising high school seniors attend the conference to learn about the political process. She asked them to do a competition on voter's registration with the boys that are at Boys State. She congratulated Councilmember Frazier on his recent wedding. She also congratulated Mayor Pro-Tem Tyndall's daughter on her recent wedding. She expressed congratulations to the seniors at area high schools, including Councilmember Frazier's daughter and Mayor Pro-Tem Tyndall's son. She encouraged everyone to be careful and watch out for the children who are out of school for the summer. She wished her "mama" a Happy Birthday and wished everyone a Happy Father's Day, including her husband. She wished everyone a great summer and a Happy July 4th.

**MINUTES
REGULAR COUNCIL MEETING
June 1, 2009**

Councilmember Ted Stambolitis congratulated Town Administrator Duckett and Finance Director Roberts for a balanced budget without raising taxes. He offered his prayers for the many employees that have been seriously ill. He congratulated Councilmember Frazier on his recent wedding. Councilmember Stambolitis wished his “dad” a Happy Father’s Day. He added that his dad is a great man and he owes a lot to him.

Councilmember Danny Frazier congratulated Chief Green on a great job in obtaining the national accreditation. He thanked Town Administrator Duckett and staff for great work on the budget. He congratulated his daughter who will be graduating from high school in a few days.

STAFF COMMENTS

Town Administrator Jim Duckett wished to congratulate everyone that has been congratulated, especially Councilmember Frazier on his recent marriage. He thanked Council for their leeway in dealing with the budget preparation in a method that works in the most efficient way. He bet that they were the first City Council in South Carolina to pass a budget for next year.

QUESTIONS FROM THE MEDIA: None.

PUBLIC COMMENTS: None.

ADJOURNMENT: Mayor Halfacre thanked the Council members and citizens for attending the meeting and for those at home for watching the Council meeting on Channel 2.

A motion was made by Councilmember Maness and seconded by Councilmember Frazier to adjourn the Council Meeting. The motion was unanimously carried by all those present.

The Regular Council meeting was adjourned at 7:31 p.m.

Respectfully submitted,

Becky P. Hildebrand, CMC
Municipal Clerk

APPROVED:

T. Randall Halfacre
Mayor