

MINUTES
Town of Lexington
Executive Session and
COUNCIL WORK SESSION
March 20, 2017

Town Council held a Council Work Session on March 20, 2017 at 111 Maiden Lane, Lexington, South Carolina preceded by an Executive Session. The meetings were attended by: Mayor Steve MacDougall, Mayor Pro-Tem Hazel Livingston, Council Members Kathy Maness, Ted Stambolitis, Todd Carnes, Ron Williams and Steve Baker.

Staff members present were: Town Administrator Britt Poole, Assistant Town Administrator Stuart Ford, Municipal Attorney Brad Cunningham, Transportation Director Randy Edwards, Police Chief Terrence Green, Planning, Building and Technology Director John Hanson, Economic Development Johnny Jeffcoat, Utilities and Engineering Director Allen Lutz, Finance Director Kathy Roberts, Parks and Sanitation Director Dan Walker, Parks and Sanitation Assistant Director Johnny Dillard, Events and Media Coordinator Jennifer Dowden, Assistant Municipal Clerk Karen Hanner, and Municipal Clerk Becky Hildebrand.

There were no citizens or news media members present for the meeting.

CALL TO ORDER: Mayor MacDougall welcomed everyone to the Council Work Session. He read an opening statement to explain the procedures of a Council Work Session which stated: “*Work Sessions are less formal business meetings that enable Council to obtain and discuss information regarding Town issues from Staff members and/or consultants. Like Regular Council Meetings, citizens are encouraged to attend and observe Work Sessions; however, they do not include Public Hearings, but do allow for public comment at the end of the Work Session unless otherwise called on by Council. Council does not take an action vote on items during a Work Session other than to vote to place an item on Council’s next Regular Council Meeting agenda for consideration and an official vote. Council Work Sessions are not tape recorded, but Minutes are taken and posted on the Town’s web page following approval of Council.*”

Councilmember Stambolitis gave the invocation. Councilmember Baker led in the Pledge of Allegiance. Mayor MacDougall called the Council Work Session to order at 6:31 p.m.

EXECUTIVE SESSION REPORT

Mayor MacDougall reported that the *Executive Session* was called to order at 5:30 p.m. after a motion was made by Councilmember Baker and seconded by Councilmember Stambolitis to go into *Executive Session*. The motion was unanimously carried by all those present (6). (Councilmember Maness was absent for the vote.) Council adjourned from *Executive Session* at 6:28 p.m. after a motion was made by Councilmember Maness and seconded by Councilmember Williams. The motion was

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unanimously carried. (5) Mayor MacDougall reported that pursuant to SC Code §30-4-70(a) (1) and (2), Council met in *Executive Session* to discuss: three contractual issues related to providing services to another jurisdiction, a potential development and an upcoming event; one personnel review; and one legal matter regarding a proposed ordinance amendment. No vote was taken. A motion was made by Councilmember Baker and seconded by Councilmember Stambolitis to ratify Mayor MacDougall's *Executive Session* report. The motion was unanimously carried by all those present. (Councilmember Maness was absent for the vote.)

DELETIONS TO AGENDA: None.

BUSINESS ITEMS: (For Discussion and Recommendation for Council's April 3, 2017 Regular Council Meeting.)

1. **Amendment of §132.01 of the Town of Lexington Code of Ordinances – Municipal Attorney Brad Cunningham:** Staff requested that Town Council consider amending §132.01 of the Town Code of Ordinances to read as attached. (Copy of Ordinance attached.) The suggested revisions are underlined in Sections (C) and (S) in the Disorderly Persons Ordinance. The revisions are suggested so as to make the Ordinance more clearly enforceable in Municipal Court in certain situations. The Town will save on personnel and equipment costs.

A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Williams to place the request on Council's April 3, 2017 agenda for consideration. The motion was unanimously carried.

2. **Title VI Policy – Municipal Attorney Brad Cunningham:** In an effort to maintain its eligibility for Federal funding and Grants, the SCDOT asked the Town of Lexington to adopt the attached Title VI Policy. The Policy goal is to ensure that minorities and those of Limited English Proficiency (LEP) receive adequate opportunity to bid on these contracts. It is also suggested that a Title VI Liaison or Designee be appointed to satisfy SCDOT requirements. (Copy of Policy attached.)

A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Maness to place the item on Council's April 3, 2017 agenda for consideration. The motion was unanimously carried.

3. **Discussion of Boards and Commissions Appointment Process – Municipal Clerk Becky Hildebrand:** At the February 21, 2017 Council Work Session, Council discussed changes to the Application for Boards and Commissions appointments. Recommended changes included: revisions to the opening paragraph, question regarding participation in recent elections, and question regarding involvement in the Lexington community. Changes were highlighted in red. (Copy attached.)

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A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Williams to place the item on Council's April 3, 2017 agenda for consideration. Councilmember Maness recommended that the first paragraph read: "must" complete an application. The motion was unanimously carried.

4. **Mineral Springs Road Relocation Study – Transportation Director Randy Edwards:** In 2014 the Town of Lexington sought the funds from the Lexington County Penny Sales Tax for relocating a portion of Mineral Springs Road to the intersection of Sunset Boulevard (US 378) and Hope Ferry Road. The relocation would replace the current Tom Corley Place roadway at this intersection. To determine if this project has a suitable cost benefit ratio, it is necessary to complete a thorough traffic study and probable cost analysis of the concept plan. The Transportation Department requested Council to consider an expenditure in the amount of up to \$100,000. The study and cost opinion would take approximately 6 to 9 months to complete. The funds could be made available from the Roads and Infrastructure portion of the General Fund Budget.

A motion was made by Councilmember Baker and seconded by Mayor MacDougall to place the item on Council's April 3, 2017 agenda for consideration. Mayor Pro-Tem Livingston confirmed that the Town would have to fund the start of the design. Councilmember Stambolitis stated that he had a problem with the way this was done. He quoted the State Law Section 6-1-730 regarding use of revenue and added Hope Ferry Road was not tourist related. Town Administrator Poole stated that Council approved transferring \$500,000 from Hospitality Tax to the General Fund in November as part of the Vision Plan. Councilmember Stambolitis stated that it was only a shell game, it was inappropriate, and could be challenged in court. He requested to see the report. Town Administrator Poole stated that the report was in tonight's Council agenda package. He added that the funds were not H-tax. Councilmember Maness requested that the Municipal Attorney pull up the law and read how the funds could be used. Mayor MacDougall stated that he had served on the City of Columbia's Tax Committee and he guaranteed that funds were transferred every year. Councilmember Stambolitis commented that it still did not make it legal and it is not identified as tourism.

Assistant Town Administrator Ford explained how the Hospitality Tax Law was changed a few years ago in that in a county in which less than \$900,000 in Accommodations Taxes are collected annually, 50% of the revenues in the preceding fiscal year of the Local Hospitality Tax may be used for additional purposes provided in Item 1 (tourism-related buildings including, but not limited to civic centers, coliseums and aquariums) and in a county in which at least \$900,000 in Accommodations Taxes are collected annually, the revenues of the Hospitality Tax may be used for the operation and maintenance of those

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items provided in Section 6-1-730 (A) (1) through (6) (*tourism related buildings; tourism-related cultural, recreational or historic facilities; beach access; highway, roads, streets, and bridges providing access to tourist destinations; advertisements and promotions related to tourism development; or water and sewer infrastructure to serve tourism-related demand, including police, fire protection, emergency medical services, and emergency-preparedness operations directly attendant to those facilities.*). (Lexington County has collected at least \$900,000 in Accommodations Taxes since 2014.) Mr. Ford added that the provision to transfer funds to the General Fund was provided to help recover associated costs. Councilmember Stambolitis stated this was for operations, police, and fire, not for Mineral Springs Road. He added that voters shut this down during the Penny Tax vote because they did not want it. Mayor Pro-Tem Livingston stated that voters did not want the “fluff” that was included in the Penny Tax proposal, but they did want transportation projects to be done. She added that \$80,000 had been used for local intersection work which leaves \$420,000. She stated that Council had voted to move \$500,000 per year for eight years to the General Fund as allowed. Mayor Pro-Tem Livingston stated that the roads in some neighborhoods are at a failing grade and Highway 378 is a tourist situation.

Councilmember Baker stated that the Town needs to move traffic. He added that he had talked a lot about traffic during his election. He stated that the Town should do the project and he agreed with Mayor MacDougall that they should get the ball rolling. He added that at least the money did not have to be borrowed.

Mayor MacDougall stated that he agreed that it should not have to come from Hospitality Tax, it should come through the COG (Central Midlands Council of Government) or Federal funding, but it has not for this project, therefore the Town has to use the Roads and Infrastructure fund as allowed. Finance Director Roberts stated that the Hospitality Tax funds consist of \$12M and \$500,000 goes to roads and infrastructure. Town Administrator Poole stated that the City of Cayce moves \$700,000 from Hospitality Tax to their General Fund each year.

Councilmember Carnes stated that he fought against the \$500,000 to be moved for roads, but that card has been played. He would not vote for it each year in an effort to build public trust. He was for spending \$100,000 for engineers and recommended they find the funds so the project would be ready to roll.

Councilmember Williams stated that Councilmember Stambolitis had not objected during the budget approval process. Councilmember Stambolitis responded that he was under the impression that it would be used for tourism and this is not how it is being used.

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Mayor MacDougall stated that they could argue about it all night, but \$500,000 is in the General Fund as the law allows. He confirmed that the Town's Police Department's budget is \$5M each year.

Councilmember Stambolitis requested that they asked the Attorney General. Mayor MacDougall responded that he would be glad to ask the Attorney General. Councilmember Baker called for the question.

Mayor MacDougall called for the vote with a motion being made by Councilmember Baker and seconded by Mayor MacDougall. The motion carried with a vote of six (6) in favor and one (1) opposed (Stambolitis).

COUNCIL/STAFF COMMENTS

Mayor Pro-Tem Livingston thanked everyone for the calls and the flowers she received during the recent loss of her cousin, Tammy Wise.

Councilmember Stambolitis requested a master plan for all the road concerns and needs. He stated that since Randy Edwards is an engineer, he could help with the plan. He added that a traffic plan was not part of the Vision Plan and when he previously asked about it, he was shot down. Councilmember Stambolitis also requested that the Town develop a policy to deal with abandoned buildings such as the old San Jose restaurant building. He stated that New York even has a policy for such buildings. He added that he had discussed it with Town Administrator Poole today and he wanted to discuss it in the near future. Mayor MacDougall stated that road issues were in the Vision Plan and a lot has been done already as was discussed during Council's Vision Plan Retreat. He added that the Town has accomplished a lot in five years and it was exciting to see where we go next. Councilmember Stambolitis asked what Transportation Director Edwards would recommend for the master plan. Mr. Edwards responded that Council approved a Local Transportation Improvement Plan on July 11, 2016 which named 25 hot spots to be evaluated. He added that the list is not complete with all roads, but it would be a good start. He suggested that Council discuss it at the next retreat. Councilmember Stambolitis agreed they should use that as a start plus add secondary roads to a master plan. He also wanted to discuss the cost for a master plan for roads only. Mayor MacDougall agreed that would be a good guide to start a master plan.

Councilmember Carnes commended the "old timer" Councilmembers that putting the amphitheater project and downtown land purchase in the Vision Plan was a gamble that took political guts. He was not sure he would have balked the project, but it hit at just the right time and was well played. He commended the success of the amphitheater and stated that it has been an excellent venue.

PUBLIC COMMENTS: None.

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QUESTIONS FROM THE NEWS MEDIA: None.

ADJOURNMENT: There being no further comments or questions, a motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Baker to adjourn the Council's Work Session at 7:00 p.m. The motion was unanimously carried.

Respectfully submitted,

Becky P. Hildebrand, CMC
Municipal Clerk

APPROVED:

Steve MacDougall
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.