

MINUTES
Town of Lexington
Executive Session and
REGULAR COUNCIL MEETING
July 9, 2012

Town Council held an Executive Session followed by a Council Work Session and followed by the July Regular Council meeting on July 9, 2012 in the Eli Mack Sr. Room and Council Chambers. The meetings were attended by: Mayor Pro-Tem Hazel Livingston, Council Members Kathy Maness, Ted Stambolitis, Danny Frazier, Todd Shevchik and Steve MacDougall. Mayor Halfacre was absent due to vacation. Staff members present were: Town Administrator Britt Poole, Assistant Town Administrator Stuart Ford, Town Attorney Brad Cunningham, Police Chief Terrence Green, Director of Planning, Building and Technology John Hanson, Economic Development Catalyst Johnny Jeffcoat, Utilities and Engineering Director Allen Lutz, Finance Director Kathy Roberts, Director of Parks, Streets and Sanitation Dan Walker, Events and Media Coordinator Jennifer Dowden, IT Manager Josh Emory, and Municipal Clerk Becky Hildebrand.

There were two (2) citizens present for the Council Meeting and two members of the media.

INVOCATION, PLEDGE OF ALLEGIANCE AND CALL TO ORDER: Mayor Pro-Tem Livingston introduced the Council Members. Councilmember Maness gave the invocation. Councilmember Shevchik led in the Pledge of Allegiance. Mayor Pro-Tem Livingston called the meeting to order at 6:35 p.m.

ADDITIONS/DELETIONS: None.

APPROVAL OF MINUTES: A motion was made by Councilmember Maness and seconded by Councilmember Frazier to approve the minutes from Council's Work Session held on June 4, 2012. The motion was unanimously carried by all those present.

PRESENTATIONS

1. **Tree City USA Award to the Town of Lexington – Mr. Jimmy Walters:** Mr. Walters recognized the Town of Lexington for being named Tree City USA for the 24th year. He presented a Tree City USA flag to Dan Walker and a Tree City USA hat and lapel pin to Mayor Pro-Tem Livingston. Mr. Walters stated that Tree City USA is a program of the Arbor Day Foundation which is co-sponsored by the USDA Forest Service and SC State Forestry Commissions. Mr. Walters stated that he is with the State Forestry Commission and he hopes the Town Council will encourage other Towns to participate. He stated that the Town of Lexington always exceeds the four qualifications which include: (1) Maintain a Town Ordinance that protects trees and provides for their management. (2) Maintain a public department or a tree board with the responsibility of managing the trees. (3) Maintain a per capita

MINUTES
REGULAR COUNCIL MEETING
July 9, 2012

budget with a minimum of \$2.00 per capita for tree management. (4) Recognize Arbor Day annually by proclamation, signed by the Mayor or his designee. Mr. Walters stated that Mr. Walker and his staff set a great example for other Towns and they do a great job maintaining trees in Lexington even during the recent extreme heat. He commended the Town for their continued commitment to Tree City USA.

TRAFFIC UPDATE

Councilmember Frazier provided an update on the Town of Lexington's continuing efforts to improve traffic. (1) The Town started the necessary relocation of water and sewer lines in preparation for Phase I of the Traffic Plan. The contractor will start night work on Tuesday, July 10, 2012 from 8:00 pm. To 6:00 a.m. There will be three road cuts, one at Ameris Bank, one at Park Road, and one at Blockbuster Video. At no time will traffic be shut down. Traffic will be shifted during lane work. The contractor will also be working in front of Rite-Aid along the sidewalk area west and will have to close off one lane due to limited area to place dirt during construction. (2) Town officials have been in discussions with SCDOT for the adaptive signal project. Engineers have begun the required installation study and Central Midlands COG will assist in securing funding. At this point, all looks very positive. The next Traffic Committee meeting will be held on August 21, 2012 at 8:00 a.m. in the Eli Mack, Sr. Room at Town Hall. Councilmember Frazier asked if anyone was aware of specific traffic problems to please contact 359-1027 and let Town staff know. The request could be about an unsafe situation or just a pot hole that needs to be repaired.

PUBLIC HEARINGS

Mayor Pro-Tem Livingston called the Public Hearing to order and requested that those wishing to speak limit their comments to five minutes.

1. An Ordinance Amending the Sign Ordinance Regarding Moving Message Signs.
2. An Ordinance Annexing 5372 Sunset Boulevard.
3. An Ordinance Annexing 138 Corley Mill Road.
4. An Ordinance Annexing 115 Riverchase Way.
5. An Ordinance Annexing Portions of TMS #5497-04-005 and 5497-04-034 located near the intersection of South Lake Drive and Glassmaster Road.
6. An Ordinance Annexing TMS #3500-03-021, -023, -024, -067 and a portion of lot 020 located near the 4800 Block of Sunset Boulevard.
7. An Ordinance Refunding General Obligation Bonds of 2012.

There being no comments, Mayor Pro-Tem Livingston declared the Public Hearings closed.

OLD BUSINESS

MINUTES
REGULAR COUNCIL MEETING
July 9, 2012

1. A motion was made by Councilmember Maness and seconded by Councilmember Frazier to approve **Final Reading of an Ordinance Amending the Sign Ordinance Regarding Moving Message Signs**. The motion was unanimously carried by all those present. Councilmember Maness stated that the Planning Commission looked at this issue very carefully and did a good job in their review. (Ordinance attached.)
2. A motion was made by Councilmember Stambolitis and seconded by Councilmember MacDougall to approve **Final Reading of an Ordinance Annexing 5372 Sunset Boulevard**. The motion was unanimously carried by all those present. (Ordinance attached.)
3. A motion was made by Councilmember Frazier and seconded by Councilmember Shevchik to approve **Final Reading of an Ordinance Annexing 138 Corley Mill Road**. The motion was unanimously carried by all those present. (Ordinance attached.)
4. A motion was made by Councilmember Shevchik and seconded by Councilmember MacDougall to approve **Final Reading of an Ordinance Annexing 115 Riverchase Way**. The motion was unanimously carried by all those present. (Ordinance attached.)

NEW BUSINESS

1. **First Reading of an Ordinance for the Issuance of Water and Sewer Revenue Bonds and Bond Anticipation Notes of 2012:** The Town's Water and Sewer System Capital Improvement Plan over the course of the next five years includes approximately \$30 Million in projects. The financing plan includes a mix of capital contribution fee income, retained earnings, and Revenue Bond issuances. During fiscal year 2013, the plan requires the issuance of not to exceed approximately \$10.5 Million in Revenue BANs as provided in the 2013 Budget. The BANs will provide interim financing followed by the issuance of long-term bonds in the middle of the decade.

A motion was made by Councilmember MacDougall and seconded by Councilmember Stambolitis to approve First Reading of the ordinance as stated. The motion was unanimously carried by all those present.

2. **First Reading of an Ordinance for the Issuance of General Obligation Bonds and BANs of 2012:** The Town's General Obligation BANs of 2011 matured at the end of June 2012 and, upon the recommendation of the Town's Bond Counsel, were repaid from the General Fund on a temporary basis. During the fiscal year 2013, the Town plans to issue G.O. BANs of 2012. The modified financing plan allows for maximum flexibility for redevelopment projects under consideration for downtown. Additionally, the new G.O. Bond Ordinance will allow for the funding

MINUTES
REGULAR COUNCIL MEETING
July 9, 2012

of road repairs, improvement projects, and provide for the issuance of BANs as needed.

The new G.O. Bond Ordinance updates and replaces the previous ordinance adopted in December, 2007. The Town anticipates that the “not to exceed amount” will be similar to the \$2.3 Million in the 2007 ordinance with an additional amount estimated to be \$500,000 for road repairs and improvements.

A motion was made by Councilmember Maness and seconded by Councilmember MacDougall to approve First Reading of the ordinance as stated. The motion was unanimously carried by all those present.

3. **Modification to the Local Vendor Preference Program:** The Town expanded the Local Vendor Preference program in 2011 to enhance opportunities of subcontractors, widen the areas covered by the preference; and, increase the dollar limits of the preference. It was suggested that the Town consider increasing the dollar limits for the preference. The following summarizes the proposed changes:

- (1) Increase the in-town preference limit from 7%/\$10,000 to 7%/\$15,000.
- (2) Increase the in-county preference from 5%/\$8,000 to 5%/\$12,000.
- (3) Increase the in-region preference for Newberry, Richland and Fairfield counties from 3%/\$4,000 to 3%/\$6,000.
- (4) Increase the in-state credit from 2%/\$2,500 to 2%/\$3,750.

A motion was made by Councilmember Stambolitis and seconded by Councilmember Frazier to approve First Reading of the ordinance as stated. Mayor Pro-Tem Livingston asked if the Town could go 4% on item (3) to improve the amount for regional businesses. Councilmember Stambolitis agreed to amend his motion. Town Administrator Poole stated that the percentage could be increased if that was the wish of Council and staff would recalculate the dollar amount. He added that it would still be more than the in-county percentage, but less than the out of state percentage.

Councilmember Stambolitis amended his motion to approve First Reading of the ordinance as stated with a change to item (3) to increase the in-region preference to 4% with the request for staff to recalculate the dollar amount by Second Reading and for Council to discuss the issue at the next Work Session prior to the Second and Final Reading. He confirmed that the request is to give a preference to mainly the Lexington area, but also companies in the region to help keep contracts from going to out of state businesses. Councilmember Frazier seconded the amended motion. Mayor Pro-Tem Livingston stated that the amendment would give local contractors a better chance. Councilmember MacDougall stated that in-county would only have a 1% advantage over in-region and 1% of a job would not give the in-county businesses much of a hand-up.

MINUTES
REGULAR COUNCIL MEETING
July 9, 2012

Councilmember Frazier stated that if was up to him he would give all the preference to Lexington County, but staff advised that State procurement laws would not allow it. He preferred to keep all contracts within Lexington County because they are the folks that pay for the things that are being purchased anyway and then the money could be recycled. Councilmember Frazier stated that Richard Jackson, NW White, Ladd Corporation and many others actually employ numerous people from here and spend a lot of money in this area and they deserve to get the contract jobs instead of shooting ourselves in the foot. Councilmember Frazier stated that he wants to do as much as they possibly can to help the businesses in Lexington, not North Carolina businesses. He added that Council should spend taxpayer's money to hire local businesses. He stated that there is no reason to hire an out of state company when we have plenty of companies here that can do the same job. Councilmember Frazier stated that we pay architects and engineers to do a cost estimate which is always very close to the project cost, yet every time we take a low bid there are subsequent change orders. He reminded Council of the Highway 6 project where the Town accepted the low bid and he had advised them against accepting the bid and they were then hit with numerous change orders. He stated that bids should at least be accepted within a range of the cost estimate provided by the engineers. Councilmember Frazier stated that the City of Columbia is getting change ordered to death with many projects including the water and sewer project by a company from Newberry.

Councilmember Shevchik stated that Councilmember Frazier has some good points and they should discuss it some more at a Work Session. He agreed that sometimes it is a balancing act and if there is too much difference between the bids, they need to consider their duty to the taxpayers and to the businesses in Lexington County.

Councilmember Stambolitis stated that he agreed with Councilmember Frazier to help local contractors and keep the contracts from going out of state. He stated that they could approve the First Reading and discuss it further at the next Work Session prior to a final vote.

Mayor Pro-Tem Livingston called for the vote. The motion to approve First Reading of the ordinance as stated with a change to item (3) to increase the in-region preference to 4% with the request for staff to recalculate the dollar amount by Second Reading and for Council to discuss the issue at the next Work Session prior to the Second and Final Reading was carried with a vote of four (4) in favor (Frazier, Livingston, Maness, Stambolitis) and two (2) opposed (MacDougall, Shevchik).

4. **White Knoll Athletic Booster Club Sponsorship:** The White Knoll High School Booster Club requested Town sponsorship in support of the school's

MINUTES
REGULAR COUNCIL MEETING
July 9, 2012

Timberwolves athletic program. (Letter and proposed sponsorship contract attached.)

A motion was made by Councilmember Frazier and seconded by Councilmember Stambolitis to approve a sponsorship to the White Knoll Athletic Booster Club in the amount of \$150.00 to help these fine young men and women to play all sports and continue on the path of sports so no one goes astray. The motion was denied with a vote of two (2) in favor (Frazier, Stambolitis) and four (4) opposed (Livingston, MacDougall, Maness, Shevchik).

COMMENTS

Mayor Pro-Tem Livingston wished a Happy Birthday to all Town employees celebrating birthdays in July. She also wished a Happy Birthday to her son-in-law and to her oldest grandson. Mayor Pro-Tem Livingston expressed sympathy to: George Trifos and his family at Main St Café in the recent loss of his mother, Catherine Trifos; Gary Baker in the loss of his wife, Judy Baker; and the families of Sgt. John Meador, 1st Lt. Ryan Rawl and Sgt. 1st Class Brad Thomas who were recently killed in Afghanistan. All three men were from South Carolina, two from Lexington, and served with the SC National Guard, 133rd Military Police Company of Timmonsville. Our prayers go out to these families as well as to the other soldiers injured in the bomb attack. She thanked Chief Green and the Lexington Police Department for assisting with the funeral processions. She added that her nephew, who is in the Marines, saw the pictures from Lexington and how the streets were lined with citizens showing their support of the soldiers, said Lexington should be very proud. Mayor Pro-Tem Livingston congratulated Josh Emory and his wife Krista on the birth of their baby girl! She was born on June 14th and her name is Norah Adalyn Emory.

Mayor Pro-Tem Livingston reminded everyone to come out to the Lexington Farmers Market which is open every Saturday from 9:00 am to 1:00 pm through October 27th. It is located at 206 N. Church Street. Citizens have enjoyed coming out and seeing their neighbors while visiting all the vendors. Also, the Town of Lexington partnered with Midlands Bio Fuels to provide a Recyclable Grease Collection Container. Residents are encouraged to dispose of their used cooking grease in the container located at the Town's Farmers Market back porch. Midlands Bio Fuels is a Certified SC Agency, who converts the used grease into biodiesel. She thanked Jennifer Dowden for working very hard to bring new things to the Farmers Market. Mayor Pro-Tem Livingston reminded everyone that Council meetings and Work Sessions will continue the merged summer schedule until August 6th. She hoped everyone had a great celebration on July 4th and to continue to remember our troops. Mayor Pro-Tem Livingston read thank you notes from Vicki Shealy and Gary Baker.

Mayor Pro-Tem Livingston stated that she had filled in for the Mayor on the radio this morning and she felt it was worth restating for the citizens that the Town of Lexington's new budget is the 20th year that the Town has not raised taxes, and in fact lowered taxes

MINUTES
REGULAR COUNCIL MEETING
July 9, 2012

twice. She added that it is a big deal that the Town maintains a balance that continues to improve our Town.

Councilmember Kathy Maness congratulated Dan Walker and his staff on receiving the Tree City USA award for the 24th year. She stated that she was honored to speak at Palmetto Girls State for the 6th year and it was exciting to see the girls learn about government. She added that Reagan Hendrix, a Lexington High School graduate, led the group and she did a great job. Councilmember Maness reminded everyone to attend the Town of Lexington's Farmers Market each Saturday. She stated that there are plenty of fruits, vegetables, plants, crafts and local vendors. She hoped everyone enjoyed the summer and stay cool!

Councilmember Ted Stambolitis expressed his sympathy to the families of the two soldiers who were recently killed in Afghanistan. He stated that he had watched Ryan Rawl grow up, get married and have children. He added that Ryan was a great police officer and a great American. His prayers went out to them and the other families. Councilmember Stambolitis expressed condolences to Gary Baker in the recent loss of his wife, Judy. He added that Gary is retired from Lexington County's Veteran Affairs, and they both have done so much for Veterans in the County. He applauded the Lexington Police Department and the citizens of Lexington for showing their support and how they honor Veterans. He wished everyone a good summer.

Councilmember Danny Frazier stated that Councilmember Stambolitis covered it well in expressing the community's sympathy to the families of the three soldiers that gave the ultimate sacrifice so we can live the way we do in America.

Councilmember Todd Shevchik thanked everyone for watching the meeting tonight. He stated that Council and staff attended the Municipal Association of SC annual summer conference last week and they learned a lot about governing and it was a good experience. Councilmember Shevchik stated that the utilities work that is now starting near Rite Aid and the Flight Deck is just the beginning. He stated that things are going to keep happening on a regular basis and it took a lot to bring it to fruition. Councilmember Shevchik thanked all the staff members who were present for all they do for the Town. He wished everyone a great summer and to be careful.

Councilmember Steve MacDougall thanked the citizens at home for watching the Council meeting and staff for attending.

PUBLIC COMMENT: None.

NEW MEDIA: No questions.

ADJOURNMENT

MINUTES
REGULAR COUNCIL MEETING
July 9, 2012

Mayor Pro-Tem Livingston thanked the Council Members and citizens for attending the Council meeting. She thanked those at home for viewing the Council meeting on Channel 2 and it will also be replayed several times during the week.

A motion was made by Councilmember Maness and seconded by Councilmember MacDougall 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

**MINUTES
REGULAR COUNCIL MEETING
July 9, 2012**

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.