

MINUTES
Town of Lexington
Executive Session and
Special Council Meeting
August 17, 2012

Town Council held a Special Council Meeting on August 17, 2012 at 5:00 p.m. in the Eli Mack Sr. Room and Council Chambers. The meeting was attended by: Mayor Randy Halfacre, Mayor Pro-Tem Hazel Livingston, Council Members Kathy Maness, Ted Stambolitis, Danny Frazier, and Steve MacDougall. Councilmember Shevchik was absent due to vacation. Staff members present were: Town Administrator Britt Poole, Assistant Town Administrator Stuart Ford, Municipal Attorney Brad Cunningham, Police Chief Terrence Green, Finance Director Kathy Roberts, Director of Parks, Streets and Sanitation Dan Walker, Planning, Building and Technology Director John Hanson, Events and Media Coordinator Jennifer Dowden, I.T. Manager Josh Emory and Municipal Clerk Becky Hildebrand.

There were approximately sixty (60) citizens present and six (6) members from the news media.

INVOCATION AND CALL TO ORDER: Councilmember Stambolitis gave the invocation. Mayor Halfacre called the Special Council meeting to order at 5:00 p.m. and welcomed everyone to the meeting.

EXECUTIVE SESSION

Mayor Halfacre called for a motion to go into *Executive Session* at 5:01 p.m. A motion was made by Councilmember MacDougall and seconded by Councilmember Stambolitis to go into *Executive Session* to discuss a personnel issue as defined under State Law, Freedom of Information Act (FOIA) Section 30-4-70, to receive legal advice and legal opinions concerning a Town Councilmember. The motion included the statement that Council would be specific in their Executive Session discussion and no vote or Council polling would be conducted.

Mr. Tim Flach, The State newspaper, stated that with all due respect that Council could only discuss staff which could be hired or fired and The State felt that the Executive Session was in violation. Mayor Halfacre responded that Mr. Flach had said two optimal words: “The State felt”, however the Council did not. Municipal Attorney Cunningham stated that under Section 30-4-70, the Council could discuss and receive legal advice regarding a person regulated by a public body. The motion was unanimously carried by all those present.

Council adjourned from *Executive Session* at 6:05 p.m. after a motion was made by Councilmember MacDougall and seconded by Councilmember Stambolitis. The

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motion was unanimously carried by all those present. Council reconvened to the Council Chambers to continue the Special Called meeting in public and to be aired live on Channel 2.

EXECUTIVE SESSION REPORT AND RATIFICATION

Mayor Halfacre reported that Council met in *Executive Session* pursuant to South Carolina Code 30-4-70 to receive legal advice and to discuss legal options related to a personnel issue concerning a member of Town Council. He added that in accordance with the Freedom of Information Act, discussion was limited to this purpose and there was no polling of Council and no vote was taken. A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Maness to ratify Mayor Halfacre's *Executive Session* report. The motion was carried with a vote of five (5) in favor and one (1) abstained (Councilmember Frazier).

A member of the audience asked when Council would bring the item to a vote. Mayor Halfacre reminded the audience that he had the floor and to please allow him to continue. Mayor Halfacre welcomed everyone to the meeting and announced that it would be aired live on Channel 2. He introduced the Councilmembers and announced that Councilmember Shevchik was absent due to being on vacation.

NEW BUSINESS ITEMS

1. Action by Council Related to a Personnel Issue Concerning a Town Councilmember.

A motion was made by Councilmember MacDougall and seconded by Councilmember Stambolitis for Town Council to pass a Resolution to request the resignation of Councilmember Danny Frazier. There being no discussion, Mayor Halfacre called for a vote. The motion carried with a vote of five (5) in favor and one (1) abstained (Councilmember Frazier). Mayor Halfacre asked Council for comments. There were none.

QUESTIONS FROM THE MEDIA

Mayor Halfacre requested that all questions be addressed to him.

Mr. Tim Flach, The State newspaper, asked if Councilmember Frazier stood by the statements that he released on Tuesday and if he was going to resign. Councilmember Frazier responded that he stood by the statement which he released on Tuesday and "no" he was not going to resign.

Mr. Jodi Barr, WIS TV, asked if Councilmember Frazier had the opportunity to listen to the tapes since the last Council meeting. Councilmember Frazier responded that he stood by the statements which he released on Tuesday and was sent to Mr. Barr. Mr. Barr asked Councilmember Frazier if he "stood by" the statement that he

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made the whole thing up. Councilmember Frazier responded that Mr. Barr had the statements which he released.

A member of the audience stated that he did not have the statements released by Councilmember Frazier. Mayor Halfacre asked if he should let Councilmember Frazier read the statement. Municipal Attorney Cunningham responded that the statement had been released to the public; therefore it was up to the Mayor to request that it be read. Councilmember Frazier agreed to read the statement he had released on Tuesday in its entirety. (Copy attached.)

Mr. Jodi Barr, WIS TV, stated that Councilmember Frazier pointed out on the tapes the physical location of the gaming machines and that he had further stated on the tapes that Sheriff James Metts and West Columbia Police Chief Dennis Tyndall would not touch the machines. He added that they had followed the directions given on the tape and at each location they found machines behind unmarked doors. He asked how Councilmember Frazier had such intimate knowledge of the machines and not be involved with them. Councilmember Frazier responded that he had given his statements and he stood by them.

Mr. Terry Ward, Lexington County Chronicle, asked Mayor Halfacre what Council based their decision on to ask Councilmember Frazier to resign. Mayor Halfacre responded that Council had made a motion, but had not yet read the Resolution. He added that the motion had passed with a vote of five in favor and one abstained. He stated that once they were finished with media questions, he would address the Resolution which will help answer Mr. Ward's question.

There being no additional questions from the news media, Mayor Halfacre asked Councilmember MacDougall to read the Resolution in its entirety. (Copy attached.) Councilmember MacDougall read the Resolution asking for the resignation of Councilmember Frazier. Municipal Attorney Cunningham recommended that since Council had now heard the Resolution read for the record, that a second vote to Councilmember MacDougall's original motion be taken. Mayor Halfacre asked for a show of hands of all those in favor of the motion. The motion carried a second time with a vote of five (5) in favor and one (1) abstained (Councilmember Frazier).

Mr. Jodi Barr, WIS TV, asked if public comments were going to be allowed in the meeting tonight. Mayor Halfacre responded that public comments were not going to be allowed and that was his prerogative. Mayor Halfacre called on Municipal Attorney Cunningham for consultation.

PUBLIC COMMENTS

Mayor Halfacre apologized that he had been earlier advised that it would not be to the best interest to allow public comment, but it was the wishes of Council to allow public comments regarding the Resolution which he would sign at the close of the meeting. He opened the floor for public comments, to be limited to three minutes and to request

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that the public avoid repetitive comments in order for the meeting to last no longer than necessary.

Ms. Constance Caractor Flemming, 604 Hendrix Street, thanked the Mayor and Council for their vote for the resignation as it applied to their citizenship. She advised Councilmember Frazier that it would behoove him, for the direct benefit of the citizens of the Town of Lexington, to follow through with the resignation.

Mr. Carl Taylor, a 20-year citizen of Lexington, currently at 403 Hendrix Street, thanked the Mayor and Council for allowing him to speak. He stated that they moved to Lexington because they were proud of the community; it was a good place to raise their children; teach them good Christian values; and to show them how to live their lives and be responsible citizens. Mr. Taylor stated that if elected officials do not follow their conscience and do what they know is right; then they do not need to be government officials. He stated that his 18 year old daughter is going to Converse College on Thursday and it distressed her and she told him it wasn't right. Mr. Taylor told his daughter he knew and he was going to the Council meeting and have his say.

Ms. Betsy McCall, 200 Watercrest Drive, stated that what disturbs her is that this was not the first time we've had issues with him. She applauded the Mayor and Council for standing up and doing the right thing because it took nerve and guts and she was very proud of them. She added that this was not the first time he brought disgrace to the Town and it disturbed her as well as others. Ms. McCall stated that it is even more disturbing that Councilmember Frazier refused to do the right thing. She added that whether guilty or not, disgrace had been brought to the Town over and over again and that should be his reason to resign.

Mr. Roger Caldwell, a resident in Lexington since 1956, asked what weight the Resolution would have, or was it just grand standing; and would anything come of Council's action. Mayor Halfacre responded that it was not grand standing and the Council voted on a Resolution asking for Councilmember Frazier's immediate resignation. Mayor Halfacre further explained that Council only has certain parameters on what they can do concerning a Councilmember's action based on State law. He added that they do not have the authority to remove him and the maximum they could do is to ask him to resign. Mayor Halfacre stated that they had three options: do nothing, censor his actions, or ask for a resignation. Mr. Caldwell thanked the Mayor and Council for doing what they did and he would like to know Councilmember Frazier's reason to stay.

Mr. John Addy, Lexington resident and business owner, wished to address all the fine politicians and asked them to stay proud of our Town. He added that he raised his children here, has a business here, and he wants the citizens to stay behind each other. He stated that Lexington has had hard times before, and there will be more, but we have to stay strong.

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Mayor Halfacre thanked Mr. Addy for his comments and told him that he did not know just how tough it had been. He stated that one of the greatest traits of mankind is perseverance and we will persevere, get through this, and be stronger.

Ms. Audrey Meredith, 113 Summerfield Drive, asked if Council had done all they could do, and he was not going to resign, could they at least see that Councilmember Frazier's pay be stopped. She added that the taxpayers are not interested in paying this person any more money. Mayor Halfacre responded that as long as Councilmember Frazier is a sitting Councilmember, he has all the privileges of all the other Councilmembers including his compensation. Ms. Meredith suggested that they look into the laws controlling this and make some changes. Mayor Halfacre responded that she made a valid point.

Ms. Kay Moore, 728 South Church Street, stated that if Council had done all that they can do; then they need to encourage Councilmember Frazier to sign his resignation. She added that it puts a blemish on all the other Councilmembers; it takes the citizens' trust away; and, the seed has been planted. She stated that now citizens are looking at the rest of the Councilmembers and wondering what they are into that they shouldn't be or what they are doing that is illegal. She added that if she does something illegal, she gets in trouble, especially if you know it is against the law. She stated that it is not just Town Council that they are looking at because the Sheriff's Department and James Metts were mentioned as well as Jack Monts. She hoped that the Attorney General's office would take this further and find out exactly who is involved. She hoped that none of the other Councilmembers were involved or knew about it because that would definitely cause major problems with trust in the people that look out for the Town of Lexington. She stated that she had lived in Lexington for 22 years and she always thought Lexington was a nice place to live, but she has her doubts now.

Councilmember Maness wished to make it very clear that she had no idea this was going on and she did not think the other Councilmembers did either. Ms. Moore responded that she hoped they did not, but the Attorney General should take it further and find out who is involved and who knew what. Ms. Moore stated that Councilmember Frazier had not only brought a blemish on the Town, but also on Sheriff Metts, even though he said he was going to give the money back. She questioned if it was true about Jake Knotts; and, unfortunately that seed had been planted in their minds. Ms. Moore stated that when elections come along, it will bounce right back. She stated if they are innocent and don't know anything, then they can live with it, but their kids cannot. She added that anything parents do, affects their children and if the kids are young and in school, there are mean kids in school who will bully them and talk about you to your children. She addressed Councilmember Frazier and told him she was sorry he had done it and sorry that he had made a bad judgment, but she hoped he paid for it if he was guilty, because if she broke the law, she would have to pay for it.

Mr. Jack Taylor, 130 Woodland Drive, stated that he knew this had not been easy for Council and he could not imagine. He added that he echoed what Ms. Moore said in

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that it had been tough on the citizens too. He stated that he was out of his element to be here talking to Council. Mayor Halfacre responded that Mr. Taylor was not out of his element and to just talk from his heart. Mr. Taylor stated that he loves the Town and it hurts because he likes to tell people he is from Lexington and this has been an embarrassment. He stated that he does not know Councilmember Frazier; he doesn't know the situation; and, he does not care because people that are in the right places will figure all that out. He added that it means something to be from Lexington. Mr. Taylor stated that probably only the Mayor and Councilmember MacDougall would remember when there were only three places to eat in Lexington: "Hite's, Rawl's and your mama's house". He stated that Ms. Flemming taught him in school and there is some history here and roots are deep. Mr. Taylor stated that "you can't just *play* that you are from the Town of Lexington, you have to *live* you are from the Town of Lexington" and he felt that Councilmember Frazier had let that get away from him. He told Councilmember Frazier that he wished him well and he should just come clean and get all this behind him. He told the other Councilmembers that they need to get the Town back on track. He didn't know how to do it, but he knew it would be a heck of an undertaking because "what is coming down the pipe is not going to be pretty". Mr. Taylor concluded with someone once told him that the light at the end of the tunnel is not always a train, but this one might be.

Mayor Halfacre and Councilmember MacDougall thanked Mr. Taylor for his comments. Mayor Halfacre stated that when Council first found out about the tapes that were played on the website of WIS TV, they immediately moved to address the issue and announced 24 hours prior to the meeting tonight. He did not recall during any of his time on Council, back to 1994, a time when a 5:00 Friday night Council meeting had been called. He hoped it showed everyone how serious Council took this issue and how quick they wanted to address it. He stated that it takes years to rehabilitate your reputation and it is everything and it says who you are. Mayor Halfacre stated that if you taint your reputation it is so difficult to get back because it is all about trust and integrity. He stated that the Council had begun tonight to take the Town back so that all the citizens could be proud of it and feel good about the leaders that they had elected.

Mr. Carl Taylor requested to ask another question. He wanted to know if Councilmember Frazier would not resign; what could the citizens do? He asked if there was a recall or a legal action that could be filed or if Mayor Halfacre could recommend someone to talk to about what the citizens could do. Mayor Halfacre responded that he did not know unless Mr. Taylor wanted to address Councilmember Frazier and plead with him to resign. Mr. Taylor stated that he did not have a desire to speak to Councilmember Frazier, he was talking about a legal action. He added that if Councilmember Frazier didn't get it from the people speaking tonight, he was not going to get it. He stated that he would contact an attorney to see if he could help.

Mr. David Edwards, 301 Abby Lane, stated that he has been proud of this Town for a long time. He added that people make mistakes and he had made one by voting for

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Danny. He urged Councilmember Frazier to do what the Council was asking and resign. He thought that was the thing to do and he pleaded with him for that.

ADJOURNMENT: There being no further comments or questions, a motion was made by Councilmember Maness and seconded by Mayor Pro-Tem Livingston to adjourn Council's Special meeting. The motion was carried with a vote of five (5) in favor and one (1) abstained (Councilmember Frazier).

The Special Council Meeting was adjourned at 6:37 p.m.

Mayor Halfacre thanked everyone for attending the Special Called Council meeting and for expressing their opinions. He encouraged everyone to support Council as they go through these very difficult times ahead.

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.