

MINUTES
Town of Lexington
Executive Session and
REGULAR COUNCIL MEETING
September 3, 2014

Town Council held an Executive Session at 5:30 p.m. followed by the Regular Council meeting at 6:30 p.m. in the Council Chambers on September 3, 2014. The meetings were attended by: Mayor Steve MacDougall, Councilmembers Kathy Maness, Ted Stambolitis, Todd Shevchik, Todd Carnes and Ron Williams. Mayor Pro-Tem Hazel Livingston was absent due to illness.

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

There were approximately twenty (20) citizens present for the Council meeting and one member from the news media.

INVOCATION, PLEDGE OF ALLEGIANCE AND CALL TO ORDER: Mayor MacDougall welcomed everyone to the meeting and introduced the Council Members. Councilmember Stambolitis gave the invocation. Councilmember Shevchik led in the Pledge of Allegiance. Mayor MacDougall called the meeting to order at 6:46 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 Carnes and seconded by Councilmember Shevchik to go into *Executive Session*. The motion was unanimously carried by all those present. (Councilmember Stambolitis was absent for the vote.) Council adjourned from *Executive Session* at 6:40 p.m. after a motion was made by Councilmember Carnes and seconded by Councilmember Shevchik. The motion was unanimously carried by all those present. Mayor MacDougall reported that Council met in *Executive Session* to discuss: legal issues regarding the purchase of Town property and a contractual matter related to other Town property. No vote was taken. A motion was made by Councilmember Williams and seconded by Councilmember Shevchik to ratify Mayor MacDougall's *Executive Session* report. The motion was unanimously carried by all those present.

DELETIONS: None

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APPROVAL OF MINUTES: A motion was made by Councilmember Carnes and seconded by Councilmember Maness to approve the Minutes as submitted from the June 24, 2014 Special Called Council meeting, August 18, 2014 Council Meeting, August 18, 2014 Work Session, and the August 26, 2014 Special Council Meeting. The motion was unanimously carried by all those present.

PRESENTATIONS

1. **Proclamation Designating September 17 – 23, 2014 as Constitution Week:** Councilmember Maness read a proclamation designating September 17 – 23, 2014 as Constitution Week. She presented the proclamation to Ms. Miriam Lovett, Granby NSDAR, Vice-Regent.

VISION PLAN UPDATE

Mayor MacDougall gave a brief review of the Town's Vision Plan: (1) The Farmers Market is open every Saturday from 9:00 to 12:00 through September 27, 2014. (2) The 14-Mile Creek Trail Grand Opening will be September 30, 2014 at 10:30 a.m. The 3,500 foot trail is located off North Lake Drive and Old Cherokee Road and includes a boardwalk trail head, sidewalk, three Police call boxes, camera, educational kiosk and outdoor learning center. He stated that Councilmember Williams is already working on making the trail longer because citizens are already saying the trail is not long enough.

TRAFFIC UPDATE

Mayor MacDougall gave the traffic update as follows: (1) The Adaptive Signal project is in design phase and will go to bid by the end of the year. A design team meeting was held on August 26, 2014. He added that the Town now has a Traffic Engineer on staff. (2) All four of the Town's transportation projects made the Pennies for Progress ballot. The relocation of Mineral Springs Road and the improvement of the Hope Ferry intersection is the number one priority for the county. An information meeting will be held at Town Hall on October 29, 2014 for citizens to ask questions. The next Traffic Committee meeting will be on September 16, 2014 in the third floor board room at 8:00 a.m. Citizens may call 359-1027 if anyone had any traffic issues.

PUBLIC HEARINGS

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

1. **Final Reading** of an Ordinance Annexing 104 Gibson Road, Lexington County Tax Map #5417-01-027.
2. **Final Reading** of an Ordinance Annexing 132 Pilgrim Point Drive, Lexington County Tax Map #3420-01-033.
3. **Final Reading** of an Ordinance Annexing 216 Backman Street, Lexington County Tax Map #5418-07-003.

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4. **Final Reading** of an Ordinance Annexing 561 Whiteford Way, Lexington County Tax Map #4300-01-022.
5. **Final Reading** of an Ordinance Annexing 264 Bruner Road, Lexington County Tax Map #5497-04-008.
6. **Final Reading** of an Ordinance to Approve an Intergovernmental Agreement with Lexington County School District 1 Pursuant to the Adoption of the Town of Lexington TIF District.
7. **Final Reading** of an Ordinance Changing the Franchise Fee for Electric and Gas Companies.

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

OLD BUSINESS CONSENT AGENDA: *(All matters listed within the consent Agenda were distributed to members of Council and are considered routine. Consent Agenda items will be approved by one motion of the Council with no separate discussion. If separate discussion is desired on any item, that item may be removed from the Consent Agenda at the request of a Councilmember for action later in the agenda.)*

A motion was made by Councilmember Maness and seconded by Councilmember Shevchik to approve Final Reading of the following items under Consent Agenda:

- C1. Final Reading of an Ordinance Annexing 104 Gibson Road, Lexington County Tax Map #5417-01-027.
- C2. Final Reading of an Ordinance Annexing 132 Pilgrim Point Drive, Lexington County Tax Map #3420-01-033.
- C3. Final Reading of an Ordinance Annexing 216 Backman Street, Lexington County Tax Map #5418-07-003.
- C4. Final Reading of an Ordinance Annexing 561 Whiteford Way, Lexington County Tax Map #4300-01-022.
- C5. Final Reading of an Ordinance Annexing 264 Bruner Road, Lexington County Tax Map #5497-04-008.

Councilmember Stambolitis stated that two different owners were shown for 104 Gibson Road. Mr. Hanson explained that the County records were not yet updated and the property belongs to Janet Owens. The motion to approve Final Reading of Old Business Consent Agenda items C1 through C5 was unanimously carried by all those present.

OLD BUSINESS

1. **Final Reading of an Ordinance Changing the Franchise Fee for Electric and Gas Companies:** A municipality in South Carolina may enact ordinances and regulations which “grant franchises for the use of public streets and make

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charges for them,” provided the ordinances and regulations are consistent with the Constitution and general law of the state. The Town of Lexington currently has its Cable TV Franchise Fee rate at the state maximum of Five Percent (5%). The Town also charges a Franchise Fee to electric companies of Three Percent (3%). However, State Law allows a fee of up to 5% for these utilities and Town Council may wish to consider increasing the franchised fee to take advantage of the additional potential revenue. If passed, the measure could add approximately \$653,000 additional annual revenue to the General Fund.

At the Work Session, there was some discussion about the potential uses of the additional revenue. By State Law, it is to be deposited into the general fund which means it can be used for whatever legal purpose Town Council decides upon. The suggestion has been made that Council use the additional revenue to pay down the Town’s General Obligation notes and bonds. Further, the recommendation was made that through the annual budget process, Council adjust the amount applied to debt reduction in order to fund, as needed, additional facility operations and maintenance costs.

The estimated initial additional annual revenue for the General Fund is approximately \$653,000, with approximately \$1.3 Million in total to be received in FY 2015. Rapid repayment of the BANs is estimated to save the Town approximately \$1.2 Million in future interest payments in comparison to long-term general obligation bonds.

Councilmember Stambolitis read the item, but did not wish to make a motion. A motion was made by Councilmember Shevchik and seconded by Councilmember Carnes to approve Final Reading of an Ordinance increasing the Electric and Gas Utility Franchise Fee Rate to 5%, with the proviso that the full amount of the initial year of additional revenue be used to offset a portion of the Town’s General Obligation Bond Anticipation Notes for the current Fiscal Year. Councilmember Stambolitis stated that the franchise fee will increase electric bills and he would like to have more time to discuss it and vet it. He added that he did not question that there is a need for the funds, but a budget for the funds should be created first in order to set the money aside for a particular purpose. Councilmember Stambolitis stated that Staff always does a great job in finding ways to take care of matters of importance, therefore, more time is needed. Councilmember Stambolitis wished to amend the motion to extend the decision by 30 days at the October Council meeting. Councilmember Shevchik seconded the amended motion. Mayor MacDougall called for discussion. There being none, he called for a vote on the amended motion. The motion failed with a vote of one (1) in favor (Stambolitis) and four (4) opposed (Carnes, MacDougall, Maness, Shevchik). Councilmember Williams did not vote. Mayor MacDougall returned to the original motion to approve Final

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Reading and called for a vote. The motion carried with a vote of six (6) in favor and one (1) opposed (Stambolitis).

2. **Intergovernmental Agreement:** The Town is currently considering a TIF District in the downtown area. As part of the process the Town will need to adopt an Intergovernmental Agreement with the School District by means of an Ordinance. (Both copies attached.)

A motion was made by Councilmember Shevchik and seconded by Councilmember Maness. Mayor MacDougall thanked Staff for all the time and effort put into this tough negotiation. He added that he had talked to Dr. Karen Woodward and the School Board very much supports the Town. Councilmember Maness thanked the School Board for coming to the table with the Town and approving the agreement. The motion was unanimously carried by all those present.

NEW BUSINESS: None.

ANNOUNCEMENTS

Councilmember Williams made the following announcements: (1) The Town of Lexington's Farmers Market is open every Saturday through September 27, 2014 at Lexington Square from 9:00 to 12:00. He encouraged everyone to come out and visit all the vendors. (2) Council will hold a Work Session and Special Council Meeting on Monday September 8, 2014 at 6:00, which is a change from the regular schedule. Council will go back to meeting on the first and third Monday in October. (3) The 14-Mile Creek Trail will have a Grand Opening on September 30, 2014 at 10:30 a.m. Councilmember Williams stated that he has been on the trail several times already and Staff has done a great job on the trail. (4) The Lexington County Landfill will have delays from September 29 through October 10, 2014 which will affect Town trash pickups. He asked everyone to be patient because trash may not be picked up on the regular schedule. (5) He wished a Happy Birthday to Councilmember Todd Carnes on September 28, 2014.

Mayor MacDougall wished Jonathan Maness a Happy Birthday tomorrow.

NEWS MEDIA QUESTIONS: None.

PUBLIC COMMENTS

ADJOURNMENT

Mayor MacDougall thanked the Council Members and citizens for attending the Council meeting. He thanked those at home for viewing the Council meeting on Channel 2 and it will also be replayed several times during the week.

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

The Regular Council meeting was adjourned at 7:07 p.m.

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.