

MINUTES
Town of Lexington
REGULAR COUNCIL MEETING
August 18, 2014

Town Council held a Regular Council Meeting in the Council Chambers preceded by an Executive Session and Work Session on August 18, 2014. The meetings were attended by Mayor Steve MacDougall, Mayor Pro-Tem Hazel Livingston. Council Members Kathy Maness, Ted Stambolitis, Todd Shevchik, Todd Carnes and Ron Williams.

Staff members present were: Town Administrator Britt Poole, Assistant Town 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, Events and Media Coordinator Jennifer Dowden, Transportation Director Randy Edwards and Assistant Municipal Clerk Karen Hanner.

There were seven citizens and two members of the news media present.

INVOCATION, PLEDGE OF ALLEGIANCE AND CALL TO ORDER: Mayor Steve MacDougall welcomed everyone to the meeting and introduced the Council Members. Pastor Jim Glatz of Saxe Gotha Presbyterian Church in Lexington gave the invocation. Councilmember Shevchik led in the Pledge of Allegiance. Mayor MacDougall called the meeting to order at 6:55 p.m.

DELETIONS: None.

VISON PLAN UPDATE - Mayor Steve MacDougall

Mayor MacDougall stated the Farmer's Market is open every Saturday from 9 a.m. to 12 noon until September 27 at Lexington Square Park, 205 East Main Street. There are 25 to 30 vendors participating each week. For information about the Farmer's Market, contact Jennifer Dowden at 356-8238. The 14 Mile Creek Trail is completed and a grand opening is scheduled for Tuesday, September 30 at 10:30 a.m. Two emergency call boxes are being installed on the trail. Park benches, dog waste stations and trash cans have been purchased for the trail. The 3500 foot long loop trail features an outdoor learning center and educational kiosk. It is located at the intersection of Old Cherokee Road and North Lake Drive.

TRAFFIC UPDATE - Mayor Pro-Tem Hazel Livingston

Mayor Pro-Tem Livingston announced the Adaptive Signal System is in the Design Phase and should go to bid before the end of the year. All four of the Town submitted transportation projects made the Pennies for Progress ballot. The relocation of Mineral Springs Road with the improvement of the US 378 and Hope Ferry Road intersection is the number one on the ballot. She welcomed Randy Edwards as the new Town of Lexington Transportation Director. The new department will manage the new Adaptive Traffic Signal System and Town maintained roads. The next Traffic Committee meeting is Tuesday September 16 at 8:00 in the Third Floor Conference Room at Town Hall. She asked anyone with concerns about a traffic problem to call 359-1027.

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 4801 and 4901 Sunset Boulevard, Lexington County Tax Map #3500-04-022 and 023.
2. **Final Reading** of an Ordinance Addressing Intentional Misrepresentation of Material Facts on a Town Application
3. **Final Reading** of an Ordinance Amending Section 110.06(3)(a), Peddlers and Solicitors, to Allow Peddling During Special Events that Have Obtained a Special Event Permit

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

OLD BUSINESS

1. A motion was made by Councilmember Maness and seconded by Councilmember Williams for **Final Reading of an Ordinance Annexing 4801 and 4901 Sunset Boulevard, Lexington County Tax Map #3500-04-022 and 023**. The motion was unanimously carried.
2. A motion was made by Councilmember Stambolitis and seconded by Councilmember Shevchik for **Final Reading of an Ordinance Addressing Intentional Misrepresentation of Material Facts on a Town Application**. The motion was unanimously carried.
3. A motion was made by Councilmember Shevchik and seconded by Councilmember Carnes for **Final Reading of an Ordinance Amending Section 110.06(3)(a), Peddlers and Solicitors, to Allow Peddling During Special Events that Have Obtained a Special Event Permit**. The motion was unanimously carried.

NEW BUSINESS

1. **First Reading of an Ordinance Annexing 104 Gibson Road, Lexington County Tax Map # 5417-01-27 - Councilmember Todd Carnes:** Janet Owens owns .58 acres located at 104 Gibson Road and has petitioned to annex the property. A single family residence is located on the property. Properties in Town near this one are zoned Protected Residential (PR) or General Commercial (GC) and Gibson Road is classified as a Collector Road. The Planning Commission will review this annexation during their next meeting to recommend a zoning and road classification for the property.

Councilmember Carnes made a motion for First Reading approval. Councilmember Williams seconded the motion. The motion was unanimously carried.

2. **First Reading of an Ordinance Annexing 132 Pilgrim Point Drive, Lexington County Tax Map # 3420-01-033 - Councilmember Ron Williams:** Stewart Miller owns a lot located at 132 Pilgrim Point Drive and has petitioned to annex the property. Properties in Town near this one are zoned Protected Residential (PR) and Pilgrim Point Drive is classified as an RL-6 Road. The Planning Commission will review this annexation during their next meeting to recommend a zoning and road classification for the property.

Councilmember Williams made a motion for First Reading approval. Mayor Pro-Tem Livingston seconded the motion. The motion was unanimously carried

3. **First Reading of an Ordinance Changing the Franchise Fee for Electric and Gas Companies - Mayor Pro-Tem Hazel Livingston:** A municipality in South Carolina may enact ordinances and regulations which grant franchises for the use of public streets and make 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 franchise fee to take advantage of the additional potential revenue. If passed, the measure could add an estimated \$650,000 additional annual revenue to the General Fund.

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Mayor Pro-Tem Livingston made a motion for First Reading approval. Councilmember Shevchik seconded the motion. Mayor Pro-Tem Livingston stated she had missed the discussion last month and asked what the additional revenue would be used for. Administrator Poole answered that the discussion determined funds would be used initially to pay down debt on bonds which would produce a savings of 1.2 million on interest payments. Over time, as new projects are completed, maintenance staff will be expanded. Administrator Poole stated it is more difficult to program the expense of maintaining projects than it is to begin them. As time goes on, the amount directed to debt reduction would be lowered and the amount directed to maintenance costs would increase.

Mayor Pro-Tem Livingston asked how long the revenue would be directed to debt reduction. Administrator Poole replied that it is difficult to be specific and it would depend on how staff would be increased to cover maintenance needs but probably for at least three years most of the funds would be going directly towards debt. As other projects come on and maintenance will be needed, it will shift over time with a little less going to debt and more going to maintenance staff. As the Town grows, it will also increase the funds.

Councilmember Stambolitis stated that before they go forward he would like to see a schedule of the particulars of where the money actually be used instead of just throwing it into the General Fund. He said for lack of a better term this is a tax increase and he would like, if it is to be used for the good of Lexington, we need to have it structured and not just thrown into the General Fund. Councilmember Stambolitis stated he would like to push this back and come up with a structure that would allow some of it to be paid to the debt to save money and for actual usage for the betterment of the citizens of the Town of Lexington.

Administrator Poole responded that they couldn't structure it like that. By State law the revenue goes into the General Fund. He stated a use can be planned and done but you can't bind the hands of Council next year and the next year on how they use the funds. That is required to be done during the budget process every year. He said every year this Council will have a say in how every penny is spent. Anything done now will mean nothing because you are required to go through the process for the next budget and whatever this Council decides to do at that time will be the rule for that next year.

Councilmember Stambolitis stated he had discussed it with the Town Attorney who said the money could be earmarked for particular

projects. Mr. Cunningham clarified that the money can be used how the Council wants but the revenue is put into the General Fund. It can't be obligated year after year. It can be used for an expense but it can't be put into an Ordinance that it will be used for something. Councilmember Stambolitis stated he just didn't think it was appropriate to just throw it into the General Fund. He stated he'd like to see a structured schedule of exactly where we are going to use that money, how we are going to use it, how much is going to go towards debt, how much is going to go for the betterment of the Town of Lexington, the improvements to the Town. He said he'd like to have a structured schedule. It's not an obligation, it's just a schedule.

Councilmember Carnes stated it was his understanding that if the Ordinance is enacted the Town would receive a pre-payment for this year. Administrator Poole confirmed that that is correct. Councilmember Carnes asked if the plan for the prepayment is for the entire amount to be applied to debt reduction and the next year with a different number, Council would decide what to do. Administrator Poole confirmed that that is essentially correct.

Mayor MacDougall stated he felt it was important to point out again that the initial \$650,000 goes to reduce the debt and save \$1.2 million.

Mayor Pro-Tem Livingston asked the amount of the first pre-payment. Administrator Poole confirmed the information from SCANA as \$650,000. She asked if the first three years would probably be used to reduce the debt. Administrator Poole stated by the third year, some staff may need to be hired but that will be determined by Council in the budgeting process.

The motion carried 6-1 (Stambolitis opposed).

4. **Appointment to the Board of Zoning Appeals - Councilmember Kathy Maness:** The Board of Zoning Appeals has two vacancies for residents of the Town who have building experience. Mr. Kevin Eubanks, a Town resident, has submitted a Talent Bank application to serve on the Town's Board of Zoning Appeals.

Councilmember Maness made a motion to approve the Appointment. Councilmember Shevchik second the motion. The motion was unanimously carried.

Mayor MacDougall thanked Mr. Eubanks for serving. Mr. Eubanks thanked the Council and stated Troy Fite thought his talents would be of use.

5. **Corporate Members of the Association of the U.S. Army - Councilmember Ted Stambolitis:** An area business owner is urging corporations to join in an effort to emphasize the importance of the military presence to the area economy. AUSA membership provides Corporate Members the opportunity to demonstrate to the community that they support the Army and its mission while strengthening their own business opportunities.

Councilmember Stambolitis made a motion to approve a Corporate Membership of the AUSA for one year and two designees for \$150. Councilmember Maness seconded the motion. Councilmember Shevchik stated he would like to see the Town support Fort Jackson. Mayor MacDougall reviewed the membership levels. Councilmember Maness stated she agreed with the level proposed by Councilmember Stambolitis for the first year. Mayor MacDougall stated the designees could be appointed at a later date after some discussion. The motion was unanimously carried.

ANNOUNCEMENTS - Councilmember Todd Carnes

Councilmember Carnes announced the Fifth Annual Summer Celebration of Water this Saturday August 23 from 10 a.m. to 2 p.m. at Riverfront Park in Columbia. The Planning Commission will meet at 8 a.m. on August 20. He reminded everyone that today was the first day of school and thanked the School District for doing an outstanding job. The next Council meeting date has been changed to Monday, September 8.

Councilmember Maness wanted to welcome all the teachers and students back to school as an educator. She said last week Lexington hosted the Dixie Youth World Series and she attended games on four evenings. She reported that visitors told her how nice the Town of Lexington is and she wanted to thank everyone for their Southern Hospitality.

Mayor Pro-Tem Livingston stated she helped support an adoption fair in March. She said her adopted grandson will turn three this month and she wanted to thank Council for supporting adoption.

QUESTIONS FROM THE NEWS MEDIA

Mr. Tim Flach asked when the Franchise Fee would take effect. Administrator Poole said if it is approved at Final Reading it would take effect on September 8.

PUBLIC COMMENTS

Paula Caughman from 201 Allenbrooke Way asked if the Franchise Fee would apply to the other electric companies. Administrator Poole confirmed that it should.

ADJOURNMENT

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

The Regular Council Meeting was adjourned at 7:25 p.m.

Mayor MacDougall thanked the Councilmembers and citizens for attending the Council meeting. He thanked those at home for viewing the Council meeting on Channel 2 and said it will be replayed several times during the week. He wished everyone a good evening.

Respectfully submitted,

Karen Hanner
Assistant 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.