

MINUTES
Town of Lexington
Executive Session and
COUNCIL WORK SESSION

April 16, 2012

Town Council held an Executive Session followed by a Council Work Session on April 16, 2012 in the Eli Mack Sr. Room. The meetings were attended by: Mayor Randy Halfacre, Mayor Pro-Tem Hazel Livingston, Council Members Ted Stambolitis, Danny Frazier and Steve MacDougall. Councilmember Kathy Maness arrived at 6:40 p.m. Councilmember Shevchik was absent due to a death in his family. 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, and Municipal Clerk Becky Hildebrand.

There were fifteen (15) citizens present and two reporters from the news media were present for a portion of the meeting.

EXECUTIVE SESSION REPORT

Mayor Halfacre reported that the *Executive Session* was called to order at 5:30 p.m. after a motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember MacDougall to go into *Executive Session* to discuss a legal, personnel, and contractual matter. The motion was unanimously carried by all those present (5). Council adjourned from *Executive Session* at 6:14 p.m. after a motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Frazier. The motion was unanimously carried by all those present (5). Mayor Halfacre reported that Council met in *Executive Session* to discuss: one personnel matter related to a Board; four legal updates on pending legal issues and four contractual matters related to economic development. No vote was taken. A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Stambolitis to ratify the Mayor's *Executive Session* report. The motion was unanimously carried by all those present (5).

INVOCATION, PLEDGE OF ALLEGIANCE AND CALL TO ORDER: Mayor Halfacre introduced the Council Members and welcomed everyone to the Council Work Session including several members of the Vision Plan Steering Committee. Mayor Halfacre gave the invocation. Councilmember Frazier led in the Pledge of Allegiance. Mayor Halfacre called the meeting to order at 6:16 p.m.

APPROVAL OF MINUTES

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A motion was made by Councilmember Stambolitis and seconded by Mayor Pro-Tem Livingston to approve the minutes from Council's Regular Meeting held on April 2, 2012. The motion was unanimously carried by all those present (5).

PRESENTATIONS

1. Mr. Sherrill Harris – Vision Plan: (Not present.)

BUSINESS ITEMS: (For Discussion and Recommendation for Council Meeting on May 7, 2012.)

- 1. Town of Lexington Vision Plan – Town Administrator Britt Poole:** (Copy attached.) Council received a draft copy of the Vision Plan and was asked to place it on the May 7, 2012 agenda for consideration following an open discussion. Mr. Poole recommended that Ms. Tyson come before Council's May 7, 2012 meeting to present the Vision Plan and to also place it on the Town's Channel 2 in draft form so citizens could see it.

Ms. Irene Tyson, The Boudreaux Group, stated that it had been a privilege and an honor to work with the Council on the Vision Plan and it took courage on their part to start the process and implement a Vision Plan for the Town of Lexington.

Mayor Halfacre thanked Irene Tyson, The Boudreaux Group, and the Steering Committee for their dedication to the Town's Vision Plan. He added that input was still welcomed as the plan moves forward. He agreed that it took courage and now the Town has a road map so future Mayors and Councils will have something to work from and to incorporate additional ideas. Mayor Halfacre stated that Council met for a day and a half at a retreat in Neeses, S.C., where Council was given the first draft of the Vision Plan. He added that several changes and recommendations were made at that time. Mayor Halfacre agreed to place the Vision Plan on Channel 2 in draft form in order to prove transparency. He requested that it also highlight the Lexington Square project which is already underway with the help of Mr. Johnny Jeffcoat and the Lexington Beautification Foundation funding of approximately \$70,000. He thanked Mr. Tim Flach for the recent article about Lexington Square. He recommended that Council move forward to approve the plan.

Mayor Pro-Tem Livingston agreed and made a motion to place the Vision Plan on Council's May 7, 2012 agenda for consideration. The motion was seconded by Councilmember MacDougall and unanimously carried by all those present (5).

- 2. Update to Business License Ordinance – Assistant Town Administrator Stuart Ford:** The Town's Business License Ordinance was adopted in the current form in early 2001. Minor modifications have occurred since, but the ordinance remains substantially unchanged. When the current ordinance was adopted the Standard Industrial Classification (SIC) system of 1987 was the basis for determining the

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appropriate rate classifications for businesses. Since 2001, the North American Industrial Classification System (NAICS) has become the generally accepted business classification system. NAICS more accurately organizes businesses and recognizes the substantial changes in the economy that have occurred since 1987. The Municipal Association of South Carolina (MASC) recently introduced an update to the model business license ordinance, which incorporates the latest version of NAICS and the most recent IRS data related to rate classifications.

Staff recommended that the Town adopt the updated model ordinance with certain modifications to maintain specific elements applicable to the Town such as the business license incentives for the Downtown District. Additionally, Staff recommended that the Town place manufacturing in Class 8, in recognition of higher ad valorem taxes paid by manufacturing enterprises, the relatively low service burden to the Town of manufacturing, and the substantial economic impact of manufacturing investment to the local economy. Staff recommends adoption of the updated ordinance to be effective January 1, 2013, to allow for an orderly transition from SIC to NAICS classification, software reprogramming, and to ensure that all businesses are charged on a consistent basis for 2012.

A motion was made by Councilmember Frazier and seconded by Councilmember Stambolitis to place the item on Council's May 7, 2012 agenda for consideration. Assistant Town Administrator Ford confirmed that if approved, the modification would go into effect January 1, 2013. Town Administrator Poole stated that it would be better to continue to give a "human touch" to the process to help businesses understand which classification they would receive. He added that Finance Director Roberts and Business License Specialist Sonya Lee do a great job and make it to the business' favor as much as possible. Mr. Poole stated the Town of Lexington was recently featured in the Columbia Business Monthly magazine for the Business Development Center. Councilmember Stambolitis commended staff for the Business Development Center which has improved the process and makes it easier for businesses to get started. Mayor Halfacre added that the City of Columbia has just started a study to implement a similar process. The motion was unanimously carried by all those present (5).

- 3. Amendment to Sewer Use Ordinance – Municipal Attorney Brad Cunningham:** Section §50.25 of the Town of Lexington Code of Ordinances addresses where an unauthorized connection is made to the Town water system, or where a meter is improperly altered, tampered with or bypassed. However, it does not appear there is a companion provision in the Sewer Use Ordinance to prevent unauthorized use of, or tampering with sewer connections. Council is being asked to consider adding the following provision to the Sewer Use Ordinance:

"It is unlawful and a violation of this subchapter for any unauthorized person to tamper with or change any connection to the sewer system, without written

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permission, or to reconnect service when it has been discontinued for nonpayment of a bill for service, until such bill has been paid in full, including administrative fee.

A sewer connection found in a condition which would cause the meter to inaccurately measure the use of the sewer system, or the attachment to a sewer line or meter of any device or mechanism which would permit the unmetered use of the system or would cause a meter to inaccurately measure the use, is prima facie evidence that the person or entity in whose name the meter was installed or the person or entity for whose benefit service was altered, caused the meter to inaccurately measure the use of the sewer system.”

A motion was made by Councilmember Stambolitis and seconded by Councilmember Frazier to place the item on Council’s May 7, 2012 agenda for consideration. The motion was unanimously carried by all those present (5).

4. **Condition of Ellis Avenue – Municipal Attorney Brad Cunningham:** Concern was voiced to a Councilmember about the condition of Ellis Avenue, which is the “road” that stretches from Park road to West Main Street. The Post Office is on the corner of Ellis and West Main. In reality, Ellis Avenue is not a road, but a part of the adjacent shopping center. According to tax records, the northern most portion (toward Park Road) belongs to Farm Bureau, the middle section belongs to the shopping center, and the southern portion (adjacent to the Post Office) belongs to the United States Government. This “road” is very similar in nature to through ways such as the one cutting through the Publix Shopping Center.

The difficulty with Ellis Avenue is that it has a street sign on each end, and it appears to be a public street even though it is not. Further, the “No Thru Traffic” sign is halfway down the street, so once a driver discovers the sign it is too late to turn around. The road is used quite often as a cut through from Park Road to West Main, even though it is not a public thoroughfare. There is little the Town can do since Ellis Avenue is private property. Taking it over would require it to meet Town road standards, and would require a deed from the respective property owners to the Town.

It was the consensus of Council to not place the item on the agenda, but instructed Staff to continue to look at the issue and brief Council at a later date. Municipal Attorney Cunningham stated that the “road” is in poor repair. Town Administrator Poole stated that the road is similar to the one recently discussed at Library Hill in that it is not part of a property regime. He added that the owners may not know they are responsible for the road. He stated the options as: (1) fix the road in order for the Town or County to accept it; or, (2) make repairs and maintain the road. Councilmember Stambolitis stated that several citizens came to him about the road and were looking for guidance on this road as well as others and how the Town could have more control of poorly repaired roads. He suggested an ordinance for

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developers. Town Administrator Poole stated that each situation was different and in most cases they were private roads and were reviewed on a case by case basis. Mayor Halfacre stated that one option could be to shut the road down. Town Administrator Poole stated that he would notify the owners of their options.

5. **After the Prom 2012 – Municipal Clerk Becky Hildebrand:** Council received a request from Mr. Oakley Dickson, President of “After The Prom” Project, Inc., requesting financial support for their annual event for the four high schools of Lexington School District One. After The Prom 2012 events will be held at Frankie’s Fun Park immediately after the proms. (Request letter attached.) Prom dates: April 28, 2012 for Lexington and Gilbert High Schools and May 12, 2012 for White Knoll and Pelion High Schools. Last year at the April 4, 2011 Council meeting Councilmembers approved a \$1,500 sponsorship to “After The Prom 2011”.

A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Frazier to place the request on Council’s May 7, 2012 agenda for consideration. The motion was unanimously approved by all those present (6).

6. (Added.) **US Airway Ad – Mayor Randy Halfacre:** Council received a request from US Airways to partner with the Lexington Chamber and Lexington County to place an ad in US Airways in-flight magazine. Mayor Halfacre stated that the Town and the Chamber have worked on the ad and it represents the entire area of Lexington and does not focus on the Chamber, the Town or the County. He added that it is to help leverage economic development in the area and target the executives who fly US Air. A full page ad would cost \$7,500 and would appear in the June edition of the magazine.

A motion was made by Councilmember Frazier and seconded by Councilmember Stambolitis to place the request on Council’s May 7, 2012 agenda for consideration to pay 1/3 of the cost (\$2,500) for the US Airways ad. Mr. Johnny Jeffcoat stated that Lexington County could consider 1/3 of the cost. Councilmember Stambolitis confirmed that Council would be given a copy of the ad. The motion was unanimously carried by all those present (6).

FOR YOUR INFORMATION

1. **Emergency Procurements – Finance Director Kathy Roberts:** Council received a summary of emergency purchases made in the first quarter of 2012. They were asked to accept as information and direct the summary be recorded in the minutes of the Work Session.

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Councilmember Frazier asked for an explanation of the Collins Control bill from January 10, 2012 and February 6, 2012 regarding the “labor” charged on two occasions. Director of Utilities Lutz responded that on January 10, 2012 Collins Control inspected and cleaned the “#6 high service VFD at WCWTP” and found that the ABB IGBT six pack board was needed. The total bill was \$5,103.78. Mr. Lutz added that on February 6, 2012 the board had to be installed and the cost was \$1,011.00. Councilmember Frazier stated that A&A Electric from Aiken is used on several occasions and he would prefer to use someone local. Mr. Lutz responded that the Town had experienced problems with the other company. Councilmember Frazier requested a full detailed history of the problem.

COUNCIL/STAFF COMMENTS

Town Administrator Poole thanked the Vision Plan Steering committee and Irene Tyson for their work on the Town’s Vision Plan. He reminded Council that their input was needed on the condensed summer schedule.

Mayor Halfacre commented that the summer schedule worked well last year and if a Special Meeting was needed that could be worked out. He added that agendas are not as long as they use to be and it was a testament to Council and Staff for doing the right thing. He asked Staff to make sure the Vision Plan signs were in place at each new project. He asked that the Lexington County Bar be included since they raised money for the fountain at the Lexington Square project.

Mayor Halfacre stated that as part of the proposed Vision Plan, he, Mayor Pro-Tem Livingston, and Town Administrator Poole recently went to Georgia as a guest of the Dennis Corporation to view a traffic signalization system. He added that the system was amazing and technology is changing the world. Mayor Halfacre stated that the Town’s traffic future is in technology and Staff would be looking into using leftover funding from the \$12M traffic project. He added that it was possible to see the system in place before the completion of Phase I. Mayor Halfacre stated that it wasn’t part of the plan, but with the new schools in the Corley Mill Road area, the Town will become a dividing line for the two high schools and traffic flows will be different. Mr. Poole stated that Town’s using the system had seen no less than 30% decrease in traffic due to the improved flow. He stated that Highway 378 and Sunset Blvd have 35,000 cars a day. He added that one intersection that they saw in Georgia had 40,000 cars a day and cars were able to travel through the intersection in one cycle. Mr. Poole stated that he would recommend the system on all 25 lights in Town.

Mayor Pro-Tem Livingston agreed that the signalization system was amazing. She added that the company sells directly to municipalities.

Councilmember Maness confirmed that two cities in South Carolina use the system: Aiken and Mount Pleasant.

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MEDIA COMMENTS: Mayor Halfacre welcomed Tim Flach, The State newspaper, back to the Council meeting. He also welcomed Terry Ward from the Lexington Chronicle.

PUBLIC COMMENTS: None.

ADJOURNMENT: There being no further comments or questions, a motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Maness to adjourn the Council's Work Session at 7:01 p.m. The motion was unanimously carried by all those present (6).

Respectfully submitted,

Becky P. Hildebrand, CMC
Municipal Clerk

APPROVED:

T. Randall Halfacre
Mayor

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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.