

MINUTES
Town of Lexington
Executive Session and
COUNCIL WORK SESSION

August 6, 2012

Town Council held an Executive Session followed by a Council Work Session and followed by the August Regular Council meeting on August 6, 2012 in the Eli Mack Sr. Room and Council Chambers. The meetings were attended by: Mayor Randy Halfacre, Mayor Pro-Tem Hazel Livingston, Council Members Kathy Maness, Ted Stambolitis, Danny Frazier, Todd Shevchik and Steve MacDougall. 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, 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 seven (7) citizens present for the Council Work Session. There were two members of the news media present.

EXECUTIVE SESSION REPORT

Mayor Halfacre reported that the *Executive Session* was called to order at 5:20 p.m. after a motion was made by Councilmember Frazier and seconded by Councilmember Shevchik to go into *Executive Session* to discuss several legal updates, two contractual issues and two routine personnel matters. The motion was unanimously carried by all those present (4). (Mayor Pro-Tem Livingston and Councilmember Maness were not present for the vote.) Council adjourned from *Executive Session* at 6:15 p.m. after a motion was made by Councilmember Shevchik and seconded by Councilmember MacDougall. The motion was unanimously carried. No vote was taken. A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Shevchik to ratify the Mayor's *Executive Session* report. The motion was unanimously carried by all those present. (Councilmember Frazier was absent for the vote.)

CALL TO ORDER: Mayor Halfacre called the Work Session to order at 6:17 p.m.

BUSINESS ITEMS: (For Discussion and Recommendation for Council Meeting on September 4, 2012.)

1. **Modification to the Local Vendor Preference Program – Assistant Town Administrator Stuart Ford:** 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.

MINUTES
COUNCIL WORK SESSION
August 6, 2012

The following summarizes the proposed changes: (Copy of draft ordinance attached.)

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

First Reading approval of the ordinance was given at the July Council meeting. Council requested in July that the dollar limit for the “in-region” preference (#3 above) be discussed and finalized at the August Work Session. As a reminder, the local preference credits do not change the actual contract award amount for any vendor. The credits are applied to qualifying vendors when determining ranking of lowest bid amounts.

A motion was made by Councilmember Maness and seconded by Councilmember Stambolitis to place the item on Council’s September 4, 2012 agenda for approval as stated. Councilmember Frazier thanked Council for reviewing the ordinance again. The motion was unanimously carried.

2. **Appeal of Administrative Decision on Towing Rotation – Municipal Attorney Brad Cunningham:** Schroeder’s Towing applied for a spot in the Police Department’s towing rotation. The service is located on the site of Jim Hudson Ford, which is not located within the Town limits. The application was not approved, and the applicant’s attorney requested an appeal to Town Council pursuant to Town policy and procedures. Council was provided a copy of the Wrecker and Towing Service Policy. (Copy attached.) The Chief of Police has the authority to approve applications. Generally, there are more applications than there are available slots in the rotation.

Mayor Halfacre confirmed that the Town currently has six towing companies on rotation. He added that the number was not in the policy, but it was in the minutes. He stated that citizens can contact any towing company of their choice. Chief Green stated that in 2010 the Town had eight companies, but two pulled out and at that time they decided to keep it at six. He added that if there are too many towing companies on the rotation, no one cares to participate. Chief Green stated that the current companies are very dependable and deliver first rate service to the Police Department. Mayor Halfacre stated that Schroeder’s Towing is not located in Town in that they operate out of Jim Hudson’s Ford (formerly Ben Satcher Ford) which is not located in Town. He added that Mr. Satcher has always refused to come into Town. Municipal Attorney Cunningham advised Council that they would need to hear the appeal from Schroeder’s attorney.

Mr. Jake Moore Jr., representing Schroeder’s Towing, thanked Mr. Cunningham for his help in providing the Town’s policy. He stated that the Town’s policy does not state that a towing company has to be in Town. He added that the minutes from

MINUTES
COUNCIL WORK SESSION
August 6, 2012

February 1, 2010 were not clear as to Council's request. Mr. Moore stated that Schroeder's meets all the requirements outlined by the Town's policy and should therefore be approved to be on the Town's towing rotation. He commended Chief Green for being one of the finest Chiefs in the State and he is the one who decides who gets on the rotation. Mr. Moore stated that the current towing companies are not all in the Town. He stated that there is a problem with the policy and how Administration has handled it. He added that it borders on the discriminatory side regarding the statement about Satcher Ford and they should make peace with the Town. He concluded that if the decision is challenged it would be determined unconstitutional. Mr. Moore stated that all companies should be treated fairly and if six is the right number, then you are telling all others to go away which disputes the principles of fairness.

Councilmember Stambolitis asked if the rotation basis could be set up on a term if they qualified. He added that six companies seem to work for good cohesiveness.

Chief Green stated that the only towing company on the list that is in town is Carolina Paint and Body. He added that to make the list any longer than six just makes more work for the Police Department who has to inspect the business and build a trust with the company. He confirmed that each towing company currently on the rotation list is very responsive to the needs of the Police Department. He named them as: Amburn's, Bowen's, Carolina Towing, Extreme Recovery, K&B Towing and Mitchum's.

Mayor Halfacre stated that he agreed with Councilmember Stambolitis, but if one out-of-town company was allowed, then fifteen more would apply and could qualify. He later stated that in-town businesses also pay a Business License fee and water and sewer fees.

Councilmember Maness asked if six was the number requested by Council and was it voted on. Chief Green responded and read from the minutes of February 1, 2010 which stated in item #3: "Limit the number on the rotation list to no more than six" which was approved by Council.

Councilmember MacDougall stated that if the company is located in Town, they could be put in the pool of numbers to call. He added that if you have too many on the call list, there is no commitment to come tow a car or do the clean-up.

Town Administrator Poole stated that other applications were received to be placed on the towing rotation list and they were also denied. He added that Schroeder's was not the first to ask.

Mayor Pro-Tem Livingston stated that as a Council they trust the Chief and his input and he is the one that works with the towing companies and knows what they do or do not do.

MINUTES
COUNCIL WORK SESSION
August 6, 2012

Councilmember Frazier requested that the other towing companies represented at the meeting be allowed to talk.

Mr. Glenn Mitchum, Mitchum's Towing, stated that he has worked with the Town for over 20 years. He added that Chief Green is doing "a heck of a job". He commended the Town for spending dollars with businesses in Town. He stated that even if they do not have a business on Main Street, they buy diesel fuel and other retail items in Lexington. He added that he liked it the way it is now.

Mr. Robert Surak, Extreme Recovery, stated that he has worked with the Town for 10 years. He added that the Town is a customer of his and it should be the customer's choice. He stated that he did not see a problem with limiting the number of companies on rotation, because you get what you want with a stricter policy.

Mr. Jack Brazell, Carolina Towing, stated that the small group of towing companies works well and if you add more it cuts down on tows more and more which would hurt everyone. He stated that Chris Schroeder is a nice guy and if he ever pulls out from Hudson Ford, he has 16 other locations in Richland County.

Councilmember Frazier stated that they definitely needed to listen to Chief Green because he has to look out for businesses in Town. He added that Mitchum's Towing and all the others were doing a great job and Mr. Schroeder is a good man and he also has a good attorney. Councilmember Frazier stated that he understood that Schroeder's is located on the Ben Satcher property and at first all that was to come into the Town, but that had changed severely. He added that it was unfortunate that Schroeder's was told to wait until the issue was resolved and the Town had tried to resolve the Satcher/Hudson issue, but to date it has not been resolved. Councilmember Frazier stated that for now he would have to go with Chief Green's decision.

Councilmember Shevchik stated that if Hudson's was in Town, the towing company would automatically be on the rotation. He stated that the Town can allow preferential treatment to in-town companies. Councilmember Shevchik added that Chief Green has the authority to approve the towing companies and it is not up for bid, unless Council changes the policy.

Mr. Jake Moore, Jr. stated that there is a problem with the policy if it only allows in-town companies, but the Town opened it up to out-of-town companies. He added that the policy has to pass the constitutional mustard.

Mayor Halfacre stated that he was not in favor of changing Council's decision and if the policy needs clearing up, then Staff can make those changes based on the minutes of February, 2010.

Councilmember Maness asked for the minutes to be read. Municipal Attorney Cunningham read the minutes of Council's February 1, 2010 meeting, page 6 (Copy

MINUTES
COUNCIL WORK SESSION
August 6, 2012

attached.) He stated that the minutes were clear and the Public Safety Policy, item #8 would be updated to clearly state Council's intent.

- 3. Appointment to the Board of Zoning Appeals – Municipal Clerk Becky Hildebrand:** Mr. Kyle M. Clampitt submitted a Talent Bank application to serve on one of the Town's Boards and Commissions. There is currently a vacancy on the Board of Zoning Appeals to be filled. (Copy of application and resume attached.)

A motion was made by Councilmember Maness and seconded by Councilmember Stambolitis to place the request on Council's September 4, 2012 agenda for consideration. Mayor Halfacre stated that he had met Mr. Clampitt in Hilton Head and he would do a good job. The motion was unanimously carried by all those present. (Councilmember MacDougall was not present for the vote.)

Mayor Pro-Tem Livingston inquired about a recent request from Mr. Richard Hook to be on the Traffic Committee. She requested that Staff obtain a Talent Bank application from Mr. Hood and place the request on the next Council Work Session.

- 4. Keeping Domestic Chickens in Residential Areas – Director of Planning, Building and Technology John Hanson:** A Councilmember asked for some research on ordinances that allow keeping domestic chickens in residential areas. The Town currently prohibits keeping chicken houses that are within five hundred feet of a residence. An attached spreadsheet shows several elements that were considered in ordinances recently adopted in other South Carolina cities. Should Council wish to pursue new regulations, these elements could be used to formulate a suitable ordinance for Lexington. A comparison of six other city ordinances was provided to Council. (Copy attached.)

A motion was made by Councilmember Stambolitis to place the item on Council's September 4, 2012 agenda for approval to allow chickens in the Town. Town Administrator Poole stated that the Town already allows chickens, and some cities are lowering their buffer requirements, plus no roosters. He added that if the Town continues to allow chickens, we can pick and choose the guidelines. Councilmember Stambolitis withdrew his motion and requested that they discuss it further at September Council Work Session. Mayor Halfacre requested that Staff come up with what they recommend as an ordinance that would work for the Town. He added that chickens are the new urban way to go green. He further requested that Staff also come up with a policy for the dog park that will soon open.

- 5. The International Institute of Municipal Clerks Region III Annual Meeting Contribution – Municipal Clerk Becky Hildebrand:** The International Institute of Municipal Clerks Region III Annual meeting will be held in January, 2013 in North Charleston, South Carolina. Ms. Donna Young, City Clerk – North Augusta,

MINUTES
COUNCIL WORK SESSION
August 6, 2012

requested South Carolina cities to contribute since it is the State's turn to host the event. (Copy of request attached.) Most cities are contributing \$500, but any amount will help offset costs of the annual meeting.

Mayor Halfacre requested that the Municipal Clerk bring the item back to the September Council Work Session with a recommendation.

- 6. Neighborhood Reunion Celebration – Municipal Clerk Becky Hildebrand:** The Neighborhood Reunion Celebration Committee submitted a request for contributions from the Town for the 4th Annual Neighborhood Reunion Celebration. The celebration will be held September 7 - 9, 2012. (Request letter attached.)

Mayor Halfacre asked if the Town donated last year. Municipal Clerk Hildebrand responded that the Town waived the fee for the use of the Eli Mack, Sr. Room last year and several Councilmembers helped at the event. The Eli Mack, Sr. Room was not available this year. She added that the committee was requesting \$800.00 this year. Councilmember Maness stated that she would like to see the Town donate \$200.00. Mayor Pro-Tem Livingston recommended that the Town provide in-kind services such as Police assistance and/or Parks Department assistance and individual Councilmembers could help out on their own.

- 7. Sewer Service for Duffie Drive Baseball Fields – Assistant Town Administrator Stuart Ford:** The Town has looked at the cost of extending sewer service to the baseball fields at Duffie Drive. The estimated cost for the extension is approximately \$11,000 which would come from authorized CIP and one in-town sewer CCF. The Lexington County Recreation and Aging Commission will construct the bathroom facility at the site if the Town will extend the sewer line.

A motion was made by Councilmember Shevchik and seconded by Councilmember Stambolitis to place the item on Council's September 4, 2012 agenda for approval. Councilmember Frazier stated that he discussed the issue with Randy Gibson, Lexington County Recreation, and he agreed to build the bathrooms if the Town would extend the sewer. He added that there is only one faucet for water now and no restrooms. Councilmember Frazier stated that adding restrooms would greatly help the neighborhood on the hill as well as those attending games at the baseball fields. Mayor Halfacre stated not to limit it to just helping the folks on the hill because it would help the entire community. The motion was unanimously carried.

FOR YOUR INFORMATION

- 1. Emergency Procurements – Finance Director Kathy Roberts:** Council was provided with a summary and detailed attachments of emergency procurements made in the second quarter of 2012. Council was asked to accept the documents as information and direct the summary be recorded in the minutes of the Work Session.

MINUTES
COUNCIL WORK SESSION
August 6, 2012

Councilmember Maness inquired about the two veterinarian bills for K-9 Leena. Chief Green responded that K-9 Leena got very sick and had surgery, but she was put on light duty and would return to full service soon. He added that unfortunately there is no Worker's Compensation for her.

2. **Lexington County Chronicle Football Season 2012 Ad – Events and Media Coordinator Jennifer Dowden:** Lexington Town Council purchased an ad in the amount of \$200.00 in the special football section of the Lexington County Chronicle in support of the Lexington High School Wildcats. (Copy attached.)

QUESTIONS FROM THE NEWS MEDIA: None.

COUNCIL COMMENTS: None.

STAFF COMMENTS: None.

PUBLIC COMMENTS: None.

ADJOURNMENT: There being no further comments or questions, a motion was made by Councilmember Maness and seconded by Councilmember Shevchik to adjourn the Council's Work Session at 7:05 p.m. and go into Council's August Regular Council meeting in the Council Chambers. The motion was unanimously carried.

Respectfully submitted,

Becky P. Hildebrand, CMC
Municipal Clerk

APPROVED:

T. Randall Halfacre
Mayor

MINUTES
COUNCIL WORK SESSION
August 6, 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.