

**MINUTES**  
*Town of Lexington*  
*Executive Session and*  
**COUNCIL WORK SESSION**

October 15, 2012

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Town Council held an Executive Session followed by a Council Work Session on October 15, 2012 in the Eli Mack Sr. Room. The meetings were attended by: Mayor Randy Halfacre, Mayor Pro-Tem Hazel Livingston, Council Members Kathy Maness, Ted Stambolitis, Todd Shevchik, Danny Frazier 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, and Municipal Clerk Becky Hildebrand.

There were approximately five (5) citizens present for the Council Work Session. There were no members of the news media present.

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**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 Councilmember Frazier and seconded by Councilmember MacDougall to go into *Executive Session* to discuss a legal issue regarding Channel 2; one contractual issue related to economic development; and, one personnel matter related to Boards and Commissions. The motion was unanimously carried by all those present. (Councilmember Shevchik was not available for the vote.) Council adjourned from *Executive Session* at 6:20 p.m. after a motion was made by Councilmember Stambolitis and seconded by Councilmember Maness. The motion was unanimously carried. No vote was taken. A motion was made by Councilmember Maness and seconded by Councilmember Shevchik to ratify the Mayor's *Executive Session* report. The motion was unanimously carried.

**INVOCATION, PLEDGE OF ALLEGIANCE AND CALL TO ORDER:** Mayor Halfacre introduced the Council Members and welcomed everyone to the Council Work Session and apologized for the late start. Councilmember Stambolitis gave the invocation. Councilmember MacDougall led in the Pledge of Allegiance. Mayor Halfacre called the meeting to order at 6:22 p.m.

**APPROVAL OF MINUTES**

A motion was made by Councilmember Maness and seconded by Councilmember Stambolitis to approve the minutes from Council's Regular Meeting held on June 4, 2012. The motion was unanimously carried.

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**PRESENTATIONS:** None.

**BUSINESS ITEMS:** (For Discussion and Recommendation for Council Meeting on November 5, 2012.)

1. **Amendment to Business License Ordinance Provisions for Insurance Companies – Municipal Attorney Brad Cunningham:** The 2012 General Assembly passed legislation which requires all cities and towns in South Carolina to amend their Business License ordinance for insurance companies and non-admitted insurance brokers. Cities and towns must also renew their agreement with the Municipal Association of South Carolina to collect these taxes on their behalf. There is now, pursuant to State Law, a single tax rate of six percent (6%) for broker's premium tax in South Carolina and a municipality may not impose any additional license fee or tax based upon a percentage of premiums. The new law requires the SC Department of Insurance to collect the broker's premium tax and deposit all revenue collected into a special fund, separate and distinct from the General Assembly's General Fund. The law also authorized the MASC to serve as the municipal agent to receive the funds from the Department of Insurance and distribute the funds to municipalities. An ordinance passing these changes must be enacted and provided to the MASC by Wednesday, December 12, 2012.

A motion was made by Councilmember Maness and seconded by Councilmember Shevchik to place the item on Council's November 5, 2012 agenda for consideration. The motion was unanimously carried.

2. **Temporary Capital Contribution Fee Policy – Assistant Town Administrator Stuart Ford:** Council approved a Temporary Capital Contribution Fee Policy initially on February 2, 2009 to encourage development during the recession. The policy allows for the purchase of individual sewer certificates instead of the minimum required under the applicable Sanitary Sewer Agreement. The temporary policy expired October 1, 2012. A developer has requested that Council consider an additional extension of the temporary policy. A copy of the current policy was provided to Council. (Copy attached.)

Mayor Halfacre stated that at some point the Town could bring the temporary policy to an end; however, even though there has been a slight "heart beat", there is still a recession. He added that he had discussed this issue with Earl McLeod (Executive Director – Home Builders Association of Columbia), who recommended that the Town extend the policy and then do a phased in policy instead of just stopping the temporary policy. Mayor Halfacre stated that some of the larger home builders, such as Mungo and McGuinn, are doing okay, but the smaller builders simply cannot come in and buy 10 sewer certificates at a time.

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Mayor Pro-Tem Livingston agreed to work together to do a phased in policy. She agreed that this would at least put a plan in place. Councilmember Shevchik agreed that he would rather see a plan in place, since it had been three years, than to keep extending the temporary policy indefinitely. He added that other municipalities have not had a similar policy. Councilmember Stambolitis recommended leaving the temporary policy in place. He confirmed that the trend right now is that not many taps are being sold. Municipal Attorney Cunningham stated that the Town could not just leave the temporary policy in place indefinitely. Town Administrator Poole stated that there is \$4M in tap fees that fall into this policy. He added that the Town would eventually experience cash flow problems in the Enterprise Fund if the policy remained in place. He added that a 6 month extension would not create a problem, but the temporary policy could not be permanent. He confirmed that this policy is for residential building, not commercial. He added that residential building is getting a little better, but it is not great. He confirmed for Council that taps had not yet been sold for the movie theater property and usually a strip mall will buy seven taps at a time. Mr. Hanson stated that growth has leveled out this year. Councilmember Frazier recommended that Council go along with Mr. McLeod's recommendation.

A motion was made by Councilmember MacDougall and seconded by Councilmember Frazier to place the item on Council's November 5, 2012 agenda for consideration of a six month extension followed by a phased in plan. The motion was unanimously carried.

3. **2013 IIMC Meeting Sponsorship – Municipal Clerk Becky Hildebrand:** The International Institute of Municipal Clerks Region III Annual Meeting will be held in January 2013 in North Charleston, S.C. Ms. Donna Young, North Augusta City Clerk, is one of the planners and has asked other municipalities to assist with the costs to allow South Carolina to take their turn to host the event. Clerks from Alabama, South Carolina, Georgia, North Carolina and Florida will be in attendance. Past conferences have offered valuable continued training for Clerks. South Carolina cities are contributing various amounts as shown below. It was recommended that Council contribute \$400 from the Town of Lexington toward the cost of the Region III meeting. (This item was deferred from Council's August 6, 2012 Work Session.)

|               |       |              |         |
|---------------|-------|--------------|---------|
| Greenville    | \$500 | N. Augusta   | \$500   |
| Isle of Palms | \$500 | Mt. Pleasant | \$1,000 |
| Summerville   | \$500 | Saluda       | \$100   |
| Folly Beach   | \$500 | Bluffton     | \$200   |
| Fountain Inn  | \$100 | Jackson      | \$100   |

A motion was made by Councilmember Shevchik and seconded by Councilmember Frazier to place the request on Council's November 5, 2012 agenda for consideration of \$400.00. The motion was unanimously carried.

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4. **Reappointments to Board and Commissions – Municipal Clerk Becky Hildebrand:** The following are up for reappointment in 2012: (This item was deferred from Council’s October 1, 2012 meeting.)

**Advisory Committee**  
Terry Samuels  
Andrew Streit

**Historic Preservation Review Board**  
Bob Britts  
Mandy Derrick

**Board of Zoning Appeals**  
Mary Watts  
Royce Lehman  
Reve’ Richardson

**Planning Commission**  
Roscoe Caughman  
Brian Amick  
Edwin Gerace

**Building Codes Board of Appeals**  
Gene Smith  
Bill Lafferty  
(add) Carlton “Cocky” Oswald (from Board of Appearance)

A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Maness to place the item on Council’s November 5, 2012 agenda for consideration of all the reappointments. The motion was unanimously carried.

5. **(deferred) Appointment to the Traffic Committee – Municipal Clerk Becky Hildebrand:** Mr. Richard Hook requested to serve on the Town’s Traffic Committee. (Talent Bank application attached.)
6. **Appointment to the Advisory Committee – Municipal Clerk Becky Hildebrand:** Ms. Madison Rogers submitted a Talent Bank application to serve on one of the Town’s Boards and Commissions. Council was advised that there is an opening on the Advisory Committee.

A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember MacDougall to place the item on Council’s November 5, 2012 agenda for consideration. It was confirmed that Ms. Rogers is Wayne Rogers’ (Board of Appearance) daughter-in-law. The motion was unanimously carried.

7. **Rental Fee Waiver Request for the American Cancer Society – Relay for Life – Events and Media Coordinator Jennifer Dowden:** Ms. Debbie Alexander, Staci Little and Lisa Couture with the American Cancer Society – Relay for Life Lexington County requested a rental fee waiver on the Town’s Conference Center for their 2013 Campaign kick-off on November 6, 2012. They also requested monthly meeting rental fee waivers for the Eli Mack, Sr. Room. (Copy of request letter attached.) Following are the values of the requests:

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Conference Center - \$600 (in town) or \$1,000 (out of town)  
Tuesday November 6, 2012 5-8 pm AVAILABLE  
(\$250 Deposit still required.)

Eli Mack, Sr. Room - \$150 (in town) or \$200 (out of town) for each meeting  
Tuesday January 22, 2013 5 – 8 pm NOT AVAILABLE  
(Council will have Work Session due to holiday.)  
Tuesday February 26, 2013 5 – 8 pm AVAILABLE  
Tuesday March 26, 2013 5 – 8 pm AVAILABLE  
Tuesday April 23, 2013 5 – 8 pm AVAILABLE  
Tuesday May 7, 2013 5 – 8 pm NOT AVAILABLE  
(Council previously waived fee for SC Virtual Charter School Testing.)

A motion was made by Councilmember Maness and seconded by Mayor Pro-Tem Livingston to place the item on Council's November 5, 2012 agenda for consideration. Ms. Dowden confirmed that the information had been relayed to Ms. Alexander. She added that she tries to book this type event in the Eli Mack, Sr. Room first if it is available. The motion was carried with six (6) in favor and one (1) opposed (Shevchik).

8. **Special Events Policies to Handle Non-Sponsored Events Held within Town Limits – Town Administrator Britt Poole:** Staff requested Council's input to possible Town policies for special events. Council was provided a draft of Staff's recommendations divided into four categories: Town Events, Parades; Affiliated Events; and Other Events.

*TOWN EVENTS: An event under the direct control and administration of the Town of Lexington. Town Events may be jointly operated with other governmental agencies when deemed appropriate by the Town of Lexington with the Town sharing control and administration as agreed by the Town and the other governmental agencies. The Town of Lexington may engage both public and private organizations and entities in carrying out a Town Event and otherwise manage and operate the Town Event in the best interest of the Town of Lexington. Town Events may be one-time events or reoccurring.*

*Examples of Town Events: Fall Fest, Snow Ball Festival, Grand Opening of Parks, Press Conferences*

*Operational Consideration: The Town Administrator or designee is authorized to utilize Town resources to conduct the event. This is inclusive of personnel, equipment, street closures, advertising and any other mechanism to properly conduct the event.*

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*Recommendation: The treatment of these events should remain the same, but policy should be created to clarify.*

*PARADES: A public procession, especially one celebrating a special day or event and including marching bands and floats. Parades may be organized and/or conducted by the Town, civic groups, eleemosynary organizations or others.*

*Examples of Parades: Christmas Parade, Veterans Day Parade, MLK Parade, DooDah Parade.*

*Operational Consideration: The Town Administrator or designee is authorized to provide Town resources to ensure the safe operation of the parade. This explicitly includes Police assistance and may include other resources as determined necessary such as use of the Town's street sweeper.*

*Recommendation: The treatment of these events remains the same, but policy should be created to clarify. Parades should be limited to the four historic parades; addition of new parades should require action by Town Council. Parade routes should be limited to the Main Street route currently utilized.*

*AFFILIATED EVENTS: An event under the control and administration of an organization or entity other than the Town of Lexington that primarily serves a public rather than a private purpose and is held within the Town of Lexington and has two or more of the following characteristics:*

- (1) The Town provides significant direct financial funding (other than "in-kind" support) for the event.*
- (2) The Town receives substantially all net proceeds of the event.*
- (3) The organization carrying out the event dedicates substantially all the net proceeds of the event to a project or program that the Town of Lexington would or could otherwise carry out and which directly benefits the Town of Lexington.*
- (4) The event itself would otherwise be carried out as a Town Event.*
- (5) The event advances the mission, purposes, programs, and vision plan of the Town of Lexington.*
- (6) The event is primarily related to the recognition, honor, commemoration and/or celebration of a Federal holiday and occurs within a reasonable time of the associated Federal holiday.*

*Examples of Affiliated Events: OktoberFest, Wine Walk, Big Thursday*

*Operational Consideration: The Town Administrator or designee is authorized to provide Town resources to ensure the safe operation of the event. This explicitly includes Police assistance and may include other resources as determined necessary such as use of the Town's street sweeper.*

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*Recommendation: Events should be required to demonstrate that they accomplish and further Town goals and purpose. For instance, more money is donated to Town purposes than is spent to conduct the event by the Town or the economic or social benefits outweigh the cost to the Town. All affiliated events should be required to account for Town funds as well as provide copies of the annual general ledger.*

*OTHER EVENTS: Other events are events that are not a Town Event, an Affiliated Event, nor a Parade.*

*Examples of Other Events: 5k races not part of Town Event or Affiliated Event, Kid's Day, Fundraisers*

*Operational Consideration: Currently Police assistance is provided at no charge for these events. This is causing a substantial burden on resources.*

*Recommendation: Organizers should be charged a fee offsetting the cost of Police involvement. Determination of the number of officers needed to conduct the event should be at the discretion of the Chief of Police. The fee should be paid before the event takes place. No other Town Staff or resources should be allowed above Police and Police related resources. If in the discretion of the Town the event is in the overall public good, the Town may utilize Town resources to advertise the event unless alcohol will be served. If alcohol is to be served then the event may be advertised if the event is in the overall public good and Town Council authorizes it in a public vote. Any public area used in the event should be left in a reasonably clean manner and if that is not the case, there should be a mechanism in place to recoup cost of Town Staff and equipment as well as a punitive cost.*

Mr. Poole confirmed that when the local middle school holds a garage sale as a fundraiser, it is on public property, but the Town is not involved. He stated that the Race Against Hunger could be an Affiliated Event if Council could justify it to be for the public good since proceeds go to LICS.

Councilmember Frazier requested that Kid's Day be changed to "Affiliated Event". He stated that the Police Department is provided a booth at the event and it is for the public good. He added if they want to close a street, then they could be charged that fee. Councilmember Frazier stated that he had helped with the event every year and it brings thousands of people to Lexington. Councilmember Maness confirmed that Kid's Day closed part of Maiden Lane last year. Chief Green stated that he had ten officers on duty last year at the event and he anticipated needing twenty this year. He wanted to double Police coverage this year because of so many lost children last year. He estimated that between 8,000 and 10,000 people came through the event during the hours of operation. Mayor Pro-Tem Livingston stated that the Sertoma's Big Thursday event donates all the proceeds to the improvements of Gibson Pond Park and the Wine Walk donates all proceeds to the beautification of the community. She suggested that Lexington Young

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Professionals pick a project for their proceeds if there was a profit from OktoberFest. Mayor Halfacre stated that FunFest (OktoberFest) gave a vest to the Police Department for Adopt-A-Cop. Councilmember Stambolitis stated that an Affiliated Event benefits the organization and a specific charity and is for the greater good. Town Administrator Poole stated that the purpose could be to celebrate downtown and the proceeds could go to project "x", but Council would have to determine the value. Councilmember MacDougall stated that if OktoberFest is successful, then some of the proceeds may need to go back into the organization to put toward another event.

Dr. Judd Heldreth, founder and event planner for Kid's Day, was present and stated that 100% of the proceeds go to the Nancy K. Perry Children's Home.

Mr. Lee Pitcovich, Lexington Young Professionals and event planner for OktoberFest was present and stated that Lexington Festival, LLC is a 501(c)4. He added that the proceeds go to LYP first and are then disbursed.

Mayor Pro-Tem Livingston stated that Mr. Pitcovich had worked hard to have a new event and if some money is saved it could go toward a second event. She suggested that they come up with a project or they may want to consider donating to the Town's new Dog Park. Councilmember Stambolitis stated that all "other" events should come before Council. Town Administrator Poole was concerned that with the increase of events, there would be too many to bring them all before Council. Mayor Halfacre suggested that the Town Administrator bring the item back to a Council Work Session with recommendations. Councilmember Shevchik requested that the recommendations include the hourly cost to have Police officers present.

Town Administrator Poole stated that under Affiliated Events Council would have to determine if the economic or social benefit outweighs the cost to the Town. He added that for example, parades do not make money, but they are valuable to the citizens as a social event. He stated that if an event brings 3,000 people to area hotels and restaurants, the value may be great enough. He stated that if there is an Affiliated Event and the Town gives money to it, the organization in charge of the event will be accountable for giving the Town a general ledger detail for costs associated with the entire event. He added that the Town's Accommodations Funding already has that requirement. Mr. Poole stated that the Town may not ask for a full disclosure if they gave \$800 or \$900 to an event, but when the Town gives \$10,000, there should be detailed accountability. Councilmember MacDougall agreed that it could be case by case. Councilmember Shevchik stated that if the Town gave \$2,500, plus in-kind such as Police assistance, the event should provide financial information.

Mayor Halfacre stated that he did not want to make it so difficult that there were no events. He wanted the community and social element considered. He added that the Vision Plan called for more activities and to recoup the cost where applicable.

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Councilmember Stambolitis requested that Other Events come before Council so they would at least be aware of the event. Town Administrator Poole stated that he would be happy to send an email to Council advising them of a request, but most of the time they were brought to him with a short time frame. He added that for street closings, the Police Chief contacts SCDOT for approval. Mayor Halfacre stated that the request did not need to receive Council's approval, but they should be made aware of events in the Town. He added that the proposed guidelines are a good start. He would also like to make sure that Kid's Day is plugged in for their date in 2013. Councilmember MacDougall agreed that if the new guidelines are followed there should not be a problem. Mayor Pro-Tem Livingston suggested that Mr. Pitcovich have some input on the guidelines.

Town Administrator Poole stated that 5K races take a lot of Police manpower. He added that if 25 officers are on duty at an event it could equal as much as \$7,000 in overtime, plus overtime for other departments that may assist, such as the Parks Department. He added that the City of Greenville charges for everything and organizations have to write a check prior to their event. He stated that Georgetown has a lot of film crews in their area and they recently developed a policy for such events. Chief Green stated that organizations hosting 5K races come to Lexington because they don't currently have to pay. He added that Columbia charges \$35 an hour and Richland County charges \$45 an hour.

Mayor Halfacre stated that he was okay with the draft policy. He advised Council to send any changes to Mr. Poole. Mayor Halfacre wished to discuss Kid's Day and the "blip" that occurred with their schedule for this year. He stated that he had talked to Dr. Heldreth, and they were requesting two road closings for Main Street and Butler Street for this year only. He added that it is extremely difficult to obtain an approval to close Main Street and Dr. Heldreth could possibly ask Mr. Bert Dooley to use his property on Main Street. He offered that they could also use the building where the Farmers Market is held, all of which would total more square footage than the footprint of the park. Mayor Halfacre recommended that Kid's Day be placed on the calendar for 2014 and let the last Saturday in April date be sacred. He added that the event does provide a benefit for the community. Councilmember Maness asked why the event couldn't be moved back a week. Dr. Heldreth responded that all the vendors are already committed for the date.

Town Administrator Poole stated that SCDOT would not allow another eight hour closing of Main Street, which was done a few years ago for a Town concert. He suggested to only close Butler Street, which is also more cost effective for the Town.

Dr. Heldreth stated that they could use the Farmers Market building for storage prior to the event. He added that the vendors felt safe by storing their items in Town Hall in the Eli Mack Room and if they couldn't bring their set-ups until Saturday, it would be more work for them. He stated that there are 125 booths set

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up, plus other Public Safety vehicles and a Bike Safety area. He would like to use Main Street to provide adequate spacing. He suggested that they could close Main Street for four to five hours instead of the full 10 hours. He was concerned that if they put the vendors in a smaller space, they may not come back to the event. Dr. Heldreth added that he does pay for the Police Officers and he has never had a problem.

Town Administrator Poole stated that he would ask a representative from Kid's Day to talk to Chief Green and the Traffic Officers to determine a plan to close Butler Street and for a detour route. He stated that some compromise may have to be made for the street closings. He added that the decision could not be made tonight. Mr. Poole stated that there is a business located on the corner of Butler and Church Street and she does not want her business blocked off on a Saturday.

**FOR YOUR INFORMATION**

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

There being no questions, the summary was made part of the minutes for the Work Session.

**QUESTIONS FROM THE NEWS MEDIA:** None.

**COUNCIL COMMENTS**

**Mayor Halfacre** announced a County/Municipal meeting to be held on November 15<sup>th</sup> which would focus on information regarding the Capital Project Tax. He added that the meeting would be held at 11:30 at the State Farmers Market. Mayor Halfacre announced the groundbreaking for Avtec on October 22<sup>nd</sup>. He stated that it is rare to have a manufacturing company opening in the Town of Lexington and it would be a great corporation for the citizens and the community. Mayor Halfacre stated that he liked the schedule of the Town's Snowball Dance on December 1st and Carolighting events on the 2nd. He announced that the Lexington Chamber plans to have an Open House on December 2<sup>nd</sup>, probably from 2:00 to 6:00. Mayor Halfacre thanked the Town's Building Code Staff for being so helpful during the building of the new Lexington Chamber office. He added that he has a new appreciation for what new businesses go through to obtain a Certificate of Occupancy. He stated that it was overall a good experience.

**Mayor Pro-Tem Livingston** stated that she hoped to have a planted Christmas tree at Lexington Square by next year, but since the heat had killed the Christmas tree that was

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planted, this year they would have to use a cut tree. She added that two citizens had offered trees from their yards and she requested that Staff look at them first.

**STAFF COMMENTS**

**Events and Media Coordinator Dowden** stated that several businesses had already signed up to participate on December 2<sup>nd</sup> in the Mix and Mingle on Main. They will offer snacks and be open for business. She added that Santa will be at the Old Court House after the parade.

**Town Administrator Poole** announced that he and Mr. John Hanson would be attending the South Carolina Chapter of the American Planning Association conference this week. He added that he would be presenting the Town's Vision Plan during the conference.

**PUBLIC COMMENTS**

Mr. Lee Pitcovich thanked the Mayor and Council for all their help with OktoberFest. He added that it had not been easy.

**ADJOURNMENT:** There being no further comments or questions, a motion was made by Councilmember MacDougall and seconded by Councilmember Maness to adjourn the Council's Work Session at 7:50 p.m. The motion was unanimously carried by all those present.

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.*