

MINUTES
Town of Lexington
Executive Sessions and
Council Work Session
May 20, 2013

Town Council held an Executive Session and a Special Called Council Meeting on May 20, 2013 starting at 5:00 p.m. in the Eli Mack Room located at 111 Maiden Lane, Lexington, South Carolina. The meetings were followed by Council's May Work Session and a second Executive Session. 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, Municipal Attorney Brad Cunningham, Police Chief Terrence Green, Community and Economic Catalyst Johnny Jeffcoat, 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, Grants Administrator Wesley Crosby, Events and Media Coordinator Jennifer Dowden, I.T. Manager Josh Emory, and Assistant Municipal Clerk Karen Hanner.

There were approximately thirty citizens present and three members from the news media.

OPENING STATEMENT AND CALL TO ORDER: Mayor Randy Halfacre read an opening statement explaining the procedures of a Council Work Session which stated: *Work Sessions are less formal business meetings that enable Council to obtain and discuss information regarding Town issues from Staff members and/or consultants. Like Regular Council meetings, citizens are encouraged to attend and observe Work Sessions; however, they do not include Public Hearings but do allow for public comment at the end of the Work Session unless otherwise called on by Council. Council does not take an action vote on items during a Work Session other than to vote to place an item on Council's next Regular Council meeting agenda for consideration and an official vote. Council Work Sessions are not broadcast, but Minutes are taken and posted on the Town's web page following approval of Council".* Mayor Halfacre called the meeting to order at 7:15 p.m.

PRESENTATIONS:

1. **Regarding the Noise Ordinance – Ms. Edie Harmon:** Ms. Harmon introduced herself and stated she is a resident of the Historic Neighborhood at 220 Meetze Avenue. She said the Town has grown considerably since the Noise Ordinance was put in place in October 1993. She stated there are two event facilities in her neighborhood that cause disturbances. The facilities have functions almost every weekend. Ms. Harmon said she has received help

from the Lexington Police regarding excessive noise, sometimes twice in one night. She requested that the Noise Ordinance be revisited and revised.

Mayor Halfacre asked Chief Terrence Green if this was a problem issue for his department. Chief Green stated calls are often associated with events at the Mitchell House or 403 North Lake. The first complaint will produce a visit and a warning to turn things down. He stated a second complaint results in issuing a ticket. Meters are used to measure a violation which is defined as exceeding 60 decibels after 9:00 p.m. Chief Green said he has talked to both facilities and they have copies of the ordinance but there are different bands at different events. Councilmember Maness asked if a ticket for excessive noise was given to the band or the facility owner. Chief Green said the tickets are issued to the person creating the noise. Councilmember Stambolitis stated the property owners should receive the ticket. Ms. Harmon said this has been an ongoing problem. Chief Green said it has gotten worse within the past year. Ms. Harmon said she has called the facility but they don't answer the phone at night and she doesn't like to call the police because "they have bigger fish to fry." Mayor Halfacre asked Chief Green to meet with the owners and neighbors and try to come up with a solution.

2. **Lexington High School 1978 Reunion Walk – Deborah Hundt:** Ms. Hundt said she now lives in Augusta, Georgia but was the President of the Class at Lexington High School in 1978. They are planning a Five Mile Reunion Walk on June 15, 2013 between 9 a.m. and noon. The route will go from the Lexington Middle School, which was built on the site of the former Lexington High School, through Main Street and out to the soccer fields, returning to the Middle School. Ms. Hundt said proceeds from the walk will benefit a designated fund for Lexington School District One to support S.T.E.M. (Science, Technology, Engineering and Math Labs), media center technology, as well as teacher and student scholarships. She said the members of the Class of 1978 have "Come Back to Give Back" in support of Lexington District One which is the backbone of Lexington County. The Town of Lexington will provide two police officers for the three hour walk. Ms. Hundt said they are asking the Town of Lexington to consider a waiver or donation of the fee of \$210 for the two police officers needed for this event and they would also like to invite the Town of Lexington to become a sponsor of "Wildcat Walk" at the \$500 or \$1000 level. Councilmember MacDougall made a motion to add the request as an item on the agenda tonight. Councilmember Maness seconded the motion. All present voted to approve the addition. (Councilmember Frazier was not present for the vote.) The item was added to the agenda as Business Item number 13.

BUSINESS ITEMS: (For Discussion and Recommendation for Council Meeting on June 3, 2013.)

1. **Accommodations Tax Reporting Process – Grants Administrator Wesley Crosby:** Council requested a review of the Town of Lexington Accommodations Tax reporting process. Attached are the Lexington County and Richland County Accommodations Tax reporting process forms. The City of Columbia does not have a formal final reporting process. A copy of the revised Accommodations Tax Final Report based on recommendations from Council, the Accommodations Tax Advisory Committee, and the SC Tourism Expenditure Review Board is attached.

Councilmember MacDougall asked if there is a statement in the Town's form similar to the one on the Richland County form regarding failure to report. Mr. Crosby said a statement was added to the first page of the Town form. Councilmember Stambolitis asked if there were penalties in place if funds are not used as requested. Mr. Crosby replied that funds not spent as indicated would have to be repaid. An acceptance form is signed on receiving funds and anything that appears out of place can lead to a request for more documentation. Councilmember Shevchik asked if they could see the initial application forms to match with the final report forms for accountability. Mr. Crosby said a workshop for applicants is planned for next year to offer more guidance and emphasize that funds must be spent as described. He suggested reviewing copies of the application forms from Richland County, Lexington County and the City of Columbia to compare with the Town of Lexington application forms for final approval. Councilmember Maness expressed concern that some groups failed to file reports within the stated ninety days. Mr. Crosby said a statement on the final report form tells groups who fail to report as requested that they will not be eligible for funds the following year.

A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Maness to place the revised Accommodations Tax Final Report form and the Accommodations Tax Application form on the agenda for approval at the June 3, 2013 Council Meeting. The motion was unanimously carried.

2. **Accommodations Tax Advisory Committee Award Recommendations – Grants Administrator Wesley Crosby:**
Mayor Halfacre stated he will recuse himself from this item due to his position as CEO of the Lexington Chamber. (Copy of Recusal Form attached.)
The Accommodations Tax Advisory Committee met on March 20, 2013 to review and make recommendations regarding the allocation of FY 2013 Town of Lexington Accommodations Tax funding. A copy of the spreadsheet listing the applicants who applied and the Accommodations Tax Committee's

award recommendations is attached. Award amounts equal \$52,000. At their May 6, 2013 meeting, Council voted to defer the matter to the May 20th, 2013 Work Session for further discussion.

Councilmember Shevchik suggested applicants submit a revised application form in order to receive awards. Councilmember Maness said the committee made their recommendations based on the forms received. She stated the new revised form should be used next year. Mayor Pro-Tem Livingston agreed and said the final report revised form could be used this year.

Councilmember Maness stated she thought the Town's Snowball Festival should receive funding. Councilmember MacDougall said the Accommodations Tax Advisory Committee read the applications and went by State Law to recommend the awards. He highly objected to any moving of awards. Mayor Pro-Tem Livingston stated she didn't think the Snowball Festival attracted numbers of out of town visitors. Councilmember MacDougall commented that as a first year festival, the committee may not have been fully informed about it.

A motion was made by Councilmember Shevchik and seconded by Councilmember Frazier to accept the Accommodations Tax Advisory Committee Recommendations and add the item to the agenda for the June 3, 2013 Council Meeting. The motion was carried by a vote of six (6) in favor and one (1) recused (Halfacre).

3. **Appointment to the Accommodations Tax Committee - Grants Administrator Wesley Crosby:** Mr. Suki Patel submitted a Talent Bank Application to serve on one of the Town's Boards and Commissions. There is currently a vacancy on the Accommodations Tax Committee that Mr. Patel could fill.

A motion was made by Councilmember Shevchik and seconded by Councilmember Maness to add the item to the agenda for the June 3, 2013 Council Meeting. The motion was unanimously carried by those present. (Mayor Pro-Tem Livingston was not present for the vote.)

4. **Board Member Training Policy - Director of Planning Building and Technology John Hanson:** Recent concerns about Board Members obtaining the mandatory annual training required by the South Carolina Comprehensive Planning Act have yielded a request that Town Council formally adopt a Policy to clarify the requirement for Town Board Members. Town Council is requested to adopt the following policy: *"All Board Members appointed to Boards covered by the South Carolina Comprehensive Planning Act are required to obtain the mandatory continuing education required by the law. Should a member fail to obtain this training he or she will automatically be*

suspended from their appointed Board for a period of thirty days. If the training is not obtained during the suspension period, the Board Member will automatically be removed from the Board.”

A motion was made by Councilmember Shevchik and seconded by Councilmember MacDougall to add the item to the agenda for the June 3, 2013 Council Meeting. The motion was unanimously carried by those present. (Councilmember MacDougall was not present for the vote.)

5. **Stormwater Drainage Issues at 249 Teesdale Court - Assistant Town Administrator Stuart Ford:** At the April 15, 2013, Council Work Session Mr. Mike Steed of 249 Teesdale Court requested the Town’s assistance with erosion in his yard. Town Staff determined that the stream through the property is not within any Town stormwater or utility easement nor does the erosion present an imminent threat to Town water or sewer lines. Given the severity of the erosion, Town Council requested that Staff explore whether there are ways for the Town to correct the immediate problem at 249 Teesdale Court and provide an overview of the facts.

Performing work on private property is prohibited under state law (see attached AG opinion). In order to overcome that prohibition, the Town would need to obtain an easement for access and Town Council would need to determine that the repairs are in the best interest of the Town and promotes the general welfare (not just a private interest) or that the Town is responsible for the erosion at 249 Teesdale Court. As Council considers this matter, the following should be considered:

- The Town has a long standing policy of not accepting responsibility for open stormwater drainage systems (in this case, a natural stream).
- Storm drainage approval for the area was made by DHEC. The Town had no regulatory authority over any of the stormwater issues.
- There are 19 catch basins that flow into the creek. Of these, the Town owns 7, the County 3, the State 2, and 7 are on private commercial property.
- The drainage into the system includes run off from a limited number of commercial properties that front Highway 378 but nearly all run off is directed to detention ponds and no run off from Highway 378 enters this system.
- There are no pumps that put any additional water into the system, so only the natural amount of runoff enters the system (no more or less).
- There are many similar situations on private property throughout the Town.

At the May 6, 2013 Council Meeting, Town Council directed this item be sent back to the May 20th, 2013 Work Session for further discussion.

MINUTES
WORK SESSION
MAY 20, 2013

Parks, Streets and Sanitation Director Dan Walker stated there are six properties on the stream in the area. He estimated the frontage to be around 550 feet with an estimated cost to repair of \$10,000 in materials plus approximately 800 man hours due to the difficult access. He suggested the project be put out for bid. Mr. Poole stated the estimated project cost would be around \$30,000. Councilmember Frazier stated an easement should be obtained from each of the homeowners, the project should be put out for a bid, and it should be corrected. He said he felt this problem has happened due to development in the Town. Mayor Halfacre stated he was bothered that the property was not within the Town easement and there was no imminent threat to the Town's utility lines. Councilmember Maness expressed her concern that if it was done for one resident it might be requested by all along the stream. Councilmember Shevchik stated the previous improvements were done to protect the sewer line. Utilities and Engineering Director Allen Lutz confirmed that there was erosion below the sewer main along the stream and work was done to protect the main. The work was contracted out. Councilmember Frazier stated rip rap was placed all the way down from the pipe to the turn of the stream.

Councilmember Stambolitis said the Town has seven storm basins that flow into the creek and there is a liability issue. Mayor Halfacre commented that the Town does not have an easement and cannot do work on private property. Councilmember MacDougall asked if the work was done, would it open up future litigation. Municipal Attorney Brad Cunningham said in order to perform the work on private property you would need to show that the Town might have been part of the cause of the problem. He stated there is a chance other property downstream would then request work. Councilmember MacDougall commented that the stormwater specialist from the county said it was not caused by the Town's previous work. Councilmember Stambolitis stated the Town has some liability. Mayor Pro-Tem Livingston disagreed and said stormwater moving in her yard changes direction when the catch basin settles and shifts and she believes the previous repair may have something to do with the current problem. Councilmember Frazier said he believes the large amount of stormwater has something to do with recent development. He stated easements should be obtained and the repairs should be bid out. Mayor Halfacre questioned using public money to fix one individual's private property. Councilmember Shevchik asked about the other property owners on the stream. Mr. Poole clarified that the estimate of \$2000 in materials and 200 man hours were only referring to the one property under consideration.

Councilmember Maness called for the question. Councilmember Frazier made a motion to add the item to the Council Meeting Agenda on June 3, 2013 to repair the problems at 249 Teesdale Court and handle any other problems at a later time and that it would not be fixed unless the owner grants an easement. Councilmember Stambolitis seconded the motion. The motion carried with a vote of four (4) in favor and two (2) against (Halfacre and MacDougall). Mayor Pro-Tem

Livingston abstained stating she did not feel comfortable that she had the information she needed to vote.

6. **Reappointments to Boards and Commissions – Assistant Municipal Clerk Karen Hanner:** Councilmember Maness said she will recuse herself from this item as her husband is on the list for reappointment. The terms for the following Boards and Commissions members will expire June 30, 2013. Council is required to approve reappointments.

Advisory Committee:

David Keller
Edie Harmon
Lauren Sponseller
Mary Stokes-Clark

Election Committee:

Ruben Olawsky

Historic Preservation

Review Board:

Amiel Maness

Planning Commission:

Sammy Hendrix
Frank Berry

Traffic Committee:

Susan Ruinen
Frank Berry
Randy Edwards
Bob Ferrell
David McGehee
Rosemary Wilson
Larry Yon
Clyde Smith
Jay Daniels

A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember MacDougall to add the reappointments to the agenda for approval at the June 3, 2013 Council Meeting. The vote was five (5) in favor, (1) one opposed (Stambolitis) and one recused (Maness).

7. **After the Prom Project Request - Assistant Municipal Clerk Karen Hanner:** After the Prom Project, Inc. is requesting support from the Town of Lexington to help provide a positive place for over 1000 students to have fun after their prom. Last year, Council approved a contribution of \$1000.00. Following Council's April 15 Work Session, the Lexington and Pelion "After The Prom" events were cancelled due to insufficient number of students signing up to attend. Prior to the May 6th, 2013 Regular Council Meeting, Mr. Oakley Dickson, President of After The Prom Project, Inc, reported the White Knoll and Pelion events would not be held but funding would be used for Senior Parties and 5th Quarter events next Fall. Town Council voted to defer the matter to the May 20th, 2013 Work Session for further discussion.

A motion was made by Councilmember Shevchik to put the request for approval on the agenda for the June 3, 2013 Council meeting. The motion failed for lack of a second. (Councilmember Frazier was not present.)

8. **Lexington Dixie Youth World Series Committee - Mayor Randy Halfacre:** Mayor Halfacre said the Dixie Youth World Series is coming to Lexington in 2014. There is a bid for Lexington as the host location of the Dixie Youth World Series in 2015. He stated there is a possibility of this group considering Lexington as a permanent home for their World Series. Mayor Halfacre supported a donation of \$2000 to match the Chamber's donation of \$2000 and the Lexington County Recreation donation of \$2000.

A motion was made by Councilmember Maness and seconded by Councilmember Stambolitis to put the request for approval on the agenda for the June 3 Council meeting.

Councilmember Stambolitis stated this event falls into the Vision Plan. The Lexington Wildcats as State Champions also promotes tourism. Councilmember Maness reported she had invited the baseball team to the next meeting. Municipal Attorney Brad Cunningham confirmed that they have accepted and will attend.

The vote was unanimous in favor by those present. (Councilmember Frazier was not present.)

Mr. Mike Flack expressed the appreciation of the Dixie Youth and his support for Lexington as the home of the World Series.

9. **Proposed New Rates for Wreckers on Rotation List - Chief Terrence Green:** The current six wrecker companies on the Town of Lexington Police Department wrecker rotation are requesting an increase in the fees charged to customers for towing services. The current rates listed below have not been increased since September 2007.

Violation & Accident Tows for the General Public	\$120
Tows for Town of Lexington Vehicles	\$60
Storage for the General Public	\$20/day

Consideration of Proposed New Rates:	
Violation and Accident Tows	\$160
Tows for Town of Lexington Vehicles	\$65
Storage for General Public	\$25/day

A motion was made by Councilmember Stambolitis and seconded by Councilmember Shevchik to put the request for approval on the agenda for the June 3, 2013 Council meeting. The motion was

unanimously carried by all those present. (Councilmember Frazier was not present for the vote.)

10. **Municipal Solid Waste Schedule Change - Director of Parks, Streets and Sanitation Dan Walker:** Advanced Disposal has requested to reschedule Town collection days to Tuesday. They would collect all the residential municipal solid waste in one day with a saturation of forces. There would be a program of announcements to inform the public of the changed schedule.

Town Administrator Poole stated that in a meeting with Advanced Disposal they reported that notifications would be done by placing a card on cans for two weekly collections before the schedule change. There will be six assigned trucks for trash collection, plus three trucks collecting recyclables and three trucks collecting yard debris. There will be twelve trucks in Town on the same day. Irmo will be going to Wednesday so there is the possibility of moving a truck over from Irmo to handle any problems in Lexington the next day. The change has been done in Richland County without many problems. Mr. Poole said the Town hasn't had the problems with Advanced that were issues with the former contractor.

Mayor Pro-Tem Livingston asked for notices regarding the change be added to water bills in red text. Mr. Poole said it could be red in Town Topics. Councilmember Stambolitis asked about the contract expiration with Advanced. Mr. Poole said it runs until 2015. Assistant Town Administrator Stuart Ford asked about holidays. Mr. Poole commented that the only changes are when the landfill is closed. Events and Media Coordinator Jennifer Dowden confirmed that there are only four holidays when the landfill closes. Mr. Walker observed that yard debris collection will be better since most residents do work over the weekend.

A motion was made by Councilmember Stambolitis and seconded by Mayor Pro-Tem Livingston to put the request for approval on the agenda for the June 3, 2013 Council meeting. The motion was unanimously carried by all those present. (Councilmember Frazier was not present for the vote.)

11. **Rental Fee Waiver Request for Distinguished Young Women of SC - Events and Media Coordinator Jennifer Dowden:** Ms. Vicki Hudson with the Distinguished Young Women of SC has requested a rental fee waiver for their dinner on Thursday, July 25th, 2013. The following is the value for the Distinguished Young Women of SC event:
Conference Center (7/25/13)
Rental fee \$600 and Technology Fee \$75
Deposit of \$250 still required

A motion was made by Councilmember Stambolitis and seconded by Councilmember Maness to put the request for approval on the agenda for the June 3, 2013 Council meeting. The motion was unanimously carried by all those present. (Councilmember Frazier was not present for the vote.)

12. **Sponsor Request for the Distinguished Young Women of SC - Events and Media Coordinator Jennifer Dowden:** Ms. Vicki Hudson with the Distinguished Young Women of SC requested a sponsorship in the amount of \$800 from the Town of Lexington for their dinner on July 25, 2013.

A motion was made by Councilmember Shevchik to put the request for approval on the agenda for the June 3, 2013 Council meeting. The motion failed for lack of a second.

13. **(added) Lexington High School Class of 1978 Request for Support:** Administrator Britt Poole commented that it would be easier to donate an amount to this event rather than refunding the paid police fees.

A motion was made by Councilmember Maness and seconded by Councilmember Stambolitis to put the request for approval of a donation to cover the police fees in the amount of \$210.00 on the agenda for the June 3 Council meeting. The motion was unanimously carried by all those present. (Councilmember Frazier was not present for the vote.)

FOR YOUR INFORMATION

1. **Mutual Aid Agreements - Chief Terrence Green:** The Lexington Police Department enters into Mutual Aid Agreements with other law enforcement agencies in order to provide additional manpower as needed by agencies. The Lexington Police Department has continued Mutual Aid Agreements with the Aiken Department of Public Safety, Chapin Police Department and Springdale Police Department under their new leaderships requiring updated agreements with the agencies.
2. **Adaptive Signal Study - Town Administrator Britt Poole:** A draft of the Adaptive Traffic Signal System Cost Report was distributed to Council and Staff for review. Mr. Poole said the study reviewed forty five signals; about twenty eight are in the Town limits. The study compares the cost but not the performance of the Insync system and the SynchroGreen system. There is a cost saving with SynchroGreen but it is not a significant cost saving. The SynchroGreen system is an update to existing software run by SCDOT. The Insync system operates with a computer at each signal. Mr. Poole stated the study breaks the system into possible phases and makes suggestions for

implementation. He stated the study will help make decisions about the management of the system, either by SCDOT or our management.

Mr. Poole said one other issue for serious consideration is the recommendation to use mast arms for signals. Without a mast arm, the cameras used by the Insync system would have to be mounted on the corners of any line hung signals and would only be able to see traffic at an angle down a lane thereby reducing the effectiveness. Mr. Poole stated using mast arms basically doubles the cost for the project to around 4 million. He stated this is an opportunity to justify the cost of mast arms, not just as beautification, but as a functional use to make an improvement in the operation of the signal system. Mayor Pro-Tem Livingston stated the mast arms make a tremendous difference. Mr. Poole stated five mast arms are in place with two existing on Main Street and three included in the Phase One Improvement Project.

Mayor Halfacre commented on the need to partner with Lexington County for the traffic system. Britt Poole said the new Lexington County Public Works Director Wrenn Barrett went on the recent trip to Evans, Georgia to see the new system.

Mayor Halfacre provided Council and Staff with copies of the Vision Plan and reported on a recent Reality Check meeting which was part of a Regional Vision Plan process. He said a one day regional planning effort will take place on October 22, 2013 and he urged Council to be involved.

COUNCIL/STAFF COMMENTS

Town Administrator Poole announced he will be in Greenville on Wednesday and Thursday to attend a workshop with Ten at the Top, an economic development organization, where he will speak about Caractor Park.

Councilmember Maness made a motion to adjourn the Council's Work Session and go into Executive Session Number 2 to discuss a personnel and legal issue. Mayor Pro-Tem Livingston seconded. The vote was unanimous in favor by those present. (Councilmember Frazier was not present.)

EXECUTIVE SESSION # 2 REPORT

Mayor Halfacre reported that Council adjourned from Executive Session #2 at 9:25 p.m. after a motion was made by Councilmember Shevchik and seconded by Councilmember MacDougall. The vote was unanimous in favor by those present. (Councilmember Frazier was not present.) One personnel issue and one legal issue were discussed. No vote was taken during Executive Session Number 2.

MINUTES
WORK SESSION
MAY 20, 2013

Respectfully submitted,

Karen Hanner
Assistant Municipal Clerk

APPROVED:

T. Randall Halfacre
Mayor