

MINUTES
Town of Lexington
Executive Sessions and
COUNCIL WORK SESSION

January 21, 2014

Town Council held a Council Work Session preceded and followed by Executive Sessions on January 21, 2014 at 6:00 p.m. in the Eli Mack Sr. room. The meetings were attended by: Mayor Steve MacDougall, Mayor Pro-Tem Hazel Livingston, Council Members Kathy Maness, Ted Stambolitis, and Todd Shevchik.

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, Events and Media Coordinator Jennifer Dowden, Assistant Municipal Clerk Karen Hanner, and Municipal Clerk Becky Hildebrand.

There were approximately forty (40) citizens and students present and no members from the news media.

INVOCATION, PLEDGE OF ALLEGIANCE AND CALL TO ORDER: Mayor MacDougall introduced the Council Members and welcomed everyone to the Council Work Session. He read an opening statement to explain 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 tape recorded, but Minutes are taken and posted on the Town’s web page following approval of Council”.*

Councilmember Maness gave the invocation and Councilmember Shevchik led in the Pledge of Allegiance. Mayor MacDougall called the meeting to order at 6:14 p.m.

EXECUTIVE SESSION # 1 REPORT

Mayor MacDougall reported that *Executive Session #1* was called to order at 5:31 p.m. after a motion was made by Councilmember Stambolitis and seconded by Councilmember Maness to go into *Executive Session* to discuss one routine personnel matter; one contractual issue and two legal updates. The motion was unanimously carried by all those present. (Councilmember Shevchik was absent for the vote). Council adjourned from *Executive Session #1* at 6:02 p.m. after a motion was made by

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Councilmember Stambolitis and seconded by Councilmember Maness adjourn the Executive Session and to return to an Executive Session following the Work Session. The motion was unanimously carried. No vote was taken during Executive Session #1. A motion was made by Councilmember Maness and seconded by Councilmember Stambolitis to ratify the Mayor's *Executive Session* report. The motion was unanimously carried.

DELETIONS TO AGENDA: None.

APPROVAL OF MINUTES: A motion was made by Councilmember Maness and seconded by Mayor Pro-Tem Livingston to approve the minutes as submitted for the December 9, 2013 and January 6, 2014 Regular Council meetings. The motion was unanimously carried.

PRESENTATIONS

1. **Loving Lexington Top Three Projects – Meadow Glen Middle School:** Events and Media Coordinator Jennifer Dowden introduced the Meadow Glen Middle School community projects. The eighth grade class prepared projects to improve quality of life in Lexington in line with the Town's Vision Plan. The projects were judged by the students' peers and the top three projects were presented to Council. Dr. Bill Coon, Principal of Meadow Glen Middle School, thanked Council for allowing the students to present their projects. He added that these future leaders were very excited about present projects to improve the quality of life of Lexington.

Project 1: Aqua Park – Presented by Megan Coon, Chandler Hutto, Jack Lund, and Laura Scherck. The students presented their idea of placing an aqua park on Lake Murray for everyone to enjoy. The aqua park would be placed 40 feet from shore and would cost \$50,000, plus extra for life guard stations, life jackets and extra trampolines. They anticipated a Phase 2 when additional items could be purchased from the proceeds of Phase 1. They stated that twenty picnic tables would also be purchased at a cost of \$800 each. (Copy of project attached.)

Project 2: Teen Lounge in the Old Mill – Presented by Paige Burge, Rick Jones and Bailey Thompson. The students presented their idea of putting a 1,350 square foot teen lounge on the first floor of the Old Mill. They stated that there are playgrounds for young kids, bars for adults, but there is nothing for teenagers. They proposed that the lounge be limited to 12 through 17 years old and would include music, televisions, movies, food, and a place to hang out and get away from the stress of school. Teens would have to present their school identification and pay a \$5 admission fee. They estimated the overall costs to be \$133,635. (Copy of project attached.)

Project 3: Food Truck – Presented by Ben Connelly, Surya Korrapati and Jack McKinney. The students presented their idea to open a food truck business in

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Lexington. They stated that Los Angeles has 9,000 food trucks and South Carolina only has 11 with two in Lexington County. They proposed to have healthy, fresh food with fast and easy access to workers in the area. They stated that a food truck could make \$100,000 to \$300,000 per year which would help with city and county revenue, provide jobs and help boost tourism. They hoped to introduce the “Red ‘Metto Truck” soon. (Copy of project attached.)

Mayor MacDougall thanked the students for presenting their projects. He stated he went to the school and saw all the proposed projects and he was very impressed.

Councilmember Maness stated that she had enjoyed seeing all the projects when she visited Meadow Glen Middle School. She commented on one of the student’s statements regarding how citizens voted down the issue to have Lexington become a city instead of a town. She appreciated their comment about the Town has a “united feeling”. She hoped all three projects would become a reality.

Councilmember Shevchik stated that all the project ideas were excellent. He added that Council sometimes has to hear boring presentations, but the students made their presentations very informative and fun to hear.

Councilmember Stambolitis stated that the future looks good for Lexington with these students in charge. He congratulated them on their projects.

Mayor Pro-Tem Livingston stated that the students did a great job and she was impressed with their presentations.

BUSINESS ITEMS: (For Discussion and Recommendation for Council’s February 3, 2014 Regular Council Meeting.)

1. **Amendment Restricting the Location of Where Items Can Be Sold as Defined in the Town’s Drug Paraphernalia Ordinance – Director of Planning, Building and Technology John Hanson:** Several months ago Town Council requested the Planning Commission consider new restrictions on the location of businesses that sell items defined as drug paraphernalia. After significant discussion, the Planning Commission proposed a new definition in the Zoning Ordinance to define these types of businesses as follows:

Drug and Tobacco Paraphernalia Establishment means any premises where drug and tobacco paraphernalia is displayed for sale, offered for sale, or sold, and which devotes more than a two foot by four foot (two feet in depth maximum) section of shelf space for drug and tobacco paraphernalia. Items included under this definition are defined by Section 133.08 of the Town Code.

The Planning Commission’s proposal also includes an amendment to the Zoning Ordinance which requires these establishments to be located on property with

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Industrial Zoning at least five hundred feet from a church, school, residence, park, or other Drug and Tobacco Paraphernalia Establishment. It is important to note that the Commission's proposal is not intended to legalize any activity or product that is currently illegal. It is only intended to ensure that establishments that legally sell these items locate in an appropriate location.

A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Maness to place the item on Council's February 3, 2014 agenda for First Reading. Councilmember Stambolitis wanted to make sure this amendment did not include cigars and/or pipes. Mr. Hanson stated that those items were not yet outlawed. Municipal Attorney Cunningham stated that the Town is not trying to outlaw the items but to create zoning for it. The motion was unanimously carried.

- 2. Zoning Changes to the Icehouse Project Property – Planning, Building and Technology Director John Hanson:** In 2009 Council rezoned the Icehouse property substituting the Downtown and Commercial Corridor Special Overlays with a Planned Development Special Overlay. This was done to accommodate a mixed use project planned for the site. Since that project is no longer being considered for the property, Town Council may wish to consider placing the original zoning overlays back on the property and extend these overlays to include the 113 South Church Street property.

A motion was made by Councilmember Stambolitis and seconded by Mayor Pro-Tem Livingston to refer the request to the Planning Commission for a Zoning recommendation. The motion was unanimously carried.

- 3. Changes to the Peddlers Ordinance – Planning, Building and Technology Director John Hanson:** Food trucks are currently not allowed to operate in the Town. However, the Town continues to receive requests from various vendors and community organizations for them to be allowed. Many times the requests are for special events such as the one recently held at Radius Church. Town Council may want to consider revising the Peddlers Ordinance to either regularly allow these businesses or to allow them for special events.

A motion was made by Mayor Pro-Tem Livingston to instruct Staff to bring this item back to Council's February Work Session with ideas regarding food trucks and proposed fees. The motion was unanimously carried.

- 4. Appointments to Boards and Commissions – Municipal Clerk Becky Hildebrand:** Boards and Commissions appointments were deferred at the December 2013 meeting. The following citizens submitted Talent Bank applications: (Copies attached.)

Gayle Tallon Brazell, Advisory Committee or Planning Commission

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Gregory L. Force, Vision Plan Action Committee
Cindy MacLean, Historic Preservation Review Board
David McGehee, Planning Commission
Donna M. Miranda, did not list a Board or Commission preference
Joseph Wharton, Planning Commission
Charles Barber, Planning Commission

Current Vacancies Include: Advisory Committee – 1 opening
 Board of Appearance – 1 opening
 Board of Zoning Appeals – 1 opening
 Building Codes Board of Appeals – 1 opening
 Historic Preservation Review Board – 1 opening
 Planning Commission – 1 opening
 Traffic Committee – 2 resident openings
 Vision Plan Action Committee – 13 openings

A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Stambolitis to instruct the Municipal Clerk to email Council a list of current Board and Commission members along with their expiration dates and to place the item on Council's February Work Session for consideration. The motion was unanimously carried.

5. **Update of Town of Lexington's Letterhead – Municipal Clerk Becky Hildebrand:** Council was asked to consider an update of the Town's letterhead. Copies of the old letterhead and one proposed new letterhead were presented. (Copies attached.)

A motion was made by Councilmember Maness and seconded by Councilmember Stambolitis to instruct the Municipal Clerk to submit alternate letterheads for their review at the Council's February Work Session for consideration. Councilmember Maness stated that she liked the revised/more modern letterhead. Mayor Pro-Tem Livingston stated that it should include the Councilmembers' names. She further requested that the Police Department letterhead include the newer logo. Mr. Poole stated that an informal and formal letterhead could be considered. He stated that mailings such as Business License Renewals could be an informal letterhead which would save money by not having to update so often. The motion was unanimously carried.

6. **Town Christmas Lights – Town Administrator Britt Poole:** Councilmember Stambolitis requested an open discussion regarding the Town's Christmas lights. Town Administrator Poole stated that lights can cost \$200 to \$800 each. Councilmember Stambolitis stated that he requested to discuss the item because during Christmas he heard many complaints about the Town's Christmas lights and how bad they looked, especially the candy cane lights which are 12 to 13 years old. He further requested that the item be sent to the Advisory Committee for research and for them to submit recommendations with funding ideas back to the Council.

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Mayor Pro-Tem Livingston suggested that the Town festival could raise funding for lights. Councilmember Stambolitis suggested that the Town should put some money aside for Christmas lights. He stated that at one time the Town earmarked \$10,000 to \$20,000 a year for Christmas lights and he was not sure what had happened to that process.

A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Shevchik to send the item to the Advisory Committee for recommendations with assistance from the committee's Staff liaison, Jennifer Dowden. Town Administrator Poole stated that if a proposal could be submitted before March or April, funding could be considered in the Town's next budget cycle. Mayor Pro-Tem Livingston reminded Staff that the lights in the trees on Main Street need to now come down. She added that when new trees are planted, lights cannot be placed on the trees for a year or two because they will not be strong enough yet. Mayor MacDougall stated that he would refer calls to Mayor Pro-Tem Livingston when citizens complained about the missing lights on Main Street. Parks, Streets, and Sanitation Director Walker requested to be included in the Advisory Committee meetings to discuss Christmas lights. He confirmed that there is no electricity at the traffic island in front of the Middle School for lights. It was estimated to cost \$5,000 to bore under the road to run power to the island. Councilmember Stambolitis stated that he would also like to attend the Advisory Committee meeting when they discuss Christmas lights. The motion was unanimously carried.

FOR YOUR INFORMATION

1. **Insurance RFP – Finance Director Kathy Roberts:** On October 7, 2013, the Town of Lexington issued a Request for Proposals for Property, Crime, Casualty and Liability Insurance as well as Public Officials and Employment Practices Liability Insurance. Responses were received on December 6, 2013 from 5 vendors as follows:

<u>Vendor</u>	<u>Experience</u>	<u>Premiums</u>
Gallagher	30 years	\$198,864
SMIRF	23 years	\$205,925
Christopher Wade	1 year	\$199,497
Adams Eaddy	32 years	\$208,640
HUB International	10 years	\$240,934

The responses were evaluated by a committee and the contract was awarded to Gallagher with a start date of January 1, 2014. Council was asked to accept this as information and direct the summary to be recorded in the minutes of this Work Session. Budgeted item paid from 1005145270 – Insurance, Building and Other. For calendar year 2013, the Town paid \$248,889 to HUB International.

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Finance Director Roberts stated that HUB had changed carriers. She confirmed that Gallagher is out of Greenville, S.C. Mayor MacDougall asked if HUB (formerly Johnsons) had been overlooked because of his association with Danny Frazier. Mr. Poole stated that he was not aware of their association. He added that the reason they did not receive the bid was they were the higher bidder out of five companies. Ms. Roberts confirmed that the Town did not have any problem with HUB when they used them last year.

2. **Emergency Procurements – Finance Director Kathy Roberts:** A summary of emergency purchases made in the fourth quarter of 2013 was provided to Council as information. They were asked to accept the summary as information and direct the summary to be recorded in the minutes of this Work Session.

Mayor MacDougall asked about the emergency item to raise manholes on Hope Ferry Road. Utilities Director Lutz explained that SCDOT contacted them the day they needed the manholes raised. Mayor MacDougall stated that someone must have dropped the ball because the manholes would have been there when SCDOT planned the project. Mr. Poole stated that the Town would have had to pay it if they had known earlier; it just would not have been an emergency order. He added that the Town pays millions each year for similar requests. Mr. Lutz stated that the contractor being used by SCDOT would have made the request. Mayor MacDougall stated that maybe the contractor should be made to pay the order. Councilmember Stambolitis stated that the engineer should have also known before the last minute and maybe it should be covered under Errors and Omissions.

3. **Councilmember Resignation – Municipal Clerk Becky Hildebrand:** As a matter of record, the minutes should reflect that Councilmember Danny Frazier submitted his resignation on January 9, 2014. The resignation letter will be filed with the minutes of this Work Session. (A copy of the letter was previously distributed to the Council and the news media.)

COUNCIL/STAFF COMMENTS: None.

QUESTIONS FROM THE NEWS MEDIA: None.

PUBLIC COMMENTS: None.

ADJOURNMENT: There being no further comments or questions, a motion was made by Councilmember Shevchik and seconded by Mayor MacDougall to adjourn the Council's Work Session at 7:10 p.m. and return to an Executive Session to discuss CCF contributions. The motion was unanimously carried.

EXECUTIVE SESSION #2 REPORT

Mayor MacDougall called the Executive Session #2 to order at 7:11 p.m. Council adjourned from *Executive Session* at 7:45 p.m. after a motion was made by Councilmember Shevchik and seconded by Councilmember Maness. The motion was

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unanimously carried. Mayor MacDougall reported that Council met in *Executive Session #2* to discuss one contractual issue related to CCF Contributions. No vote was taken. A motion was made by Councilmember Maness and seconded by Councilmember Shevchik to ratify the Mayor's *Executive Session #2* report. The motion was unanimously carried by all those present. (Councilmember Stambolitis was not present for the vote.)

Respectfully submitted,

Becky P. Hildebrand, CMC
Municipal Clerk

APPROVED:

Steve MacDougall
Mayor

FOIA COMPLIANCE – Public notification of this meeting was published, posted and mailed in compliance with the Freedom of Information Act and the Town of Lexington requirements.