

MINUTES
Town of Lexington

COUNCIL WORK SESSION

March 17, 2014

Town Council held a Council Work Session preceded by an Executive Session and a Special Called meeting on March 17, 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 (arrival 6:25), Ted Stambolitis, Todd Shevchik and new Council Member Todd Carnes.

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 twenty (20) Boy Scouts and fifteen (15) citizens present and two members from the news media.

CALL TO ORDER: Mayor MacDougall 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”.*

Mayor MacDougall called the meeting to order at 6:10 p.m. *(The Invocation, Pledge of Alligence, and Executive Session Ratification were given during the Special Called Council meeting.)*

DELETIONS TO AGENDA: None.

APPROVAL OF MINUTES: A motion was made by Councilmember Shevchik and seconded by Mayor Pro-Tem Livingston to approve the minutes as submitted for the March 3, 2014 Regular Council meeting. The motion was unanimously carried by all those present. (Councilmember Maness was absent for the vote.)

PRESENTATIONS

1. **HTS Holding Corporation – Mr. Jeff Cosman:** Mr. Jeff Cosman could not attend and his brother, Mr. Michael Cosman, made the presentation and introduced Mr. Lorin Weaver from Celadon Energy. Mr. Weaver stated that his company helps municipalities lower their fuel costs through the adoption of domestically produced Compressed Natural Gas (CNG) and Liquid Natural Gas (LNG) as an alternative energy fuel source. He added that patrol cars can save money on new and used vehicles.

Councilmember Stambolitis asked how much it would cost to convert to the alternative fuel source; the cost of the fueling station; and, the cost per gallon. Mr. Weaver stated that a V-8 sedan could cost approximately \$7,000 to \$10,000 and that the tank is the majority of the cost. He added that some companies own their own fueling stations and some lease them. Mr. Weaver stated that the average cost per gallon of compressed natural gas would be 85¢ plus State and Federal tax.

Mayor MacDougall thanked Mr. Cosman and Mr. Weaver for their presentation. Councilmember Stambolitis confirmed that individuals, as well as businesses, could contact Celadon Energy.

2. (Not present.) **Forest Wood Cup – Ms. Miriam Atria, Capital City Lake Murray.**

BUSINESS ITEMS: (For Discussion and Recommendation for Council's April 7, 2014 Regular Council Meeting.)

1. **Meals on Wheels Program – Municipal Clerk Becky Hildebrand:** The Lexington County Recreation and Aging Commission's Council on Aging Program requested support from the Town of Lexington to heighten awareness of the circumstances that face many of Lexington County's aging individuals and to support the Meals on Wheels program. (Copy of letter attached.) In 2013, Council voted to donate \$500 to the Meals on Wheels Program.

A motion was made by Councilmember Stambolitis and seconded by Councilmember Carnes to place the item on Council's April 7, 2014 agenda for consideration. Councilmember Stambolitis stated that Meals on Wheels does a good job. Events and Media Coordinator Dowden stated that Mayor MacDougall will help deliver meals this week. The motion was unanimously carried by all those present.

2. **Pisgah Lutheran Church Golf Classic – Municipal Clerk Becky Hildebrand:** The Pisgah Lutheran Church will hold their 7th Annual Golf Classic May 17, 2014 at the Indian River Golf Course. They requested a sponsorship donation from the Town. (Copy of request letter attached.)

MINUTES
COUNCIL WORK SESSION
March 17, 2014

A motion was made by Councilmember Stambolitis and seconded by Councilmember Shevchik to defer the item until such time it could be determine how the proceeds would be used. The motion was carried by all those present.

3. **Boards and Commissions Appointments – Municipal Clerk Becky Hildebrand:** Ariadna “Ari” Teal submitted a Talent Bank Application. (Copy attached.) There is currently a vacancy for a Town resident on the Traffic Committee.

A motion was made Mayor Pro-Tem Livingston and seconded by Councilmember Shevchik to place the item on Council’s April 7, 2014 agenda for consideration. The motion was unanimously carried by all those present.

4. **Rental Fee Waiver Request for Kids Day 2014 – Events and Media Coordinator Jennifer Dowden:** Dr. Jud Heldreth requested the use of Town Hall facilities for Kids Day 2014. As in years past, he requested that the fees associated with these facilities be waived as a continuing gesture of support for Kids Day. Dr. Heldreth asked for the Eli Mack Room for the week of April 21st through April 27th for deliveries, storage, meetings and event day usage; the front halls of the Municipal Complex for the Kids Day Art Show (no charge); the Conference Center and Virginia Hylton Park (including stage area) for Saturday, April 26, 2014 for the Kids Day of Lexington event. Following is a list of the values for the Kids Day request:

Eli Mack Room (4/21 – 4/27)	Deposit \$100 and Rental fee \$1,050 (\$150 x 7)
Virginia Hylton Park Shelter (4/26)	Deposit \$100 and Rental fee \$50
Conference Center (4/26)	Deposit \$250 and Rental fee \$600
TOTAL DEPOSITS STILL REQUIRED:	\$ 450.00
TOTAL RENTAL FEES WAIVED:	\$1,700.00

A motion was made by Mayor Pro-Tem Livingston and seconded by Councilmember Stambolitis to place the item on Council’s April 7, 2014 agenda for consideration. Mayor Pro-Tem Livingston stated that she thought Kids Day was moved to Butler Street. Councilmember Maness agreed and added that they had more room on Butler Street. Ms. Dowden responded that Dr. Heldreth had requested that Kids Day be moved back in the park. The motion was unanimously carried.

5. **Regulation of Synthetic Marijuana – Municipal Attorney Brad Cunningham:** Many towns and cities are discussing how to handle the growing problem of the sale of “synthetic marijuana”, and other related items identified commonly as “bath salts”, or “K-2”, etc. The DEA and DHEC have classified the components in these products as Controlled Substances, and have given some help to law enforcement. However, the manufacturers of these products continue to market them by altering the chemical composition so that it does not contain any of the controlled substances on the list yet still results in the desired effect. Emergency rooms and law

MINUTES
COUNCIL WORK SESSION
March 17, 2014

enforcement are able to relate many horror stories about the results of the use of these products, which some feel to be even more harmful than the drugs which they are manufactured to imitate. Council was asked to discuss potential options.

Chief Green stated that this is a bad problem and the kids are smoking the “potpourri” and/or snorting the bath salts. He held up a bag of Black Diamond that was purchased today which states on the bag that it is “herb potpourri”. He added that the bag cost \$80. Chief Green stated that if they arrest someone for driving under the influence and they send the report to SLED, they have to drop the charges if the report comes back negative for controlled substances. Chief Green stated that the Town can currently fine the business \$25, which businesses laugh at, and can have their business license revoked after three offenses. He added that Alibaba’s is now in the Town and; therefore, could have their business license suspended for repeated violations. He added that they have been in business for 2 to 3 years, but the County does not issue business licenses.

Councilmember Stambolitis requested that the fines be increased because businesses and manufacturers are getting around the component classifications. He added that the substances can cause brain damage and are mind altering, therefore three offenses is too many before you close the business. He added that the business should be closed at the first offense and the State is very behind in doing something about this issue. He stated that it should be a criminal offense, but he knew that was not an option at this time. He asked if businesses had to be “grandfathered in” or if the first offense would count; and, what is the time limit between the three offenses. Municipal Attorney responded that there is no limit and three offenses could happen in one day. He would have to research if a business had to be grandfathered into the Town’s ordinances.

Municipal Attorney Cunningham stated that SLED cannot arrest someone on the spot like a drug offense. He added that the Town can only act on a nuisance charge after three violations. He stated that the fine could be increased to \$100, or a maximum of \$500, but there is still a lot of work to be done. He compared the offense to that of sniffing glue because purchasing glue was not illegal. Mr. Cunningham stated that Council cannot circumvent State law or create their own authority and the best they can do for now is increase the fine.

Councilmember Carnes stated that since there is “no bullet in the gun”, there is nothing else Council can do. Town Administrator Poole stated that the Town would do everything it could.

Mayor Pro-Tem Livingston requested that citizens contact their Legislator and for Council to send a Resolution to the Delegation supporting stronger laws. She added that Chief Green can watch the businesses very closely and determine what can currently be done. She asked Chief Green to describe to the Boy Scouts, who were present, what these products can do to a person. Chief Green described several incidences where victims were throwing up; or thought someone was after them,

MINUTES
COUNCIL WORK SESSION
March 17, 2014

and, one thought bugs were crawling on him. He added that the product purchased today was Black Diamond, but the name can be changed very quickly.

Councilmember Maness confirmed that an accident occurred in the last year where a person died and another was injured as a result of synthetic marijuana. Chief Green stated that they could not charge as a DUI and had to plead reckless homicide by vehicle and the person will serve eight years. He added that if it had been a DUI felony charge, the sentence could have been 30 years. Municipal Attorney added that under DUI, alcohol can be measured, but with synthetic marijuana it cannot be measured. Councilmember Maness asked why the Town annexed this property. Town Administrator Poole responded, so the Town could control it through business licenses.

Mayor MacDougall stated that it was time to take a stand on this issue. Councilmember Stambolitis wanted to suspend business licenses at the first offense. Town Administrator Poole stated that under the nuisance ordinance one offense would not qualify, but three offenses would indicate a nuisance. Town Administrator Poole confirmed the consensus of Council was to increase the fine to \$500 and to lobby for a particular position regardless of what the Town does about the fine.

A motion was made by Councilmember Stambolitis to increase the fine to \$500 for businesses selling synthetic marijuana; and to pull the business license after the first offense; and to send a Resolution to the State Representatives showing the Town's support of stronger laws for selling synthetic marijuana and to place the item on Council's April 7, 2014 agenda for consideration. Councilmember Shevchik recommended pulling the business license after three offenses. He added that the goal is to stop the selling of the products and a \$500 fine may stop it, but the fine should be less for the greater goal of changing the law. Councilmember Stambolitis agreed to amend his motion to pulling the business license after the third offense. He further recommended that the law be re-written to make mind altering synthetic drugs illegal in order to prevent accidents and protect the citizens of the Town and the State of South Carolina. Councilmember Carnes seconded the amended motion. Councilmember Shevchik thought a \$500 fine was too steep and reminded Council that they could not create their own authority. Chief Green added that \$500 is all the Town can charge, plus court costs. He stated that after the first offense a business is on their p's and q's for a while. The amended motion was carried with a vote of five (5) in favor and one (1) opposed (Shevchik).

- 6. Model Business License Application – Assistant Town Administrator Stuart Ford:** The Municipal Association of South Carolina (MASC) has been working with representatives of the private sector and local governments to improve the business licensing process across the state. One recent development is a standardized Model Business License Application. MASC encouraged local

MINUTES
COUNCIL WORK SESSION
March 17, 2014

governments to accept the Model Application to aid businesses that must get licensed in numerous jurisdictions across the state or must apply for multiple “per-job” licenses throughout the year. The new application would not replace an existing application but would instead be an alternative available for the convenience of businesses. Approximately 20 cities, towns, and counties across the state have already begun to accept the new application, including the City of Cayce and Town of Springdale in Lexington County. Council was asked to place the item on the next agenda for consideration to endorse the new Model Business License Application and encourage other jurisdictions in Lexington County and across the state to accept the Model Application.

A motion was made by Councilmember Maness and seconded by Councilmember Shevchik to place the item on Council’s April 7, 2014 agenda for consideration. Town Administrator Poole stated that a press release would be planned if the new application was approved. The motion was unanimously carried.

7. Tax Increment Financing and Downtown Redevelopment Plan – Assistant Town Administrator Stuart Ford: Tax Increment Financing (TIF) is one funding source for Project Icehouse and other downtown redevelopment. In order to issue TIF Bonds, the Town will have to follow State law to establish a TIF District. The requirements include in part the following:

- Preparation of a Redevelopment Plan.
- The TIF District must qualify as a “blighted area”, a “conservation area”, an “agricultural area”, or some combination of these categories.
- TIF funding may be used only for capital improvements.
- All projects financed with TIF funding must be “publicly owned”.
- The participation of the County and School District requires their consent.

The Redevelopment Plan is now complete and includes estimated project costs and revenues. Lexington County and District 1 must be given forty-five (45) days to review the plan prior to the required public hearing (notice of the hearing must be published fifteen (15) days in advance). If the overlapping taxing districts do not raise any objections during the review period, they are assumed to have consented to the plan.

If Council approves placing First Reading approval of the TIF Ordinance on the agenda for April 7, 2014, the Redevelopment Plan will be delivered to Lexington County and District 1 for their review and comment.

TIF financing utilizes the growth in property values (the “increment”) within the District to provide funding for TIF Bonds. The overall financing plan under development in part contemplates a combination of TIF and Appropriation Bonds. The objective will be to obtain the best cost of funds for the Town.

MINUTES
COUNCIL WORK SESSION
March 17, 2014

A motion was made by Councilmember Stambolitis and seconded by Councilmember Maness to place the item on Council's April 7, 2014 agenda for consideration. Mr. Ford confirmed that Mr. Harry Miley has worked on the project for the Town. Councilmember Stambolitis confirmed that the proposed property qualifies under "blighted area" and once the Town purchased the property it is off the tax records. Mr. Poole added that the goal for Project Icehouse is to turn a large portion of the property back to the private sector. The motion was unanimously carried.

8. **Main Street Traffic Concerns – Town Administrator Britt Poole:** Councilmember Stambolitis requested that Town Council have a discussion about issues related to traffic flows in the 100 block of Main Street, specifically, the effect of medians on the flow of traffic.

Councilmember Stambolitis stated that emergency vehicles get stuck in traffic on Main Street and he is concerned for the citizens if they need emergency assistance. He recommended that the Town eliminate the bump-outs and medians on Main Street and build four lanes to improve the flow of traffic. He stated that there used to be right turn lanes before the bump-outs were added. Councilmember Stambolitis added that people are avoiding downtown because of the traffic and that hurts the businesses.

Councilmember Shevchik recommended that the Town's Traffic Committee review the request, make recommendations, and determine if an independent engineering study was needed. Mayor Pro-Tem Livingston agreed to send the request to the Traffic Committee. She added that other areas of Town also have traffic issues and she would like to make the downtown area pedestrian friendly, especially with Project Icehouse in process. Mayor Pro-Tem Livingston stated that business owners have made significant investments downtown. She was concerned that if the medians were removed, businesses would not come to the downtown area. Councilmember Carnes agreed that he would like to see the data before a decision is made on the medians. Mayor MacDougall stated that Lexington has a unique situation and it needs to be looked into in order to get the facts. He added that he saw it happen in Columbia where the medians were eliminated and now traffic can pull into a parking space and back out. Mayor Pro-Tem Livingston added that there are three traffic engineers on the Town's Traffic Committee and they have more experience than Council to help with a plan to improve traffic flow. She strongly urged Council to send the item to the Traffic Committee and they could advise Council on what to ask for in a bid proposal.

Mr. Chuck Corley, resident and business owner, stated that he did not want the medians removed on Main Street. He added that the removal construction would be the worst thing Council could do in the current economy. Mr. Corley stated that construction always takes longer than planned. Councilmember Stambolitis responded that it would take 22 months. Mr. Corley stated that Councilmember Stambolitis didn't want medians near his restaurant and he is on a four lane road.

MINUTES
COUNCIL WORK SESSION
March 17, 2014

Mr. Todd Sease, architect and downtown business owner, opposed removing the medians on Main Street. He stated that four lanes of traffic would not make an area pedestrian friendly. He wanted businesses to be encouraged to come to downtown and invest in it. He added that research shows a properly developed downtown area can be a destination point. Mr. Sease stated that working with events and advertising outside the community would bring people to Lexington. He added that the construction to remove the medians and curbs would be disastrous. He used Greenville as an example of slowing traffic and emergency vehicles use the side streets.

A motion was made by Councilmember Shevchik and seconded by Mayor Pro-Tem Livingston to send the item to the Town's Traffic Committee to research methods to improve traffic flow on Main Street and determine if an independent engineering study was necessary. Councilmember Stambolitis stated that Council would need to have direct input to the study and it should include engineers, business development and city planners. He requested an amendment to the motion and stated that traffic engineers would need specific directives. Councilmember Shevchik and Mayor Pro-Tem Livingston agreed to the amended motion and added that the Traffic Committee would write the parameters for the RFP. The motion was unanimously carried.

Mayor MacDougall stated that he appreciated Council's lively discussion which was good for moving the Town forward.

9. **Town Elections – Mayor Steve MacDougall:** Mayor MacDougall opened the floor for a discussion regarding the Town's election process. He added that he and others have expressed an interest in doing away with Signature Petitions and moving the election to the General Election date in order to bring more people to the polls with a broader representation.

Councilmember Carnes stated that he was for both; moving to a filing fee system and moving the election to the General Election date. He added that it now requires almost 900 signatures to have your name on the ballot which prevents good men and women for running for office. Councilmember Carnes stated that moving the elections to the General Election would improve turnout which was poor at the last election reaching less than 5% and expected to be less next time.

Councilmember Maness stated that she was in favor of moving the Town election to the General Election date to improve turnout, but she was not ready to do away with Signature Petitions yet. She added that if you really want the position you will get out and meet the people. She did not want the Town to be like the School Board, who uses a filing fee method, and had 14 people on the ballot because she was not sure if 14 people really had their heart into it. She added that she was disappointed that no one got their name on the ballot through Signature Petitions for the next election, but she was not ready to change from Signature Petitions yet. Councilmember Maness stated that Special Elections are different in that they

MINUTES
COUNCIL WORK SESSION
March 17, 2014

have a shorter time frame to obtain signatures. She stated that when she ran 10 years ago she needed 600 signatures and obtained 935 signatures which shows it can be done and it is still a great way to meet the citizens.

Mayor Pro-Tem Livingston stated that she has been on Council for 16 years and she had worked hard every time to get the number of signatures needed to run. She added that it takes more time to serve on Council than to get the signatures. Mayor Pro-Tem Livingston added that she puts a lot of work into her position on Council. She added that with so many write-ins for the next election, she doesn't even know all of them. She stated that the turn out at the last election was 6.83% and she would support moving the election date back to the General Election date to improve turnout. Mayor Pro-Tem Livingston stated that she had talked to Dean Crepes, Director of Lexington County Voters Registration, and he was willing to look at moving the election. She stated that this is her last term on Council and it is important for people to continue to serve the Town. Mayor Pro-Tem Livingston added if people are too busy to get signatures then they may be too busy to put the work into the position which is more than just showing up twice a month. She supported moving the election to the General Election date which would move all Councilmembers' terms up by one year. She asked what the fee would be if they moved to a filing fee. Municipal Attorney Cunningham responded that the fee is based on 1% of the salary of the position sought multiplied by 4 (term). He added that the Mayor position filing fee would be 1% of \$12,500 x 4 = \$500.00.

Councilmember Stambolitis stated that he was on the fence in that he likes both ways: Signature Petitions and Fee Base. He added that he understood that some African-American candidates were afraid to go out and knock on doors. He added that racism still exists and he understood their fears. Councilmember Stambolitis stated that he likes getting to meet people by obtaining signatures, but some citizens were also afraid to open their doors so it may be fair to change to a filing fee.

Mayor Pro-Tem Livingston stated that she was female and had knocked on a lot of doors to be able to serve. She announced that Lexington was recently named as the 6th best South Carolina city to live.

Councilmember Carnes stated that some subdivisions have "no solicitation" signs in place, therefore in the spirit of the law, restricting candidates from obtaining signatures. Councilmember Maness said that is two different things.

Ms. Constance Flemming, candidate, wished to address several issues. She called for Council to change to a filing fee years ago. She stated that citizens are not comfortable giving out their information to a stranger at their door. She had bad experiences with people's pets; once she was met with a bat, and once with a gun in the Mayor Pro-Tem's neighborhood and it was a racial issue. Ms. Flemming stated that she loves to get out and meet people and she hoped if Signature Petitions continue that there will not be any serious incidents.

MINUTES
COUNCIL WORK SESSION
March 17, 2014

Mr. Ron Williams, candidate, agreed on both issues. He recommended that the system be changed with modification. He stated that he ran in the first Special Election which required over 800 signatures. He collected approximately 1,200 signatures and had another 200 that he did not turn in. He stated that Special Elections have a shorter time frame, but he obtained the required signatures by working on it every night. Mr. Williams stated that the second Special Election only has write-in candidates because no one obtained the required number of signatures. He added that all the information is not required but it helps the Voter Registration staff if you complete it so they can easily find the correct registered voter. He stated that if you want to serve there needs to be a system that matches the community. Mr. Williams had talked to Dean Crepes, Director of Voters Registration, and he understood both sides of the issues. He added that he had helped Ms. Flemming get some signatures and people were confused about the election and how many Signature Petitions they could sign. He recommended the system be changed for Special Elections.

Mr. Keith Frost, candidate, was supportive of changing the election process.

No action or vote was taken by Council.

FOR YOUR INFORMATION

1. **Project Icehouse Demolition RFP – Director of Planning, Building and Technology John Hanson:** On January 3, 2014, the Town issued a Request for Proposals for demolition work at Project Icehouse project area. Responses were received on February 7, 2014 from seven contractors as follows:

<u>Vendor</u>	<u>Proposal Amount</u>
Wrecking Corp of America	\$ 68,690
Complete Demolition	\$ 92,000
Eastern Environmental	\$ 98,350
Carolina Wrecking	\$133,100
Richardson Construction	\$134,500
NEO Corporation	\$175,000
Empire Dismantlement	\$195,000

The responses were evaluated by a committee and the contract was awarded to Eastern Environmental. The company plans to begin initial salvage work on March 18, 2014. They plan to begin asbestos removal on March 24, 2014 and demolition is set to begin no later than April 15, 2014. Council was asked to accept this as information and direct the summary be recorded in the minutes of this Work Session. Mayor MacDougall accepted on behalf of Council.

2. **Sewer Line Rehabilitation Bid – Director of Utilities Allen Lutz:** On February 25, 2014 the Town received and opened bids for sewer line rehabilitation on sewer lines on Corley Street, Third Avenue, and lines near Rama Lane. There were three (3) bidders on the project and bids were as follows:

MINUTES
COUNCIL WORK SESSION
March 17, 2014

	<u>Vendor</u>	<u>Bid Amount</u>
(1)	Lad Corporation of West Columbia	\$256,431.00
(2)	McClam and Associates, Inc.	\$397,746.50
(3)	Holzheimer Construction, Inc.	\$419,696.00

Bids were reviewed and certified by the Town's engineer and the recommendation was to award the project to Lad Corporation of West Columbia for the amount of \$256,431.00. The project is part of the Capital Improvements Budget. Council was asked to accept this as information and direct the summary be recorded in the minutes of this Work Session. Mayor MacDougall accepted on behalf of Council.

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 Mayor Pro-Tem Livingston and seconded by Councilmember Shevchik to adjourn the Council's Work Session at 7:30 p.m. The motion was unanimously carried.

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.